



Queensland

Transport Operations (Marine Pollution) Act 1995

Transport Operations (Marine Pollution) Regulation 1995

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Reprint No. 1N

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Part 1 Preliminary

Division 1 Introductory

1 Short title

This regulation may be cited as the *Transport Operations (Marine Pollution) Regulation 1995*.

2 Commencement

The regulation commences on 15 November 1995.

Division 2 Interpretation

3 Definitions—the dictionary

- (1) A dictionary in schedule 10 defines particular words used in this regulation.
- (2) Definitions found elsewhere in the regulation are signposted in the dictionary.

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Division 3 MARPOL

4 MARPOL

For section 6(2) of the Act, the English text of the provisions of MARPOL is set out in schedule 1.

Division 4 How ship tonnage is measured

5 Ship tonnage measured under Tonnage Measurement Convention

For this regulation, the tonnage of a ship is the tonnage decided under the Tonnage Measurement Convention.

Part 2 Oil

Division 1 Exemptions

Subdivision 1 Preliminary

6 Exempted discharges

For section 29¹ of the Act, this division sets out when sections 26 and 27² of the Act do not apply to a discharge.

1 Section 29 (Certain discharges permissible) of the Act

2 Sections 26 (Discharge of oil into coastal waters prohibited) and 27 (Oil residues) of the Act

Subdivision 2 Oil tankers

7 Subdivision applies only to oil tankers

This subdivision applies only to oil tankers.

8 Oil tankers—oil other than oil from machinery space bilges

(1) A discharge from an oil tanker of oil (other than oil mentioned in section 9) may be made if the following conditions³ are satisfied—

- (a) the tanker is more than 50n miles from the nearest land;
- (b) the tanker is proceeding en route;
- (c) the instantaneous rate of discharge of oil content is not more than 30 litres per n mile;
- (d) the total quantity of oil discharged into coastal waters is not more than—
 - (i) for an existing oil tanker⁴—1 part in 15000 parts of the total quantity of the cargo of oil of which oil discharged formed a part; or
 - (ii) for a new oil tanker⁵—1 part in 30000 parts of the total quantity of the cargo of oil of which oil discharged formed a part;
- (e) the tanker has in operation a prescribed oil discharge monitoring and control system and a prescribed slop tank arrangement.

(2) In this section—

prescribed means prescribed under regulations made under the Commonwealth Navigation Act, section 267A.

3 MARPOL Annex I, chapter II, regulation 9(1)(a)

4 “existing oil tanker”, see MARPOL Annex I, chapter I, regulation 1(27)

5 “new oil tanker”, see MARPOL Annex I, chapter I, regulation 1(26)

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9 Oil tankers—oil from machinery space bilges

- (1) A discharge from an oil tanker of oil from its machinery space bilges (other than its cargo pump room bilges) may be made if the following conditions⁶ are satisfied—
- (a) the oil does not include oil cargo residue;
 - (b) the tanker is proceeding en route;
 - (c) the oil content of the effluent is less than 15 parts in 1000000 parts;
 - (d) the tanker has in operation the prescribed oily-water separating equipment.
- (2) In this section—

prescribed means prescribed under regulations made under the Commonwealth Navigation Act, section 267A.

10 Oil tankers—unprocessed oily mixtures

A discharge from an oil tanker of an unprocessed oily mixture (other than an oily mixture originating from its cargo pump room bilges) may be made if the following conditions⁷ are satisfied—

- (a) the mixture does not include oil cargo residue;
- (b) the oil content of the mixture without dilution is not more than 15 parts in 1000000 parts.

Subdivision 3 Ships other than oil tankers

11 Subdivision applies only to ships other than oil tankers

This subdivision applies only to ships other than oil tankers.

6 MARPOL Annex I, chapter II, regulation 9(1)(b)

7 MARPOL Annex I, chapter II, regulation 9(4)

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12 Ships with gross tonnage of 400 or more

A discharge of oil from a ship with a gross tonnage of 400 or more may be made if the following conditions⁸ are satisfied—

- (a) the ship is proceeding en route;
- (b) the oil content of the effluent is less than 15 parts in 1000000 parts;
- (c) the ship has in operation equipment required under Annex I, regulation 16.

13 Ships with gross tonnage of 400 or more—unprocessed oily mixtures

A discharge from a ship with a gross tonnage of 400 or more of an unprocessed oily mixture may be made if the oil content of the mixture without dilution is not more than 15 parts in 1000000 parts.⁹

Division 2 Shipboard emergency plan**14 Shipboard oil pollution emergency plan**

- (1) A ship's shipboard oil pollution emergency plan¹⁰ must be in the approved form and include the following particulars—
 - (a) the procedure to be followed by the ship's master, or someone else having charge of the ship, in notifying an incident involving the ship if a discharge of oil happens;¹¹
 - (b) a list of the authorities or persons to be notified by persons on the ship if the incident happens;

8 MARPOL Annex I, chapter II, regulation 9(1)(b)

9 MARPOL Annex I, chapter II, regulation 9(4)

10 Failure to have a shipboard oil pollution emergency plan on board the ship is a contravention of section 30 of the Act, and may render the ship's owner and master each liable to a maximum penalty of 850 penalty units.

11 See part 7 (Reporting requirements) for things that the procedure must include.

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- (c) a detailed description of the action to be taken, immediately after the incident, by persons on board the ship to reduce or control any discharge of oil from the ship resulting from the incident;
 - (d) the procedures to be followed for coordinating with authorities or persons that have been contacted and the name of the person on board the ship through whom all communications are to be made.
- (2) The ship's owner must submit the plan and an approval fee of \$55.95 to the general manager for approval.
 - (3) The general manager may approve the plan or refuse to approve it.
 - (4) If the general manager refuses to approve the plan, the general manager must advise the ship's owner of the general manager's reasons for refusing to approve it.

Division 3 Oil record book

15 Application of division

- (1) This division applies to a ship that—
 - (a) is an oil tanker with a gross tonnage of 150 or more; or
 - (b) if it is not an oil tanker—
 - (i) has a gross tonnage of 400 or more; or
 - (ii) has a gross tonnage of 150 or more and carries oil in a portable tank with a capacity of 400 litres or more.
- (2) In this section—

ship means—

 - (a) a trading ship proceeding on an intrastate voyage; or
 - (b) an Australian fishing vessel proceeding on a voyage other than an overseas voyage; or
 - (c) a pleasure vessel.

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16 Oil record book must be carried on ship or retained

- (1) A ship must carry a current oil record book that is readily available for inspection at all reasonable times.¹²
- (2) If a ship does not carry a current oil record book, the ship's master and owner each commit an offence.

Maximum penalty—350 penalty units.

- (3) Also, the ship's master and owner must ensure any previous oil record book for the ship—
 - (a) is kept on the ship for 1 year from the day when the last entry was made in the book; and
 - (b) is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

- (4) After the 1 year period—
 - (a) for a ship's owner who has a registered office—the owner must ensure the oil record book—
 - (i) is kept on the ship or at the registered office for a further 2 years; and
 - (ii) is readily available for inspection at all reasonable times; or
 - (b) for a ship's owner who does not have a registered office—the owner must ensure the oil record book—
 - (i) is kept on the ship or deposited with the general manager for a further 2 years; and
 - (ii) is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

- (5) If a ship's owner deposits an oil record book with the general manager, the book is taken to be readily available for inspection at all reasonable times.

12 MARPOL Annex I, chapter II, regulation 20

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17 Form of oil record book

An oil record book must contain the particulars set out in schedule 1, Annex I, Appendix III and must make provision for a signature for each entry made in it and for each page of it.

18 Entries in oil record book

- (1) If a recordable operation or event is carried out or happens in or in relation to a ship, the ship's master must immediately make an appropriate entry about the operation or event in the ship's oil record book.

Maximum penalty—350 penalty units.

- (2) An entry in a ship's oil record book must be—

- (a) made in the English language; and
- (b) signed by—
 - (i) for a recordable operation—the officer or other person in charge of the operation; and
 - (ii) for a recordable event—the person in control of the ship.

Maximum penalty—350 penalty units.

- (3) When a page of a ship's oil record book is completed, the ship's master must sign the page without delay.

Maximum penalty—350 penalty units.

- (4) In this section—

recordable operation or event means an operation or event mentioned in schedule 2, part 1.

Part 3 Noxious liquid substances in bulk

Division 1 Exemptions

19 Exempted discharges

This division sets out, as allowed by section 37¹³ of the Act, when section 35¹⁴ of the Act does not apply to a discharge.

20 Category A substances

A discharge of water containing residue mentioned in paragraph (c) may be made if—

- (a) a ship's tank that held a Category A substance or a mixture containing a Category A substance has been washed under section 30;¹⁵ and
- (b) the resulting residues in the tank have been discharged to a reception facility until—
 - (i) the concentration of the Category A substance in the effluent to the facility is at or below the residual concentration provided for the substance under Annex II, Appendix II; and
 - (ii) the tank is empty; and
- (c) the residue remaining in the tank has been subsequently diluted by the addition of a volume of water; and
- (d) the conditions specified in section 24¹⁶ are complied with.

13 Section 37 (Certain discharges permissible) of the Act

14 Section 35 (Discharge of noxious liquid substances into coastal waters prohibited) of the Act

15 Section 30 (Category A substances)

16 Section 24 (Conditions for exempted discharges)

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21 Category B substances

A discharge of a Category B substance or a mixture containing a Category B substance, other than a mixture also containing a Category A substance, may be made if—

- (a) an authorised officer¹⁷ has approved procedures and arrangements for the discharge that ensure the concentration and rate of discharge of the Category B substance in the effluent in the wake astern of the ship is not more than 1 part in 1000000 parts; and
- (b) the maximum quantity of cargo discharged from each tank of the ship (including the associated piping system of the tank) is not more than—
 - (i) the maximum quantity (not more than 1m³) specified in the procedures mentioned in paragraph (a); or
 - (ii) one-three thousandth of the tank capacity in m³; whichever is the greater; and
- (c) the conditions specified in section 24¹⁸ are complied with.

22 Category C substances

A discharge from a ship of a Category C substance or a mixture containing a Category C substance, other than a mixture also containing a Category A or B substance, may be made if—

- (a) an authorised officer has approved procedures and arrangements for the discharge that ensure the concentration and rate of discharge of the Category C substance in the effluent in the wake astern of the ship is not more than 10 parts in 1000000 parts; and

¹⁷ For this part, the definition *authorised officer* under the Act is extended (see the dictionary).

¹⁸ Section 24 (Conditions for exempted discharges)

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- (b) the maximum quantity of cargo discharged from each tank of the ship (including the associated piping system of the tank) is not more than—
 - (i) the maximum quantity (not more than 3m³) specified in the procedures mentioned in paragraph (a); or
 - (ii) one-one thousandth of the tank capacity in m³; whichever is the greater; and
- (c) the conditions specified in section 24 are complied with.¹⁹

23 Category D substances

A discharge from a ship of a Category D substance or a mixture containing a Category D substance, but not a mixture also containing a Category A, B or C substance, may be made if—

- (a) the substance or mixture has been mixed with water so that the concentration of Category D substance in the effluent does not exceed 1 part in 10 parts; and
- (b) the discharge happens when the ship is at least 12n miles from the nearest land; and
- (c) the condition specified in section 24(a) is complied with.²⁰

24 Conditions for exempted discharges

The conditions²¹ are—

- (a) the discharge is made when the ship is proceeding en route at a speed of—
 - (i) if the ship is self-propelled—at least 7kn; or
 - (ii) if the ship is not self-propelled—at least 4kn; and

19 MARPOL Annex II, regulation 5(3)

20 MARPOL Annex II, regulation 5(4)

21 MARPOL Annex II, regulation 5

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- (b) the discharge is made below the water line of the ship taking into account the location of the sea-water intakes; and
- (c) the discharge is made when the ship is at least 12n miles from the nearest land and in water at least 25m deep.

Division 2 Certain noxious liquid substances to be treated as oil

25 Certain liquid substances to be treated as oil

- (1) For section 38²² of the Act, the prescribed oil-like substances that may be carried on an oil tanker are the substances specified in schedule 3.
- (2) For section 38 of the Act, the prescribed conditions are—
 - (a) the oil tanker complies with the provisions of Annex I applying to product carriers within the meaning of Annex I; and
 - (b) if the oil tanker is required under the Commonwealth Navigation Act to carry an appropriate certificate—the oil tanker carries the certificate; and
 - (c) the prescribed substance is a substance the oil tanker is permitted to carry under the certificate; and
 - (d) for a Category C substance—the tanker complies with the ship type 3 damage stability requirements of—
 - (i) for a tanker constructed on or after 1 July 1986—the International Bulk Chemical Code; or
 - (ii) for a tanker constructed before 1 July 1986—the Bulk Chemical Code applicable under Annex II, regulation 13; and
 - (e) the oil content meter in the oil discharge monitoring and control system of the tanker has been approved by an

22 Section 38 (Certain noxious liquid substances to be treated as oil) of the Act

authorised officer for use in monitoring the oil-like substances to be carried.

Division 3 Cargo record book

26 Application of division

This division applies to a trading ship—

- (a) carrying liquid substances in bulk; and
- (b) proceeding on an intrastate voyage.

27 Cargo record book must be carried on ship or retained

- (1) A ship must carry a current cargo record book that is readily available for inspection at all reasonable times.²³
- (2) If a ship does not carry a current cargo record book, the ship's master and owner each commit an offence.

Maximum penalty—350 penalty units.

- (3) Also, the ship's master and owner must ensure any previous cargo record book for the ship—
 - (a) is kept on the ship for 1 year from the day when the last entry was made in the book; and
 - (b) is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

- (4) After the 1 year period—
 - (a) for a ship's owner who has a registered office—the owner must ensure the cargo record book—
 - (i) is kept on the ship or at the registered office for a further 2 years; and
 - (ii) is readily available for inspection at all reasonable times; or

23 MARPOL Annex II, regulation 9

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- (b) for a ship's owner who does not have a registered office—the owner must ensure the cargo record book—
 - (i) is kept on the ship or deposited with the general manager for a further 2 years; and
 - (ii) is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

- (5) If a ship's owner deposits a cargo record book with the general manager, the book is taken to be readily available for inspection at all reasonable times.

28 Form of cargo record book

A cargo record book must contain the particulars set out in schedule 1, Annex II, Appendix IV and must make provision for a signature for each entry made in it and for each page of it.

29 Entries in cargo record book

- (1) If a recordable operation or event is carried out or happens in or in relation to a ship, the ship's master must immediately make an appropriate entry in the ship's cargo record book.

Maximum penalty—350 penalty units.

- (2) An entry in a ship's cargo record book must be—
 - (a) made in the English language; and
 - (b) signed by—
 - (i) for a recordable operation—the officer or other person in charge of the operation; and
 - (ii) for a recordable event—the person in control of the ship.

Maximum penalty—350 penalty units.

- (3) When a page of a ship's cargo record book is completed, the master of the ship must sign the page without delay.

Maximum penalty—350 penalty units.

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(4) In this section—

recordable operation or event means an operation or event mentioned in schedule 2, part 2.

Division 4 Tank washing

30 Category A substances

- (1) For Category A substances, a tank that has been unloaded must, before the ship leaves the port of unloading, be washed in accordance with the procedure stated in section 31.²⁴
- (2) However, if the ship's master asks, the general manager may exempt the ship from subsection (1) if the general manager is satisfied—
 - (a) the tank unloaded is to be reloaded with the same substance or another substance compatible with the substance unloaded and the tank will not be washed or ballasted before loading; or
 - (b) the tank unloaded is not to be washed or ballasted at sea and an alternative washing procedure allowed under section 32²⁵ will be carried out at another port; or
 - (c) the cargo residues will be removed by a ventilation procedure approved by the general manager and based on standards developed by IMO.²⁶
- (3) For subsection (2)(b), the general manager is taken to be satisfied that an alternative washing procedure will be carried out at another port if the ship's master—
 - (a) undertakes, in writing, to have the procedure carried out at the other port; and

24 Section 31 (Category A substances—approved washing procedure)

25 Section 32 (Category A substances—alternative washing procedure)

26 IMO stands for International Maritime Organization (see the dictionary to the Act).

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- (b) provides written confirmation from an officer or employee of the other port that the port has a reception facility available and adequate for the purpose.²⁷

31 Category A substances—approved washing procedure

- (1) For section 30(1), the tank must be washed under the supervision of an authorised officer.
- (2) The effluent from the tank washing must be discharged to a reception facility until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the authorised officer, has fallen to the residual concentration provided for the substance under Annex II, Appendix II.
- (3) When the required residual concentration is achieved, remaining tank washings must continue to be discharged to the reception facility until the tank is empty.
- (4) The authorised officer must sign the entry in the cargo record book recording the carrying out of the procedure.²⁸

32 Category A substances—alternative washing procedure

If the general manager is satisfied it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, the general manager may accept an alternative procedure²⁹ proposed by the ship's master as being equivalent to the approved procedure under section 31 if—

- (a) the tank is prewashed in accordance with a procedure approved by the general manager and based on standards developed by IMO; and
- (b) an authorised officer certifies in the cargo record book that—

27 MARPOL Annex II, regulation 8(2) to (4)

28 MARPOL Annex II, regulation 8(3)

29 MARPOL Annex II, regulation 8(4)

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- (i) the tank, its pump and piping systems have been emptied; and
- (ii) the prewash has been carried out in accordance with the prewash procedure approved by the general manager for the tank and substance; and
- (iii) the tank washings resulting from the prewash have been discharged to a reception facility and the tank is empty.

33 Category B and C substances

- (1) For Category B and C substances, a tank that has been unloaded must, before the ship leaves the port of unloading, be prewashed in accordance with the procedure stated in section 34—
 - (a) if the substance unloaded is identified in the standards developed by IMO³⁰ as resulting in a residue quantity more than the maximum quantity for the substance that may be discharged into the sea under section 21 or 22;³¹ or
 - (b) if the unloading is not carried out in accordance with the pumping conditions for the tank approved by the general manager—unless an authorised officer is satisfied alternative measures are taken to remove the cargo residues from the ship.
- (2) For subsection (1)(b)—
 - (a) the pumping conditions approved by the general manager must be based on standards developed by IMO under Annex II, regulation 5A(5); and
 - (b) the authorised officer is taken to be satisfied cargo residues have been removed if the residues are reduced to quantities stated in Annex II, regulation 5A for the substance.

30 The standards may be found in the book 'MARPOL 73/78 Consolidated Edition, 1991' published by the International Maritime Organisation.

31 Section 21 (Category B substances) or 22 (Category C substances)

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- (3) However, if the ship's master asks, the general manager may exempt the ship from the requirements of subsection (1) if the general manager is satisfied—
- (a) the tank unloaded is to be reloaded with the same substance or another substance compatible with the substance unloaded and the tank will not be washed or ballasted before loading; or
 - (b) the tank unloaded is not to be washed or ballasted at sea and a prewashing procedure allowed under section 35 will be carried out at another port; or
 - (c) the cargo residues will be removed by a ventilation procedure approved by the general manager and based on standards developed by IMO.³²

34 Category B and C substances—approved prewash procedure

For section 33(1), the prewash procedure used must be approved by the general manager and based on standards developed by IMO and the resulting tank washings must be discharged to a reception facility at the port of unloading.

35 Category B and C substances—prewash procedure at another port

For section 33(3)(b), the general manager is taken to be satisfied that an approved prewash procedure will be carried out at another port if the ship's master—

- (a) undertakes, in writing, to have the procedure carried out at the other port; and
- (b) provides written confirmation from an officer or employee of the other port that the port has a reception facility available and adequate for the purpose.³³

32 MARPOL Annex II, regulation 8(5)

33 MARPOL Annex II, regulation 8(5)(b)(ii)

36 Category D substances

For Category D substances—

- (a) a tank that has been unloaded must, before the ship leaves the port of unloading, be washed and the resulting tank washings discharged to a reception facility; or
- (b) the remaining residues in the tank must be diluted and discharged into the sea under section 23.³⁴

37 Discharge from slop tank

Any residues retained on board in a slop tank, including residues from cargo pump-room bilges, that contain a Category A substance must be discharged to a reception facility in accordance with the provisions of Annex II, regulation 5(1), (7) or (8).³⁵

Part 4 Packaged harmful substances

38 Procedures for washing leakages overboard

- (1) For section 43(b) of the Act,³⁶ the procedures prescribed are the appropriate procedures provided under the IMDG Code.
- (2) In deciding what procedures are appropriate, regard must be had to the physical, chemical and biological properties of the leaked substance.
- (3) Also, a person who authorises the washing of leakages overboard must reasonably believe that the washing overboard is the most appropriate way of disposing of the leaked substance having regard to—

³⁴ Section 23 (Category D substances). See also MARPOL Annex II, regulation 8(8).

³⁵ MARPOL Annex II, regulation 5 (Discharge of noxious liquid substances)

³⁶ Section 43 (Defences to discharge offence) of the Act. See also MARPOL Annex III, regulation 7.

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- (a) any information about the substance contained in the IMDG Code; and
- (b) the circumstances under which the leakage happened.

Part 4A Sewage

Division 1 Managing sewage discharges

38A Nil discharge waters for untreated sewage for Act, s 47

- (1) For section 47³⁷ of the Act, the nil discharge waters for untreated sewage are—
 - (a) from 1 January 2004 to 30 June 2004—the coastal waters stated in schedule 4, part 1; and
 - (b) from 1 July 2004 to 31 December 2009—the coastal waters stated in schedule 4, part 2; and
 - (c) from 1 January 2010—the coastal waters stated in schedule 4, part 3.
- (2) Unless otherwise stated in schedule 4, subsection (1) applies to all ships, other than a declared ship.

38B Nil discharge waters for treated sewage for Act, s 48

- (1) For section 48³⁸ of the Act, the nil discharge waters for treated sewage are—
 - (a) from 1 January 2004 to 30 June 2004—the coastal waters stated in schedule 5, part 1; and

37 Section 47 (Discharge of untreated sewage into nil discharge waters for untreated sewage prohibited) of the Act

38 Section 48 (Discharge of treated sewage into nil discharge waters for treated sewage prohibited) of the Act

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- (b) from 1 July 2004—the coastal waters stated in schedule 5, part 2.
- (2) Subsection (1) applies to all ships, other than a declared ship.

38C Documents to be kept onboard ship fitted with treatment system

- (1) This section applies if a ship—
 - (a) is operating in coastal waters; and
 - (b) is fitted with a treatment system.
- (2) The owner or master of the ship must, when operating the ship, ensure the system documentation and the system service manual for the treatment system are kept onboard the ship.
- (3) If the ship is a declared ship, the owner or master of the ship must—
 - (a) keep written service records for the treatment system; and
 - (b) when operating the ship, ensure the service records are kept onboard the ship.
- (4) In this section—

service records means the following particulars for an assessment of, or maintenance to, a treatment system required under section 38K—

 - (a) for an assessment of a treatment system's performance—
 - (i) the name of the independent testing entity that conducted the assessment; and
 - (ii) the date and results of the assessment;
 - (b) for maintenance of a treatment system—
 - (i) the name of the authorised service provider that conducted the maintenance; and
 - (ii) the date the maintenance was carried out and any significant maintenance required to the system.

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38D Declared ship for Act, s 49

A ship is a ship to which section 49³⁹ of the Act applies if—

- (a) the ship is fitted with a toilet or sewage holding device; and
- (b) under the *Transport Operations (Marine Safety) Regulation 2004*, the ship is a class 1B, 1C, 1D, 1E or 1F ship.

38E Nil discharge waters for treated sewage or untreated sewage from a declared ship for Act, s 49

- (1) For section 49 of the Act, the nil discharge waters for treated sewage or untreated sewage from a declared ship are—
 - (a) from 1 January 2004 to 30 June 2004—the coastal waters stated in schedule 6, part 1; and
 - (b) from 1 July 2004 to 30 June 2005—the coastal waters stated in schedule 6, part 2; and
 - (c) from 1 July 2005 to 31 December 2009—the coastal waters stated in schedule 6, part 3; and
 - (d) from 1 January 2010—the coastal waters stated in schedule 6, part 4.
- (2) Unless otherwise stated in schedule 6, subsection (1) applies to all declared ships.

38F Ships to which Act, s 51 applies

The Act, section 51,⁴⁰ applies to a ship that—

- (a) is fitted with a toilet or sewage holding device; and
- (b) under the *Transport Operations (Marine Safety) Regulation 2004*, is a class 1B, 1C, 1D, 1E or 1F ship.

39 Section 49 (Declared ship operating in prescribed nil discharge waters to be fitted with sewage holding device) of the Act

40 The Act, section 51 (Shipboard sewage management plan)

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38G Minimum requirements for shipboard sewage management plan

For section 51 of the Act, the minimum requirements for a shipboard sewage management plan for a ship to which that section applies are—

- (a) the plan must be written; and
- (b) the plan must state the following particulars—
 - (i) the name, registration number and class of the ship;
 - (ii) the size and type of the ship;
 - (iii) the way the plan provides for the management of shipboard sewage and prevents the unlawful discharge of sewage from the ship;
 - (iv) the equipment the ship is fitted with for holding or treating sewage;
 - (v) the waters, if any, where the ship may lawfully discharge sewage;
 - (vi) how the equipment is operated to prevent the unlawful discharge of sewage into the waters where the ship is operating;
 - (vii) the operating and maintenance instructions for the equipment;
 - (viii) the way the equipment is maintained and checked to ensure the equipment is in proper working order.

38H Levels of sewage quality characteristics for treated sewage

- (1) The levels of sewage quality characteristics in sewage to be treated sewage under the Act, dictionary *treated sewage* are in schedule 7.⁴¹

41 See section 4 (Definitions—the dictionary) of the Act.

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- (2) For treated sewage to be classified as grade A treated sewage (*grade A treated sewage*), the levels are stated in schedule 7, part 1.
- (3) For treated sewage to be classified as grade B treated sewage (*grade B treated sewage*), the levels are stated in schedule 7, part 2.
- (4) For treated sewage to be classified as grade C treated sewage (*grade C treated sewage*), the levels are stated in schedule 7, part 3.

38I Standard for treatment system

For the definition *treatment system* in the dictionary in the schedule to the Act, the standard with which a treatment system must, at least, conform is stated in schedule 9.

38J Sewage discharges in coastal waters, other than nil discharge waters

- (1) This section applies if a ship is operating in coastal waters, other than the nil discharge waters for sections 47 to 49 of the Act.⁴²
- (2) The master of the ship must not discharge, or allow any one else on the ship to discharge, sewage from a toilet fixed permanently on board the ship into the waters unless—
 - (a) the sewage first passes through a macerator; and
 - (b) the macerator effectively reduces, for example by grinding, shredding or pulping, solid wastes in the sewage into, at least, a fine slurry.

Maximum penalty—350 penalty units.

⁴² For the nil discharge waters, see schedules 4, 5 and 6.

Division 2 Assessment and maintenance of treatment system on declared ship

38K Assessment and maintenance of treatment system

- (1) This section applies to a declared ship that—
 - (a) is operating in coastal waters; and
 - (b) is fitted with a treatment system.
- (2) The owner or master of the ship must ensure the treatment system—
 - (a) is assessed by an independent testing entity to assess if it is operating at not less than the performance specifications mentioned in schedule 9, item 1(a) at the following intervals after the system is fitted to the ship—
 - (i) at least annually for the first 2 years;
 - (ii) afterwards, at least every 2 years; and
 - (b) is maintained, at least, at the intervals and in the way required by the system service manual.

Maximum penalty—350 penalty units.

Division 3 Sewage disposal records

38L Definitions for div 3

In this division—

disposal facility means a facility for holding or receiving sewage for disposal.

38M Sewage disposal record book must be carried on declared ship or retained

- (1) A declared ship must carry a current sewage disposal record book that is readily available for inspection at all reasonable times.

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- (2) If a declared ship does not carry a current sewage disposal record book as required by subsection (1), the ship's master and owner each commit an offence.

Maximum penalty—350 penalty units.

- (3) Also, the declared ship's master and owner must ensure any previous sewage disposal record book for the declared ship—
- (a) is kept on the declared ship for 1 year from the day the last entry was made in the book; and
 - (b) while kept as required under paragraph (a), is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

- (4) After the 1 year period—
- (a) for a declared ship's owner who has a registered office—the owner must ensure the previous sewage disposal record book—
 - (i) is kept on the declared ship or at the registered office for a further 2 years; and
 - (ii) while kept as required under subparagraph (i), is readily available for inspection at all reasonable times; or
 - (b) for a declared ship's owner who does not have a registered office—the owner must ensure the previous sewage disposal record book—
 - (i) is kept on the declared ship for a further 2 years or deposited with the general manager; and
 - (ii) if kept on the declared ship under subparagraph (i), is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

38N Entries in sewage disposal record book

- (1) If sewage in a declared ship's sewage holding device is discharged into a disposal facility, the declared ship's master or other person in control of the discharge must immediately

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make an entry about the discharge in the declared ship's sewage disposal record book.

Maximum penalty—350 penalty units.

- (2) The entry must—
- (a) state the date, time, place and volume, in litres, of each discharge and
 - (b) be made in the English language; and
 - (c) be signed by the master or other person in control of the discharge.
- (3) When a page of a declared ship's sewage disposal record book is completed, the declared ship's master must sign the page without delay.

Maximum penalty—350 penalty units.

Part 5 Garbage

39 Exempted discharges

This part sets out, as allowed by section 57 of the Act, when section 55⁴³ of the Act does not apply to a disposal.

40 Garbage—floating dunnage etc.

A disposal of garbage, other than plastics,⁴⁴ that is dunnage, lining or packing materials that will float may be made if the disposal happens when the ship—

- (a) is as far as practicable, and at least 25n miles, from the nearest land; and

⁴³ Section 57 (Certain disposals permissible) of the Act

Section 55 (Disposal of garbage into coastal waters prohibited) of the Act

⁴⁴ Under MARPOL (and the Act), the disposal of synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited. See MARPOL Annex V regulation 3(1)(a) and section 55 of the Act.

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- (b) is not alongside, or within 500m of, a fixed or floating platform engaged in the exploration, exploitation and associated offshore processing of seabed mineral resources.⁴⁵

41 Garbage—food wastes

The disposal of garbage that is food wastes may be made if the disposal happens when—

- (a) the ship is as far as practicable, and at least 12n miles, from the nearest land and is not alongside, or within 500m of, a platform of a kind mentioned in section 40(b); or
- (b) the garbage is passed through a comminuter or grinder so that it is capable of passing through a screen with no opening greater than 25mm—the disposal happens when the ship is as far as practicable, and at least 3n miles, from the nearest land.⁴⁶

42 Fish feeding

Also, a disposal of small quantities of garbage that is food waste may be made for the specific purpose of feeding fish for fishing or tourist operations.⁴⁷

43 Garbage—other waste (but not plastics)

The disposal of garbage, other than plastics and garbage mentioned in section 40 or 41, may be made if the disposal happens when—

- (a) the ship is as far as practicable from the nearest land; and

45 MARPOL Annex V, regulations 3(1)(b)(i) and 4(1)

46 MARPOL Annex V, regulations 3(1)(b)(ii) and (c) and 4(1) and (2)

47 MARPOL Annex V, guideline 1.8.5. The guideline is not reproduced in schedule 1. However, the guideline states—‘The release of small quantities of food wastes for the specific purpose of fish feeding in connection with fishing or tourist operations is not included as garbage in the context of Annex V.’

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- (b) unless paragraph (c) applies, the ship is at least 12n miles from the nearest land; and
- (c) the garbage is passed through a comminuter or grinder so that it is capable of passing through a screen with no opening greater than 25mm—the ship is at least 3n miles from the nearest land; and
- (d) the ship is not alongside, or within 500m of, a platform of a kind mentioned in section 40(b).⁴⁸

44 Mixture of garbage and other matter

- (1) This section applies if the garbage is mixed with matter (the *contaminant*) the discharge or jettisoning of which from a ship into coastal waters is prohibited under part 4, 5 or 6⁴⁹ of the Act.
- (2) Despite sections 40 to 43, the garbage may be disposed of only in accordance with conditions under which disposal of the contaminant is allowed under this regulation.⁵⁰

Part 6 Transfer operations

45 Keeping of records

For section 65(2)⁵¹ of the Act, the records that a person must keep are—

- (a) for a transfer operation involving oil—an oil record book;⁵² and

48 MARPOL Annex V, regulations 3(1)(b)(ii) and (c) and 4(1)

49 Part 4 (Prevention of pollution by oil), 5 (Prevention of pollution by noxious liquid substances in bulk) or 6 (Prevention of pollution by packaged harmful substances) of the Act

50 MARPOL Annex V, regulation 3(2)

51 Section 65 (Keeping of records about transfer etc.) of the Act

52 See also section 18 (Entries in oil record book) and schedule 2 (Recordable operations and events), part 1 (Ships to which part 2, division 3 applies).

- (b) for a transfer operation involving a noxious liquid substance—a cargo record book.⁵³

Part 7 Reporting requirements

46 Notification of discharges

- (1) This section applies to reportable incidents under section 67⁵⁴ of the Act.
- (2) A ship's owner or master or the owner's agent must notify a reportable incident in 1 of the following ways—
- telephone
 - fax
 - telex
 - radio
 - urgent telegram.
- (3) The reportable incident may be notified to an authorised officer by communicating the incident to a person at any of the following centres—
- (a) Hay Point Marine Operations Centre (Reefcentre), Maritime Safety Agency of Queensland;
 - (b) Maritime Safety Agency of Queensland at Goldcoast;
 - (c) Maritime Safety Agency of Queensland at Brisbane;
 - (d) Maritime Safety Agency of Queensland at Gladstone;
 - (e) Maritime Safety Agency of Queensland at Mackay;
 - (f) Maritime Safety Agency of Queensland at Townsville;
 - (g) Maritime Safety Agency of Queensland at Cairns;

⁵³ See also section 29 (Entries in cargo record book) and schedule 2 (Recordable operations and events), part 2 (Ships to which part 3, division 3 applies).

⁵⁴ Section 67 (Duty to report certain incidents) of the Act

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- (h) Marine Rescue Coordination Centre, Australian Maritime Safety Authority, Canberra.
- (4) The notification message must commence with the code word 'POLREP' and must contain the following information—
 - (a) the name and call sign (if any) of the ship and its flag of registry;
 - (b) the day and time of the incident;
 - (c) the ship's position when the incident happened and at the time of reporting;
 - (d) the course and speed of the ship;
 - (e) whether the ship has been damaged and, if so, the extent of the damage;
 - (f) the type and extent of the discharge, including the type of oil or the correct technical name of the noxious liquid substance or packaged harmful substance;
 - (g) prevailing weather conditions;
 - (h) the size and type of ship.

47 Report about incident

- (1) For section 67(5)⁵⁵ of the Act, the prescribed time for giving a report to an authorised officer is 24 hours.
- (2) However, an authorised officer may extend the time allowed for giving the report.

Part 8 Devolution to port authority

48 Devolution of matters

- (1) For section 129 of the Act, the administration and enforcement of the following matters within the port limits of

⁵⁵ Section 67 (Duty to report certain incidents) of the Act

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a port specified in schedule 3A are devolved to the port authority for the port—

- (a) the investigation of discharges prohibited by the Act;
 - (b) the monitoring of compliance with the Act;
 - (c) the monitoring of transfer operations;
 - (d) the examination of ships using coastal waters to minimise discharges;
 - (e) the taking of action to remove a pollutant discharged into coastal waters or mitigate its effect on Queensland's marine and coastal environment.
- (2) For subsection (1)(e), the taking of action to *mitigate* the effect of a discharged pollutant on Queensland's marine and coastal environment includes—
- (a) treating animals and plants affected by a discharge of pollutant; and
 - (b) rehabilitating or restoring Queensland's marine and coastal environment.

Part 9 Samples

49 Integrity and security of samples taken for analysis

- (1) If an authorised officer takes a sample of a pollutant, substance or thing, the officer must ensure the sample is delivered to an analyst for analysis as soon as practicable after it is taken.
- (2) The sample must be delivered by the officer or a courier, unless it is impracticable to do so.
- (3) A record in the approved form must be made for each person in possession of the sample from the time it is taken until the time it is delivered to the analyst.

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50 Analyst's report

As soon as practicable after receiving the sample, the analyst must make a report stating the following matters—

- (a) when and from whom the substance was received;
- (b) the way in which, or the means by which, the sample was identified when received;
- (c) a description of the container (if any) the sample was in when received.

Part 10 General**51 Labour costs**

The cost of labour used for a purpose connected with a discharge of pollutant is—

- (a) for an officer of the public service—133% of the officer's gross salary for the time the officer devotes to the purpose; and
- (b) for someone else—the cost charged to the Maritime Safety Agency of Queensland for the person.

51A Insurance limit

For section 67A(2)⁵⁶ of the Act, a ship's owner must have an insurance policy to a limit of at least \$10000000.

52 Authorised officers

For section 72(1)(c)⁵⁷ of the Act, the following persons are prescribed—

⁵⁶ Section 67A (Ship's owner to have insurance) of the Act

⁵⁷ Section 72 (Appointment of authorised officers) of the Act

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- (a) an officer or employee of the Australian Maritime Safety Authority;
- (b) an officer or employee of the Commonwealth Department of Transport;
- (c) an officer or employee of the Great Barrier Reef Marine Park Authority;
- (d) an officer or employee of a marine, port or environmental authority of another State or the Northern Territory;
- (e) a police officer.⁵⁸

53 Compensation

For section 110(5)⁵⁹ of the Act, the court must take the following matters into account—

- (a) whether the power was exercised to prevent a threat to human life or damage or possible damage to the environment or property;
- (b) whether the power was exercised negligently;
- (c) whether at the time the power was exercised or purported to be exercised, it was reasonably foreseeable that the person claiming compensation would be adversely affected by the exercise or purported exercise of the power;
- (d) the level of knowledge possessed by the officer at the time of the exercise or purported exercise of the power.

54 Registered office

The registered office of a ship's owner is—

58 Under the *Police Powers and Responsibilities Act 2000*, section 13(2) (Appointment of police officers as public officials for other Acts), a police officer may only be appointed as a public official under an authorising law with the commissioner's written approval to the proposed appointment.

59 Section 110 (Compensation) of the Act

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- (a) if the owner resides in Queensland or has an office or agent in Queensland—
 - (i) the owner's business or residential address in Queensland; or
 - (ii) the owner's agent's business or residential address in Queensland; or
- (b) if the ship's owner resides in another State and does not have a registered office in Queensland—
 - (i) the owner's business or residential address in the other State; or
 - (ii) the owner's agent's business or residential address in the other State.

55 Exemption from pt 7 of the Act

A discharge of sewage is exempted from the operation of discharge offences under part 7 of the Act until the commencement of section 50(1)⁶⁰ of the Act.

56 Where register of division 3 undertakings must be kept

For section 117L⁶¹ of the Act, the place where the register of division 3 undertakings is available for public inspection is the office of the general manager.⁶²

60 Part 7 (Prevention of pollution by sewage) of the Act

Section 50 (Discharge of sewage from declared ship into nil discharge waters for sewage prohibited) of the Act

61 Section 117L (Register of division 3 undertakings) of the Act

62 The address of the general manager's office is level 26, Mineral House, 41 George Street, Brisbane. Normal working hours are 8.30am to 4.30pm Monday to Friday.

Schedule 1 MARPOL

section 4

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

RECOGNIZING ALSO the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multilateral instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution,

DESIRING to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

CONSIDERING that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,

HAVE AGREED as follows:

Article 1

General obligations under the Convention

(1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.

Schedule 1 (continued)

(2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

Article 2

Definitions

For the purposes of the present Convention, unless expressly provided otherwise:

(1) “Regulation” means the regulations contained in the Annexes to the present Convention.

(2) “Harmful substance” means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention.

(3)(a) “Discharge”, in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) “Discharge” does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

(4) “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.

(5) “Administration” means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of

Schedule 1 (continued)

any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

(6) “Incident” means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

(7) “Organization” means the Inter-Governmental Maritime Consultative Organization.⁶³

Article 3

Application

(1) The present Convention shall apply to:

- (a) ships entitled to fly the flag of a Party to the Convention; and
- (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.

(2) Nothing in the present article shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.

(3) The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

⁶³ The name of the Organization was changed to “International Maritime Organization” by virtue of amendments to the Organization’s Convention which entered into force on 22 May 1982.

Schedule 1 (continued)

Article 4

Violation

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

(3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

Article 5

Certificates and special rules on inspection of ships

(1) Subject to the provisions of paragraph (2) of the present article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the regulations shall be accepted by the other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.

Schedule 1 (continued)

(2) A ship required to hold a certificate in accordance with the provisions of the regulations is subject, while in the ports or offshore terminals under the jurisdiction of a Party, to inspection by officers duly authorized by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) If a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the regulations.

(4) With respect to the ship of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

Article 6

Detection of violations and enforcement of the Convention

(1) Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which the present Convention applies may, in any port or offshore terminal of a Party, be subject to inspection by officers appointed

Schedule 1 (continued)

or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

(3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the regulations. If it is practicable to do so, the competent authority of the former Party shall notify the master of the ship of the alleged violation.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

(5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

Article 7

Undue delay to ships

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under articles 4, 5 or 6 of the present Convention.

(2) When a ship is unduly detained or delayed under articles 4, 5 or 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

Schedule 1 (continued)

Article 8

Reports on incidents involving harmful substances

(1) A report of an incident shall be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the present Convention.

(2) Each Party to the Convention shall:

- (a) make all arrangements necessary for an appropriate officer or agency to receive and process all reports on incidents; and
- (b) notify the Organization with complete details of such arrangements for circulation to other Parties and Member States of the Organization.

(3) Whenever a Party receives a report under the provisions of the present article, that Party shall relay the report without delay to:

- (a) the Administration of the ship involved; and
- (b) any other State which may be affected.

(4) Each Party to the Convention undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services, to report to its authorities any incident referred to in Protocol I to the present Convention. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other Party concerned.

Article 9

Other treaties and interpretation

(1) Upon its entry into force, the present Convention supersedes the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, as between Parties to that Convention.

(2) Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Schedule 1 (continued)

(3) The term “jurisdiction” in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

Article 10

Settlement of disputes

Any dispute between two or more Parties to the Convention concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention.

Article 11

Communication of information

(1) The Parties to the Convention undertake to communicate to the Organization:

- (a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;
- (b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the regulations;⁶⁴
- (c) a sufficient number of specimens of their certificates issued under the provisions of the regulations;
- (d) a list of reception facilities including their location, capacity and available facilities and other characteristics;
- (e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and

⁶⁴ The text of this subparagraph is replaced by that contained in article III of the 1978 Protocol.

Schedule 1 (continued)

- (f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

(2) The Organization shall notify Parties of the receipt of any communications under the present article and circulate to all Parties any information communicated to it under subparagraphs (1)(b) to (f) of the present article.

Article 12

Casualties to ships

(1) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the regulations if such casualty has produced a major deleterious effect upon the marine environment.

(2) Each Party to the Convention undertakes to supply the Organization with information concerning the findings of such investigation, when it judges that such information may assist in determining what changes in the present Convention might be desirable.

Article 13

Signature, ratification, acceptance, approval and accession

(1) The present Convention shall remain open for signature at the Headquarters of the Organization from 15 January 1974 until 31 December 1974 and shall thereafter remain open for accession. States may become Parties to the present Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

Schedule 1 (continued)

(3) The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article 14

Optional annexes

(1) A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all of Annexes III, IV and V (hereinafter referred to as “Optional Annexes”) of the present Convention. Subject to the above, Parties to the Convention shall be bound by any Annex in its entirety.

(2) A State which has declared that it is not bound by an Optional Annex may at any time accept such Annex by depositing with the Organization an instrument of the kind referred to in article 13(2).

(3) A State which makes a declaration under paragraph (1) of the present article in respect of an Optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of the present article shall not be under any obligation nor entitled to claim any privileges under the present Convention in respect of matters related to such Annex and all references to Parties in the present Convention shall not include that State in so far as matters related to such Annex are concerned.

(4) The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under the present article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of the present article.

Article 15

Entry in force

(1) The present Convention shall enter into force 12 months after the date on which not less than 15 States, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant shipping, have become parties to it in accordance with article 13.

Schedule 1 (continued)

(2) An Optional Annex shall enter into force 12 months after the date on which the conditions stipulated in paragraph (1) of the present article have been satisfied in relation to that Annex.

(3) The Organization shall inform the States which have signed the present Convention or acceded to it of the date on which it enters into force and of the date on which an Optional Annex enters into force in accordance with paragraph (2) of the present article.

(4) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any Optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

(5) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an Optional Annex entered into force, the Convention or the Optional Annex shall become effective three months after the date of deposit of the instrument.

(6) After the date on which all the conditions required under article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention or Annex as amended.

Article 16

Amendments

(1) The present Convention may be amended by any of the procedures specified in the following paragraphs.

(2) Amendments after consideration by the Organization:

- (a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration;

Schedule 1 (continued)

- (b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;
- (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;
- (d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;
- (e) if adopted in accordance with subparagraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;
- (f) an amendment shall be deemed to have been accepted in the following circumstances:
 - (i) an amendment to an article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet;
 - (ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in subparagraph (f)(iii) unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties;
 - (iii) an amendment to an appendix to an Annex to the Convention shall be deemed to have been accepted at the

Schedule 1 (continued)

end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than one third of the Parties or by the Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet whichever condition is fulfilled;

- (iv) an amendment to Protocol I to the Convention shall be subject to the same procedures as for the amendments to the Annexes to the Convention, as provided for in subparagraphs (f)(ii) or (f)(iii) above;
- (v) an amendment to Protocol II to the Convention shall be subject to the same procedures as for the amendments to an article of the Convention, as provided for in subparagraph (f)(i) above;
- (g) the amendment shall enter into force under the following conditions:
 - (i) in the case of an amendment to an article of the Convention, to Protocol II, or to Protocol I or to an Annex to the Convention not under the procedure specified in subparagraph (f)(iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;
 - (ii) in the case of an amendment to Protocol I, to an appendix to an Annex or to an Annex to the Convention under the procedure specified in subparagraph (f)(iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it or a declaration under subparagraph (f)(ii), that their express approval is necessary.

(3) Amendment by a Conference:

Schedule 1 (continued)

- (a) Upon the request of a Party, concurred in by at least one third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.
 - (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2)(f) and (g) above.
- (4)(a) In the case of an amendment to an Optional Annex, a reference in the present article to a “Party to the Convention” shall be deemed to mean a reference to a Party bound by that Annex.
- (b) Any Party which has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that amendment.
- (5) The adoption and entry into force of a new annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an article of the Convention.
- (6) Unless expressly provided otherwise, any amendment to the present Convention made under this article, which relates to the structure of a ship, shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.
- (7) Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the articles of the present Convention.
- (8) The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present article, together with the date on which each such amendment enters into force.
- (9) Any declaration of acceptance or of objection to an amendment under the present article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such

Schedule 1 (continued)

notification and the date of its receipt to the notice of the Parties to the Convention.

Article 17

Promotion of technical co-operation

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and co-ordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for reception and monitoring;
- (c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and
- (d) the encouragement of research;

preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

Article 18

Denunciation

(1) The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect 12 months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

Schedule 1 (continued)

Article 19

Deposit and registration

(1) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.

(2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article 20

Languages

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned⁶⁵ being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE AT LONDON this second day of November, one thousand nine hundred and seventy-three.

⁶⁵ signatures omitted

Schedule 1 (continued)

**PROTOCOL OF 1978 RELATING TO THE
INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973**

THE PARTIES TO THE PRESENT PROTOCOL,

RECOGNIZING the significant contribution which can be made by the International Convention for the Prevention of Pollution from Ships, 1973, to the protection of the marine environment from pollution from ships,

RECOGNIZING ALSO the need to improve further the prevention and control of marine pollution from ships, particularly oil tankers,

RECOGNIZING FURTHER the need for implementing the Regulations for the Prevention of Pollution by Oil contained in Annex I of that Convention as early and as widely as possible,

ACKNOWLEDGING HOWEVER the need to defer the application of Annex II of that Convention until certain technical problems have been satisfactorily resolved,

CONSIDERING that these objectives may best be achieved by the conclusion of a Protocol relating to the International Convention for the Prevention of Pollution from Ships, 1973,

HAVE AGREED as follows:

Article I

General obligations

1 The Parties to the present Protocol undertake to give effect to the provisions of:

- (a) the present Protocol and the Annex hereto which shall constitute an integral part of the present Protocol; and
- (b) the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as “the Convention”), subject to the modifications and additions set out in the present Protocol.

2 The provisions of the Convention and the present Protocol shall be read and interpreted together as one single instrument.

Schedule 1 (continued)

3 Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

Article II

Implementation of Annex II of the Convention

1 Notwithstanding the provisions of article 14(1) of the Convention, the Parties to the present Protocol agree that they shall not be bound by the provisions of Annex II of the Convention for a period of three years from the date of entry into force of the present Protocol or for such longer period as may be decided by a two-thirds majority of the Parties to the present Protocol in the Marine Environment Protection Committee (hereinafter referred to as “the Committee”) of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as “the Organization”).⁶⁶

2 During the period specified in paragraph 1 of this article, the Parties to the present Protocol shall not be under any obligations nor entitled to claim any privileges under the Convention in respect of matters relating to Annex II of the Convention and all reference to Parties in the Convention shall not include the Parties to the present Protocol in so far as matters relating to that Annex are concerned.

Article III

Communication of information

The text of article 11(1)(b) of the Convention is replaced by the following:

“a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of matters relating to the design, construction, equipment and operation of ships carrying harmful substances in accordance with the provisions of the regulations for circulation to the Parties for information of their officers. The Administration shall therefore notify the Organization of the specific

⁶⁶ The name of the Organization was changed to “International Maritime Organization” by virtue of amendments to the Organization’s Convention which entered into force on 22 May 1982.

Schedule 1 (continued)

responsibilities and conditions of the authority delegated to nominate surveyors or recognized organizations.”

Article IV

Signature, ratification, acceptance, approval and accession

1 The present Protocol shall be open for signature at the Headquarters of the Organization from 1 June 1978 to 31 May 1979 and shall thereafter remain open for accession. States may become Parties to the present Protocol by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature, subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

Article V

Entry into force

1 The present Protocol shall enter into force 12 months after the date on which not less than 15 States, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with article IV of the present Protocol.

2 Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

3 After the date on which an amendment to the present Protocol is deemed to have been accepted in accordance with article 16 of the Convention, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

Schedule 1 (continued)

Article VI

Amendments

The procedures set out in article 16 of the Convention in respect of amendments to the articles, an Annex and an appendix to an Annex of the Convention shall apply respectively to amendments to the articles, the Annex and an appendix to the Annex of the present Protocol.

Article VII

Denunciation

1 The present Protocol may be denounced by any Party to the present Protocol at any time after the expiry of five years from the date on which the Protocol enters into force for that Party.

2 Denunciation shall be effected by the deposited of an instrument of denunciation with the Secretary-General of the Organization.

3 A denunciation shall take effect 12 months after receipt of the notification by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

Article VIII

Depositary

1 The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as “the Depositary”).

2 The Depositary shall:

- (a) inform all States which have signed the present Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of the present Protocol;
 - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it was received and the date on which the denunciation takes effect;

Schedule 1 (continued)

- (iv) any decision made in accordance with article II(1) of the present Protocol;
- (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

3 As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article IX

Languages

The present Protocol is established in a single original in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned⁶⁷ being duly authorized by their respective Governments for that purpose have signed the present Protocol.

DONE AT LONDON this seventeenth day of February one thousand nine hundred and seventy-eight.

⁶⁷ signatures omitted

Schedule 1 (continued)

PROTOCOL I

***Provisions concerning Reports on Incidents Involving Harmful
Substances***

(in accordance with article 8 of the Convention)

Article I

Duty to report

(1) The master or other person having charge of any ship involved in an incident referred to in article II of this Protocol shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.

(2) In the event of the ship referred to in paragraph (1) of this article being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agent shall, to the fullest extent possible, assume the obligations placed upon the master under the provisions of this Protocol.

Article II

When to make reports

(1) The report shall be made when an incident involves:

- (a) a discharge or probable discharge of oil, or noxious liquid substances carried in bulk, resulting from damage to the ship or its equipment, or for the purpose of securing the safety of a ship or saving life at sea; or
- (b) a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or
- (c) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention.

Schedule 1 (continued)

(2) For the purposes of this Protocol:

- (a) “Oil” referred to in subparagraph 1(a) of this article means oil as defined in regulation 1(1) of Annex I of the Convention.
- (b) “Noxious liquid substances” referred to in subparagraph 1(a) of this article means noxious liquid substances as defined in regulation 1(6) of Annex II of the Convention.
- (c) “Harmful substances” in packaged form referred to in subparagraph 1(b) of this article means substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code).

Article III

Contents of report

Reports shall in any case include:

- (a) identity of ships involved;
- (b) time, type and location of incident;
- (c) quantity and type of harmful substance involved;
- (d) assistance and salvage measures.

Article IV

Supplementary report

Any person who is obliged under the provisions of this Protocol to send a report shall, when possible:

- (a) supplement the initial report, as necessary, and provide information concerning further developments; and
- (b) comply as fully as possible with requests from affected States for additional information.

Schedule 1 (continued)

Article V

Reporting procedures

(1) Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal State.

(2) In order to implement the provisions of this Protocol, Parties to the present Convention shall issue, or cause to be issued, regulations or instructions on the procedures to be followed in reporting incidents involving harmful substances, based on guidelines developed by the Organization.

Resolution A.648(16)

(adopted on 19 October 1989)

General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution 3 of the International Conference on Maritime Search and Rescue, 1979, on the need for an internationally agreed format and procedure for ship reporting systems,

CONSIDERING that current national ship reporting systems may use different procedures and reporting formats,

REALIZING that such different procedures and reporting formats could cause confusion to masters of ships moving from one area to another covered by a different ship reporting system,

Schedule 1 (continued)

BELIEVING that such confusion could be alleviated if ship reporting systems and reporting requirements were to comply as far as practicable with a number of general principles and if reports were made in accordance with a standard format and procedures,

RECALLING the Guidelines for Reporting Incidents Involving Dangerous Goods in Packaged Form developed by the Maritime Safety Committee (MSC/Circ.360/Rev.1),

RECALLING ALSO article 8 and Protocol I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), as amended, and also the Guidelines for Reporting Incidents Involving Harmful Substances (resolution MEPC.30(25)),

RECOGNIZING that States Parties to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) and the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil (1973) may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil and substances other than oil following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences,

RECOGNIZING ALSO the need for coastal States to be informed by the master of an assisting ship, or of a ship undertaking salvage, of particulars of the incident and of action taken,

RECOGNIZING FURTHER that an incident involving damage, failure or breakdown of the ship, its machinery or equipment could give rise to a significant threat of pollution to coastlines or related interests,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its fifty-seventh session and by the Marine Environment Protection Committee at its twenty-sixth session,

1. ADOPTS the General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants set out in the Annex to the present resolution;

Schedule 1 (continued)

2. URGES Member Governments to ensure that ship reporting systems and reporting requirements comply as closely as possible with the general principles specified in the Annex to the present resolution;
3. URGES Member Governments to bring the reporting format and procedures to the notice of shipowners and seafarers as well as of the designated authorities concerned;
4. RECOMMENDS Member Governments and States Parties to MARPOL 73/78 to implement the Guidelines, in accordance with paragraph (2) of article V of Protocol I thereof;
5. REVOKES resolution A.598(15), resolution MEPC.30(25) and MSC/Circ.360/Rev.1.

Schedule 1 (continued)

Annex

General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants

1 *General principles*

1.1 Ship reporting systems and reporting requirements are used to provide, gather or exchange information through radio reports. The information is used to provide data for many purposes including search and rescue, vessel traffic services, weather forecasting and prevention of marine pollution. Ship reporting systems and reporting requirements should, as far as practicable, comply with the following principles:

- .1 reports should contain only information essential to achieve the objectives of the system;
- .2 reports should be simple and use the standard international ship reporting format and procedures; where language difficulties may exist, the languages used should include English, using where possible the Standard Marine Navigational Vocabulary, or alternatively the International Code of Signals. The standard reporting format and procedures to be used are given in the appendix to this Annex;
- .3 the number of reports should be kept to a minimum;
- .4 no charge should be made for communication of reports;
- .5 safety or pollution related reports should be made without delay; however, the time and place of making non-urgent reports should be sufficiently flexible to avoid interference with essential navigational duties;
- .6 information obtained from the system should be made available to other systems when required for distress, safety and pollution purposes;

Schedule 1 (continued)

- .7 basic information (ship's particulars, on-board facilities and equipment, etc.) should be reported once, be retained in the system and be updated by the ship when changes occur in the basic information reported;
- .8 the purpose of the system should be clearly defined;
- .9 Governments establishing a ship reporting system should notify mariners of full details of the requirements to be met and procedures to be followed. Details of types of ships and areas of applicability, of times and geographical positions for submitting reports, of shore establishments responsible for operation of the system and of the services provided should be clearly specified. Chartlets depicting boundaries of the system and providing other necessary information should be made available to mariners;
- .10 the establishment and operation of a ship reporting system should take into account:
 - .10.1 international as well as national responsibilities and requirements;
 - .10.2 the cost to ship operators and responsible authorities;
 - .10.3 navigational hazards;
 - .10.4 existing and proposed aids to safety; and
 - .10.5 the need for early and continuing consultation with interested parties including a sufficient period to allow for trial, familiarization and assessment to ensure satisfactory operation and to allow necessary changes to be made to the system;
- .11 Governments should ensure that shore establishments responsible for operation of the system are manned by properly trained persons;
- .12 Governments should consider the interrelationship between ship reporting systems and other systems;
- .13 ship reporting systems should preferably use a single operating radio frequency; where additional frequencies are necessary, the number of frequencies should be restricted to the minimum required for the effective operation of the system;

Schedule 1 (continued)

- .14 information provided by the system to ships should be restricted to that necessary for the proper operation of the system and for safety;
- .15 ship reporting systems and requirements should provide for special reports from ships concerning defects or deficiencies with respect to their hull, machinery, equipment or manning, or concerning other limitations which could adversely affect navigation and for special reports concerning incidents of actual or probable marine pollution;
- .16 Governments should issue instructions to their shore establishments responsible for the operation of ship reporting systems to ensure that any reports involving pollution, actual or probable, are relayed without delay to the officer or agency nominated to receive and process such reports, and to ensure that such an officer or agency relays these reports without delay to the flag State of the ship involved and to any other State which may be affected;
- .17 States which are affected or likely to be affected by pollution incidents and may require information relevant to the incident should take into account the circumstances in which the master is placed, and should endeavour to limit their requests for additional information; and
- .18 the appendix to this Annex does not apply to danger messages referred to under regulation V/2 of the 1974 SOLAS Convention, as amended. The present practice of transmitting such messages should remain unchanged.

2 Guidelines for Reporting Incidents Involving Dangerous Goods

2.1 The intent of these Guidelines and those contained in the appendix is to enable coastal States and other interested parties to be informed without delay when any incident occurs involving the loss, or likely loss, overboard of packaged dangerous goods into the sea.

2.2 Reports should be transmitted to the nearest coastal State. When the ship is within or near an area for which a ship reporting system has been established, reports should be transmitted to the designated shore station of that system.

Schedule 1 (continued)

3 *Guidelines for Reporting Incidents Involving Harmful Substances and/or Marine Pollutants*

3.1 The intent of these Guidelines and those contained in the appendix is to enable coastal States and other interested parties to be informed without delay of any incident giving rise to pollution, or threat of pollution, of the marine environment, as well as of assistance and salvage measures, so that appropriate action may be taken.

3.2 In accordance with article V(1) of Protocol I of MARPOL 73/78, a report shall be made to the nearest coastal State.

3.3 Whenever a ship is engaged in or requested to engage in an operation to render assistance to or undertake salvage of a ship involved in an incident referred to in subparagraph 1(a) or (b) of article II of Protocol I of MARPOL 73/78, as amended, the master of the former ship should report, without delay, the particulars of the action undertaken or planned. The coastal States should also be kept informed of developments.

3.4 The probability of a discharge resulting from damage to the ship or its equipment is a reason for making a report.

Schedule 1 (continued)

Appendix

1 Procedures

Reports should be sent as follows:

Sailing plan (SP)—Before or as near as possible to the time of departure from a port within a system or when entering the area covered by a system.

Position report (PR)—When necessary to ensure effective operation of the system.

Deviation report (DR)—When the ship's position varies significantly from the position that would have been predicted from previous reports, when changing the reported route, or as decided by the master.

Final report (FR)—On arrival at destination and when leaving the area covered by a system.

Dangerous goods report (DG)—When an incident takes place involving the loss or likely loss overboard of packaged dangerous goods, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, into the sea.

Harmful substances report (HS)—When an incident takes place involving the discharge or probable discharge of oil (Annex I of MARPOL 73/78) or noxious liquid substances in bulk (Annex II of MARPOL 73/78).

Marine pollutants report (MP)—In the case of loss or likely loss overboard of harmful substances in packaged form including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, identified in the International Maritime Dangerous Goods Code as marine pollutants (Annex III of MARPOL 73/78).

Any other report—Any other report should be made in accordance with the system procedures as notified in accordance with paragraph 9 of the General Principles.

Schedule 1 (continued)

2 Standard reporting format and procedures

2.1 Sections of the ship reporting format which are inappropriate should be omitted from the report.

2.2 Where language difficulties may exist, the languages used should include English, using where possible the Standard Marine Navigational Vocabulary. Alternatively, the International Code of Signals may be used to send detailed information. When the International Code is used, the appropriate indicator should be inserted in the text, after the alphabetical index.

2.3 For route information, latitude and longitude should be given for each turn point, expressed as in C below, together with type of intended track between these points, for example "RL" (rhumb line), "GC" (great circle) or "coastal", or, in the case of coastal sailing, the estimated date and time of passing significant points expressed by a six-digit group as in B below.

Telegraphy	Telephone (alternative)	Function	Information required
Name of system (e.g. AMVER/ AUSREP/ MAREP/ ECAREG/ JASREP)	Name of system (e.g. AMVER/ AUSREP/ MAREP/ ECAREG/ JASREP)	System identifier	Ship reporting system or nearest appropriate coast radio station
	State in full	Type of report	Type of report:
SP			Sailing plan
PR			Position report
DR			Deviation report
FR			Final report
DG			Dangerous goods report
HS			Harmful substances report
MP			Marine pollutants report
Give in full			Any other report

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Schedule 1 (continued)

Telegraphy	Telephone (alternative)	Function	Information required
A	Ship (alpha)	Ship	Name, call sign or ship station identity, and flag
B	Time (bravo)	Date and time of event	A six-digit group giving day of month (first two digits), hours and minutes (last four digits). If other than UTC state time zone used
C	Position (charlie)	Position	A four-digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a five-digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or
D	Position (delta)	Position	True bearing (first three digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark)
E	Course (echo)	True course	A three-digit group

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Schedule 1 (continued)

Telegraphy	Telephone (alternative)	Function	Information required
F	Speed (foxtrot)	Speed in knots and tenths of knots	A three-digit group
G	Departed (golf)	Port of departure	Name of last port of call
H	Entry (hotel)	Date, time and point of entry into system	Entry time expressed as in B and entry position expressed as in C or D
I	Destination and ETA (india)	Destination and expected time of arrival	Name of port and date time group expressed as in B
J	Pilot (juliet)	Pilot	State whether a deep-sea or local pilot is on board
K	Exit (kilo)	Date, time and point of exit from system	Exit time expressed as in B and exit position expressed as in C or D
L	Route (lima)	Route information	Intended track
M	Radiocommuni- cations (mike)	Radiocommuni- cations	State in full names of stations/ frequencies guarded
N	Next report (november)	Time of next report	Date time group expressed as in B
O	Draught (oscar)	Maximum present static draught in metres	A four-digit group giving metres and centimetres

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Schedule 1 (continued)

Telegraphy	Telephone (alternative)	Function	Information required
P	Cargo (papa)	Cargo on board	Cargo and brief details of any dangerous cargoes as well as harmful substances and gases that could endanger persons or the environment (see detailed reporting requirements)
Q	Defect, damage, deficiency, limitations (quebec)	Defects/ damage/ deficiencies/ other limitations	Brief details of defects, damage, deficiencies or other limitations (see detailed reporting requirements)
R	Pollution/ dangerous goods lost overboard (romeo)	Description of pollution or dangerous goods lost overboard	Brief details of type of pollution (oil, chemicals, etc.) or dangerous goods lost overboard; position expressed as in C or D (see detailed reporting requirements)
S	Weather (sierra)	Weather conditions	Brief details of weather and sea conditions prevailing

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Schedule 1 (continued)

Telegraphy	Telephone (alternative)	Function	Information required
T	Agent (tango)	Ship's representative and/or owner	Details of name and particulars of ship's representative or owner or both for provision of information (see detailed reporting requirements)
U	Size and type (uniform)	Ship size and type	Details of length, breadth, tonnage and type etc. as required
V	Medic (victor)	Medical personnel	Doctor, physician's assistant, nurse, personnel without medical training
W	Persons (whiskey)	Total number of persons on board	State number
X	Remarks (x-ray)	Miscellaneous	Any other information – including, as appropriate, brief details of incident and of other ships involved either in incident, assistance or salvage (see detailed reporting requirements)

Schedule 1 (continued)

3 Guidelines for detailed reporting requirements

3.1 Dangerous goods reports (DG)

3.1.1 Primary reports should contain items A, B, C (or D), M, Q, R, S, T, U, X of the standard reporting format; details for R should be as follows:

- R 1 Correct technical name or names of goods.
- 2 UN number or numbers.
- 3 IMO hazard class or classes.
- 4 Names of manufacturers of goods when known, or consignee or consignor.
- 5 Types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing packages. Include official registration marks and numbers assigned to the unit.
- 6 An estimate of the quantity and likely condition of the goods.
- 7 Whether lost goods floated or sank.
- 8 Whether loss is continuing.
- 9 Cause of loss.

3.1.2 If the condition of the ship is such that there is danger of further loss of packaged dangerous goods into the sea, items P and Q of the standard reporting format should be reported; details for P should be as follows:

- P 1 Correct technical name or names of goods.
- 2 UN number or numbers.
- 3 IMO hazard class or classes.
- 4 Names of manufacturers of goods when known, or consignee or consignor.
- 5 Types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing

Schedule 1 (continued)

packages. Include official registration marks and numbers assigned to the unit.

- 6 An estimate of the quantity and likely condition of the goods.

3.1.3 Particulars not immediately available should be inserted in a supplementary message or messages.

3.2 Harmful substances reports (HS)

3.2.1 In the case of actual discharge, primary HS reports should contain items A, B, C (or D), E, F, L, M, N, Q, R, S, T, U, X of the standard reporting format. In the case of probable discharge (see 3.4), item P should also be included. Details for P, Q, R, T and X should be as follows:

- | | |
|---|--|
| P | <ol style="list-style-type: none"> 1 Type of oil or the correct technical name of the noxious liquid substances on board. 2 UN number or numbers. 3 Pollution category (A, B, C or D), for noxious liquid substances. 4 Names of manufacturers of substances, if appropriate, when known, or consignee or consignor. 5 Quantity. |
| Q | <ol style="list-style-type: none"> 1 Condition of the ship as relevant. 2 Ability to transfer cargo/ballast/fuel. |
| R | <ol style="list-style-type: none"> 1 Type of oil or the correct technical name of the noxious liquid discharged into the sea. 2 UN number or numbers. 3 Pollution category (A, B, C or D), for noxious liquid substances. 4 Names of manufacturers of substances, if appropriate, when known, or consignee or consignor. 5 An estimate of the quantity of the substances. 6 Whether lost substances floated or sank. |

Schedule 1 (continued)

- 7 Whether loss is continuing.
 - 8 Cause of loss.
 - 9 Estimate of the movement of the discharge or lost substances, giving current conditions if known.
 - 10 Estimate of the surface area of the spill if possible.
- T 1 Name, address, telex and telephone number of the ship's owner and representative (charterer, manager or operator of the ship or their agent).
- X 1 Actions being taken with regard to the discharge and the movement of the ship.
- 2 Assistance or salvage efforts which have been requested or which have been provided by others.
 - 3 The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

3.2.2 After the transmission of the information referred to above in the initial report, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident should be reported in a supplementary report as soon as possible. That information should include items P, Q, R, S and X.

3.2.3 The master of any ship engaged in or requested to engage in an operation to render assistance or undertake salvage should report, as far as practicable, items A, B, C (or D), E, F, L, M, N, P, Q, R, S, T, U, X of the standard reporting format. The master should also keep the coastal State informed of developments.

3.3 Marine pollutants reports (MP)

3.3.1 In the case of actual discharge, primary MP reports should contain items A, B, C (or D), M, Q, R, S, T, U, X of the standard reporting format. In the case of probable discharge (see 3.4), item P should also be included. Details for P, Q, R, T and X should be as follows:

- P 1 Correct technical name or names of goods.
- 2 UN number or numbers.
 - 3 IMO hazard class or classes.

Schedule 1 (continued)

- 4 Names of manufacturers of goods when known, or consignee or consignor.
- 5 Types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing packages. Include official registration marks and numbers assigned to the unit.
- 6 An estimate of the quantity and likely condition of the goods.
- Q 1 Condition of the ship as relevant.
- 2 Ability to transfer cargo/ballast/fuel.
- R 1 Correct technical name or names of goods.
- 2 UN number or numbers.
- 3 IMO hazard class or classes.
- 4 Name of manufacturers of goods when known, or consignee or consignor.
- 5 Types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing packages. Include official registration marks and numbers assigned to the unit.
- 6 An estimate of the quantity and likely condition of the goods.
- 7 Whether lost goods floated or sank.
- 8 Whether loss is continuing.
- 9 Cause of loss.
- T 1 Name, address, telex and telephone number of the ship's owner and representative (charterer, manager or operator of the ship or their agent).
- X 1 Action being taken with regard to the discharge and movement of the ship.

Schedule 1 (continued)

- 2 Assistance or salvage efforts which have been requested or which have been provided by others.
- 3 The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

3.3.2 After the transmission of the information referred to above in the initial report, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident should be reported. That information should include items P, Q, R, S and X.

3.3.3 The master of any ship engaged in or requested to engage in an operation to render assistance or undertake salvage should report, as far as practicable, items A, B, C (or D), M, P, Q, R, S, T, U, X of the standard reporting format. The master should also keep the coastal State informed of developments.

3.4 Probability of discharge

3.4.1 The probability of a discharge resulting from damage to the ship or its equipment is a reason for making a report. In judging whether there is such a probability and whether the report should be made, the following factors, among others, should be taken into account:

- .1 the nature of the damage, failure or breakdown of the ship, machinery or equipment; and
- .2 sea and wind state and also traffic density in the area at the time and place of the incident.

3.4.2 It is recognized that it would be impracticable to lay down precise definitions of all types of incidents involving probable discharge which would warrant an obligation to report. Nevertheless, as a general guideline the master of the ship should make reports in cases of:

- .1 damage, failure or breakdown which affects the safety of ships; examples of such incidents are collision, grounding, fire, explosion, structural failure, flooding, cargo shifting; and
- .2 failure or breakdown of machinery or equipment which results in impairment of the safety of navigation; examples of such incidents are failure or breakdown of steering gear, propulsion plant, electrical generating system, essential shipborne navigational aids.

Schedule 1 (continued)

PROTOCOL II

Arbitration

(in accordance with article 10 of the Convention)

Article I

Arbitration procedure, unless the Parties to the dispute decide otherwise, shall be in accordance with the rules set out in this Protocol.

Article II

(1) An Arbitration Tribunal shall be established upon the request of one Party to the Convention addressed to another in application of article 10 of the present Convention. The request for arbitration shall consist of a statement of the case together with any supporting documents.

(2) The requesting Party shall inform the Secretary-General of the Organization of the fact that it has applied for the establishment of a Tribunal, of the names of the Parties to the dispute, and of the articles of the Convention or Regulations over which there is in its opinion disagreement concerning their interpretation or application. The Secretary-General shall transmit this information to all Parties.

Article III

The Tribunal shall consist of three members: one Arbitrator nominated by each Party to the dispute and a third Arbitrator who shall be nominated by agreement between the two first named, and shall act as its Chairman.

Article IV

(1) If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such

Schedule 1 (continued)

nomination, selecting him from a list of qualified persons previously drawn up by the Council of the Organization.

(2) If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph (1) of the present article.

(3) The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

(4) The Chairman of the Tribunal, if nominated under the provisions of the present article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party.

(5) In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In case of the decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of article III above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present article.

Article V

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article VI

Each Party shall be responsible for the remuneration of its Arbitrator and connected costs and for the costs entailed by the preparation of its own case. The remuneration of the Chairman of the Tribunal and of all general

Schedule 1 (continued)

expenses incurred by the Arbitration shall be borne equally by the Parties. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof.

Article VII

Any Party to the Convention which has an interest of a legal nature and which may be affected by the decision in the case may, after giving written notice to the Parties which have originally initiated the procedure, join in the arbitration procedure with the consent of the Tribunal.

Article VIII

Any Arbitration Tribunal established under the provisions of the present Protocol shall decide its own rules of procedure.

Article IX

(1) Decisions of the Tribunal both as to its procedure and its place of meeting and as to any question laid before it, shall be taken by majority votes of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible, shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the vote of the Chairman shall be decisive.

(2) The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) provide the Tribunal with the necessary documents and information;
- (b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

(3) Absence or default of one Party shall not constitute an impediment to the procedure.

Schedule 1 (continued)

Article X

(1) The Tribunal shall render its award within a period of five months from the time it is established unless it decides, in the case of necessity, to extend the time limit for a further period not exceeding three months. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal and shall be communicated to the Secretary-General of the Organization. The Parties shall immediately comply with the award.

(2) Any controversy which may arise between the Parties as regards interpretation or execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available to another Tribunal constituted for this purpose, in the same manner as the original Tribunal.

Schedule 1 (continued)

ANNEX I OF MARPOL 73/78

(including amendments)

Regulations for the Prevention of Pollution by Oil

Chapter I

General

Regulation 1

Definitions

For the purposes of this Annex:

(1) “Oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II of the present Convention) and, without limiting the generality of the foregoing, includes the substances listed in appendix I to this Annex.

(2) “Oily mixture” means a mixture with any oil content.

(3) “Oil fuel” means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried.

(4) “Oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any “chemical tanker” as defined in Annex II of the present Convention when it is carrying a cargo or part cargo of oil in bulk.

(5) “Combination carrier” means a ship designed to carry either oil or solid cargoes in bulk.

(6) “New ship” means a ship:

- (a) for which the building contract is placed after 31 December 1975; or
- (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 30 June 1976; or

Schedule 1 (continued)

- (c) the delivery of which is after 31 December 1979; or
 - (d) which has undergone a major conversion:
 - (i) for which the contract is placed after 31 December 1975; or
 - (ii) in the absence of a contract, the construction work of which is begun after 30 June 1976; or
 - (iii) which is completed after 31 December 1979.
- (7) “Existing ship” means a ship which is not a new ship.
- (8)(a) “Major conversion” means a conversion of an existing ship:
- (i) which substantially alters the dimensions or carrying capacity of the ship; or
 - (ii) which changes the type of the ship; or
 - (iii) the intent of which in the opinion of the Administration is substantially to prolong its life; or
 - (iv) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship.
- (b) Notwithstanding the provisions of subparagraph (a) of this paragraph, conversion of an existing oil tanker of 20,000 tons deadweight and above to meet the requirements of regulation 13 of this Annex shall not be deemed to constitute a major conversion for the purposes of this Annex.
- (c) Notwithstanding the provisions of subparagraph (a) of this paragraph, conversion of an existing oil tanker to meet the requirements of regulation 13F or 13G of this annex shall not be deemed to constitute a major conversion for the purpose of this annex.
- (9) “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 international law, except that, for the purposes of the present 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

latitude 11°00' S, longitude 142°08' E

Schedule 1 (continued)

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.

(10) “Special area” means a sea area where for recognized 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 oil is required. Special areas shall include those listed in regulation 10 of this Annex.

(11) “Instantaneous rate of discharge of oil content” means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant.

(12) “Tank” means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk.

(13) “Wing tank” means any tank adjacent to the side shell plating.

(14) “Centre tank” means any tank inboard of a longitudinal bulkhead.

(15) “Slop tank” means a tank specifically designated for the collection of tank drainings, tank washings and other oily mixtures.

(16) “Clean ballast” means the ballast in a tank which since oil was last carried therein, has been so cleaned that effluent therefrom if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system to the

Schedule 1 (continued)

effect that the oil content of the effluent did not exceed 15 parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces.

(17) “Segregated ballast” means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of the present Convention.

(18) “Length” (*L*) means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (*L*) shall be measured in metres.

(19) “Forward and after perpendiculars” shall be taken at the forward and after ends of the length (*L*). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.

(20) “Amidships” is at the middle of the length (*L*).

(21) “Breadth” (*B*) means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material. The breadth (*B*) shall be measured in metres.

(22) “Deadweight” (*DW*) means the difference in metric tons between the displacement of a ship in water of a specify gravity of 1.025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship.

(23) “Lightweight” means the displacement of a ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and passengers and crew and their effects.

(24) “Permeability” of a space means the ratio of the volume within that space which is assumed to be occupied by water to the total volume of that space.

Schedule 1 (continued)

(25) “Volumes” and “areas” in a ship shall be calculated in all cases to moulded lines.

(26) Notwithstanding the provisions of paragraph (6) of this regulation, for the purposes of regulations 13, 13B, 13E and 18(4) of this Annex, “new oil tanker” means an oil tanker:

- (a) for which the building contract is placed after 1 June 1979; or
- (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1 January 1980; or
- (c) the delivery of which is after 1 June 1982; or
- (d) which has undergone a major conversion:
 - (i) for which the contract is placed after 1 June 1979; or
 - (ii) in the absence of a contract, the construction work of which is begun after 1 January 1980; or
 - (iii) which is completed after 1 June 1982;

except that, for oil tankers of 70,000 tons deadweight and above, the definition in paragraph (6) of this regulation shall apply for the purposes of regulation 13(1) of this Annex.

(27) Notwithstanding the provisions of paragraph (7) of this regulation, for the purposes of regulations 13, 13A, 13B, 13C, 13D, 18(5) and 18(6)(c) of this Annex, “existing oil tanker” means an oil tanker which is not a new oil tanker as defined in paragraph (26) of this regulation.

(28) “Crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes:

- (a) crude oil from which certain distillate fractions may have been removed; and
- (b) crude oil to which certain distillate fractions may have been added.

(29) “Crude oil tanker” means an oil tanker engaged in the trade of carrying crude oil.

Schedule 1 (continued)

(30) “Product carrier” means an oil tanker engaged in the trade of carrying oil other than crude oil.

Regulation 2

Application

(1) Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.

(2) In ships other than oil tankers fitted with cargo spaces which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of regulations 9, 10, 14, 15(1), (2) and (3), 18, 20 and 24(4) of this Annex for oil tankers shall also apply to the construction and operation of those spaces, except that where such aggregate capacity is less than 1,000 cubic metres the requirements of regulation 15(4) of this Annex may apply in lieu of regulation 15(1), (2) and (3).

(3) Where a cargo subject to the provisions of Annex II of the present Convention is carried in a cargo space of an oil tanker, the appropriate requirements of Annex II of the present Convention shall also apply.

(4)(a) Any hydrofoil, air-cushion vehicle and other new type of vessel (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of chapters II and III of this Annex relating to construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.

(b) Particulars of any such exemption granted by the Administration shall be indicated in the Certificate referred to in regulation 5 of this Annex.

(c) The Administration which allows any such exemption shall, as soon as possible, but not more than 90 days thereafter, communicate to the Organization particulars of same and the reasons therefor, which the Organization shall circulate to the

Schedule 1 (continued)

Parties to the Convention for their information and appropriate action, if any.

Regulation 3

Equivalents

(1) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration shall not extend to substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are prescribed by regulations in this Annex.

(2) The Administration which allows a fitting, material, appliance or apparatus, as an alternative to that required by this Annex shall communicate to the Organization for circulation to the Parties to the Convention particulars thereof, for their information and appropriate action, if any.

Regulation 4

Surveys and inspections

(1) Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above shall be subject to the surveys specified below:

- (a) An initial survey before the ship is put in service or before the Certificate required under regulation 5 of this Annex is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Annex.
- (b) Periodical surveys at intervals specified by the Administration but not exceeding five years, which shall be such as to ensure that

Schedule 1 (continued)

the structure, equipment, systems, fittings, arrangements and material fully comply with the requirements of this Annex.

- (c) A minimum of one intermediate survey during the period of validity of the Certificate which shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Annex and are in good working order. In cases where only one such intermediate survey is carried out in any one Certificate validity period, it shall be held not before six months prior to, nor later than six months after the half-way date of the Certificate's period of validity. Such intermediate surveys shall be endorsed on the Certificate issued under regulation 5 of this Annex.

(2) The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph (1) of this regulation in order to ensure that the applicable provisions of this Annex are complied with.

- (3)(a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.
- (b) The Administration shall institute arrangements for unscheduled inspections to be carried out during the period of validity of the Certificate. Such inspections shall ensure that the ship and its equipment remain in all respects satisfactory for the service for which the ship is intended. These inspections may be carried out by their own inspection services, or by nominated surveyors or by recognized organizations, or by other Parties upon request of the Administration. Where the Administration, under the provisions of paragraph (1) of this regulation, establishes mandatory annual surveys, the above unscheduled inspections shall not be obligatory.
- (c) An Administration nominating surveyors or recognizing organizations to conduct surveys and inspections as set forth in

Schedule 1 (continued)

subparagraphs (a) and (b) of this paragraph, shall as a minimum empower any nominated surveyor or recognized organization to:

- (i) require repairs to a ship; and
- (ii) carry out surveys and inspections if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Protocol for the information of their officers.

- (d) When a nominated surveyor or recognized organization 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, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.
- (e) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and inspection and shall undertake to ensure the necessary arrangements to satisfy this obligation.

Schedule 1 (continued)

- (4)(a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Convention to ensure that the ship in all respects will remain 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 (1) of this regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.
- (c) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (1) of this regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

Regulation 5

Issue of certificate

(1) An International Oil Pollution Prevention Certificate shall be issued, after survey in accordance with the provisions of regulation 4 of this Annex, to any oil tanker of 150 tons gross tonnage and above and any other ships of 400 tons gross tonnage and above which are engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention. In the case of existing ships this requirement shall apply twelve months after the date of entry into force of the present Convention.

Schedule 1 (continued)

(2) Such certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the certificate.

Regulation 6

Issue of a certificate by another Government

(1) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Oil Pollution Prevention Certificate to the ship in accordance with this Annex.

(2) A copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the certificate issued under regulation 5 of this Annex.

(4) No International Oil Pollution Prevention Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

Regulation 7

Form of certificate

The International Oil Pollution Prevention Certificate shall be drawn up in an official language of the issuing country in the form corresponding to the model given in appendix II to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 8

Duration of certificate

(1) An International Oil Pollution Prevention Certificate shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, provided that in the case of an oil tanker

Schedule 1 (continued)

operating with dedicated clean ballast tanks for a limited period specified in regulation 13(9) of this Annex, the period of validity of the certificate shall not exceed such specified period.

(2) A certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, systems, fittings, arrangements or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate surveys as specified by the Administration under regulation 4(1)(c) of this Annex are not carried out.

(3) A certificate issued to a ship shall also cease to be valid upon transfer of the ship to the flag of another State. A new certificate shall only be issued when the Government issuing the new certificate is fully satisfied that the ship is in full compliance with the requirements of regulation 4(4)(a) and (b) of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall transmit as soon as possible to the Administration a copy of the certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Schedule 1 (continued)

Chapter II

Requirements for control of operational pollution

Regulation 9

Control of discharge of oil

(1) Subject to the provisions of regulations 10 and 11 of this Annex and paragraph (2) of this regulation, any discharge into the sea of oil or oily mixtures from ships to which this Annex applies shall be prohibited except when all the following conditions are satisfied:

- (a) for an oil tanker, except as provided for in subparagraph (b) of this paragraph:
 - (i) the tanker is not within a special area;
 - (ii) the tanker is more than 50 nautical miles from the nearest land;
 - (iii) the tanker is proceeding en route;
 - (iv) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;
 - (v) the total quantity of oil discharged into the sea does not exceed for existing tankers 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/30,000 of the total quantity of the particular cargo of which the residue formed a part; and
 - (vi) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulation 15 of this Annex.
- (b) from a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump-room bilges of an oil tanker unless mixed with oil cargo residue:
 - (i) the ship is not within a special area;
 - (ii) the ship is proceeding *en route*;

Schedule 1 (continued)

- (iv) the oil content of the effluent without dilution does not exceed 15 parts per million; and
- (v) the ship has in operation equipment as required by regulation 16 of this annex.

(2) In the case of a ship of less than 400 tons gross tonnage other than an oil tanker whilst outside the special area, the Administration shall ensure that it is equipped as far as practicable and reasonable with installations to ensure the storage of oil residues on board and their discharge to reception facilities or into the sea in compliance with the requirements of paragraph (1)(b) of this regulation.

(3) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, Governments of Parties to the Convention should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this regulation or regulation 10 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(4) The provisions of paragraph (1) of this regulation shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixtures which without dilution have an oil content not exceeding 15 parts per million and which do not originate from cargo pump-room bilges and are not mixed with oil cargo residues.

(5) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

(6) The oil residues which cannot be discharged into the sea in compliance with paragraphs (1), (2) and (4) of this regulation shall be retained on board or discharged to reception facilities.

(7) In the case of a ship, referred to in regulation 16(6) of this annex, not fitted with equipment as required by regulation 16(1) or 16(2) of this annex, the provisions of paragraph (1)(b) of this regulation will not apply until 6 July 1998 or the date on which the ship is fitted with such equipment, whichever is the earlier. Until this date any discharge from

Schedule 1 (continued)

machinery space bilges into the sea of oil or oily mixtures from such a ship shall be prohibited except when all the following conditions are satisfied:

- (a) the oily mixture does not originate from the cargo pump-room bilges;
- (b) the oily mixture is not mixed with oil cargo residues;
- (c) the ship is not within a special area;
- (d) the ship is more than 12 nautical miles from the nearest land;
- (e) the ship is proceeding *en route*;
- (f) the oil content of the effluent is less than 100 parts per million; and
- (g) the ship has in operation oily-water separating equipment of a design approved by the Administration, taking into account the specification recommended by the Organization.

Regulation 10

Methods for the prevention of oil pollution from ships while operating in special areas

(1) For the purposes of this Annex, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the “Gulfs area”, the Gulf of Aden area and the Antarctic area, 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 of 5°36' W.
- (b) The *Baltic Sea area* means the Baltic Sea proper with the Gulf of Bothnia, 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.

Schedule 1 (continued)

- (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°28.5' 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 *Gulf of Aden area* means that part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E) and to the east by the rhumb line between Ras Asir (11°50' N, 51°16.9' E) and the Ras Fartak (15°35' N, 52°13.8' E).
 - (g) The *Antarctic area* means the sea area south of latitude 60° S.
- (2) Subject to the provisions of regulation 11 of this Annex:
- (a) Any discharge into the sea of oil or oily mixture from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited while in a special area. In respect of the Antarctic area, any discharge into the sea of oil or oily mixture from any ship shall be prohibited.
 - (b) Except as provided for in respect of the Antarctic area under subparagraph 2(a) of this regulation, any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent does not exceed 15 parts per million.
- (3)(a) The provisions of paragraph (2) of this regulation shall not apply to the discharge of clean or segregated ballast.
- (b) The provisions of subparagraph (2)(a) of this regulation shall not apply to the discharge of processed bilge water from machinery spaces, provided that all of the following conditions are satisfied:
 - (i) the bilge water does not originate from cargo pump-room bilges;
 - (ii) the bilge water is not mixed with oil cargo residues;

Schedule 1 (continued)

- (iii) the ship is proceeding *en route*;
 - (iv) the oil content of the effluent without dilution does not exceed 15 parts per million;
 - (v) the ship has in operation oil filtering equipment complying with regulation 16(5) of this Annex; and
 - (vi) the filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.
- (4)(a) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.
- (b) The oil residues which cannot be discharged into the sea in compliance with paragraph (2) or (3) of this regulation shall be retained on board or discharged to reception facilities.

(5) Nothing in this regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with regulation 9 of this Annex.

(6) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Governments of Parties to the Convention should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this regulation or regulation 9 of this Annex. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(7) Reception facilities within special areas:

(a) Mediterranean Sea, Black Sea and Baltic Sea areas:

- (i) The Government of each Party to the Convention the coastline of which borders on any given special area undertakes to ensure that not later than 1 January 1977 all oil loading terminals and repair ports within the special area are

Schedule 1 (continued)

provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from oil tankers. In addition all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

- (ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast undertakes to ensure the provision of the facilities referred to in subparagraph (a)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.
- (iii) During the period between the entry into force of the present Convention (if earlier than 1 January 1977) and 1 January 1977 ships while navigating in the special areas shall comply with the requirements of regulation 9 of this Annex. However, the Governments of Parties the coastlines of which border any of the special areas under this subparagraph may establish a date earlier than 1 January 1977, but after the date of entry in force of the present Convention, from which the requirements of this regulation in respect of the special areas in question shall take effect:
 - (1) if all the reception facilities required have been provided by the date so established; and
 - (2) provided that the Parties concerned notify the Organization of the date so established at least six months in advance, for circulation to other Parties.
- (iv) After 1 January 1977, or the date established in accordance with subparagraph (a)(iii) of this paragraph if earlier, each Party shall notify the Organization for transmission to the Contracting Governments concerned of all cases where the facilities are alleged to be inadequate.

- (b) Red Sea area, Gulfs area and Gulf of Aden area:

Schedule 1 (continued)

- (i) The Government of each Party the coastline of which borders on the special areas undertakes to ensure that as soon as possible all oil loading terminals and repair ports within these special areas are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from tankers. In addition all ports within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.
- (ii) The Government of each Party having under its jurisdiction entrances to seawater courses with low depth contour which might require a reduction of draught by the discharge of ballast shall undertake to ensure the provision of the facilities referred to in subparagraph (b)(i) of this paragraph but with the proviso that ships required to discharge slops or dirty ballast could be subject to some delay.
- (iii) Each Party concerned shall notify the Organization of the measures taken pursuant to provisions of subparagraph (b)(i) and (ii) of this paragraph. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.
- (iv) During the period between the entry into force of the present Convention and the date so established, ships while navigating in the special area shall comply with the requirements of regulation 9 of this Annex.
- (v) After such date oil tankers loading in ports in these special areas where such facilities are not yet available shall also fully comply with the requirements of this regulation. However, oil tankers entering these special areas for the purpose of loading shall make every effort to enter the area with only clean ballast on board.

Schedule 1 (continued)

- (vi) After the date on which the requirements for the special area in question take effect, each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities are alleged to be inadequate.
- (vii) At least the reception facilities as prescribed in regulation 12 of this Annex shall be provided by 1 January 1977 or one year after the date of entry into force of the present Convention, whichever occurs later.

(8) Notwithstanding paragraph (7) of this regulation, the following rules apply to the Antarctic area:

- (a) The Government of each Party to the Convention at whose ports ships depart *en route* to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all sludge, dirty ballast, tank washing water, and other oily residues and mixtures from all ships, without causing undue delay, and according to the needs of the ships using them.
- (b) The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, are fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area and have concluded arrangements to discharge such oily residues at a reception facility after leaving the area.

Regulation 11

Exceptions

Regulations 9 and 10 of this Annex shall not apply to:

- (a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:
 - (i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the

Schedule 1 (continued)

discharge for the purpose of preventing or minimizing the discharge; and

- (ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Regulation 12

Reception facilities

(1) Subject to the provisions of regulation 10 of this Annex, the Government of each Party undertakes to ensure the provision at oil loading terminals, repair ports, and in other ports in which ships have oily residues to discharge, of facilities for the reception of such residues and oily mixtures as remain from oil tankers and other ships adequate to meet the needs of the ships using them without causing undue delay to ships.

(2) Reception facilities in accordance with paragraph (1) of this regulation shall be provided in:

- (a) all ports and terminals in which crude oil is loaded into oil tankers where such tankers have immediately prior to arrival completed a ballast voyage of not more than 72 hours or not more than 1,200 nautical miles;
- (b) all ports and terminals in which oil other than crude oil in bulk is loaded at an average quantity of more than 1,000 metric tons per day;
- (c) all ports having ship repair yards or tank cleaning facilities;
- (d) all ports and terminals which handle ships provided with the sludge tank(s) required by regulation 17 of this Annex;

Schedule 1 (continued)

- (e) all ports in respect of oily bilge waters and other residues, which cannot be discharged in accordance with regulation 9 of this Annex; and
 - (f) all loading ports for bulk cargoes in respect of oil residues from combination carriers which cannot be discharged in accordance with regulation 9 of this Annex.
- (3) The capacity for the reception facilities shall be as follows:
- (a) Crude oil loading terminals shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of regulation 9(1)(a) of this Annex from all oil tankers on voyages as described in paragraph (2)(a) of this regulation.
 - (b) Loading ports and terminals referred to in paragraph (2)(b) of this regulation shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of regulation 9(1)(a) of this Annex from oil tankers which load oil other than crude oil in bulk.
 - (c) All ports having ship repair yards or tank cleaning facilities shall have sufficient reception facilities to receive all residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities.
 - (d) All facilities provided in ports and terminals under paragraph (2)(d) of this regulation shall be sufficient to receive all residues retained according to regulation 17 of this Annex from all ships that may reasonably be expected to call at such ports and terminals.
 - (e) All facilities provided in ports and terminals under this regulation shall be sufficient to receive oily bilge waters and other residues which cannot be discharged in accordance with regulation 9 of this Annex.
 - (f) The facilities provided in loading ports for bulk cargoes shall take into account the special problems of combination carriers as appropriate.
- (4) The reception facilities prescribed in paragraphs (2) and (3) of this regulation shall be made available no later than one year from the date of

Schedule 1 (continued)

entry into force of the present Convention or by 1 January 1977, whichever occurs later.

(5) Each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this regulation are alleged to be inadequate.

Regulation 13

Segregated ballast tanks, dedicated clean ballast tanks and crude oil washing

Subject to the provisions of regulations 13C and 13D of this Annex, oil tankers shall comply with the requirements of this regulation.

New oil tankers of 20,000 tons deadweight and above

(1) Every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with paragraphs (2), (3) and (4), or paragraph (5) as appropriate, of this regulation.

(2) The capacity of the segregated ballast tanks shall be so determined that the ship may operate safely on ballast voyages without recourse to the use of cargo tanks for water ballast except as provided for in paragraph (3) or (4) of this regulation. In all cases, however, the capacity of segregated ballast tanks shall be at least such that, in any ballast condition at any part of the voyage, including the conditions consisting of lightweight plus segregated ballast only, the ship's draughts and trim can meet each of the following requirements:

- (a) the moulded draught amidships (dm) in metres (without taking into account any ship's deformation) shall not be less than:

$$dm = 2.0 + 0.02L;$$

- (b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships (dm) as specified in subparagraph (a) of this paragraph, in association with the trim by the stern of not greater than $0.015L$; and
- (c) in any case the draught at the after perpendicular shall not be less than that which is necessary to obtain full immersion of the propeller(s).

Schedule 1 (continued)

(3) In no case shall ballast water be carried in cargo tanks, except:

- (a) on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship; and
- (b) in exceptional cases where the particular character of the operation of an oil tanker renders it necessary to carry ballast water in excess of the quantity required under paragraph (2) of this regulation, provided that such operation of the oil tanker falls under the category of exceptional cases as established by the Organization.

Such additional ballast water shall be processed and discharged in compliance with regulation 9 of this Annex and in accordance with the requirements of regulation 15 of this Annex and an entry shall be made in the Oil Record Book referred to in regulation 20 of this Annex.

(4) In the case of new crude oil tankers, the additional ballast permitted in paragraph (3) of this regulation shall be carried in cargo tanks only if such tanks have been crude oil washed in accordance with regulation 13B of this Annex before departure from an oil unloading port or terminal.

(5) Notwithstanding the provisions of paragraph (2) of this regulation, the segregated ballast conditions for oil tankers less than 150 metres in length shall be to the satisfaction of the Administration.

(6) Every new crude oil tanker of 20,000 tons deadweight and above shall be fitted with a cargo tank cleaning system using crude oil washing. The Administration shall undertake to ensure that the system fully complies with the requirements of regulation 13B of this Annex within one year after the tanker was first engaged in the trade of carrying crude oil or by the end of the third voyage carrying crude oil suitable for crude oil washing, whichever occurs later. Unless such oil tanker carries crude oil which is not suitable for crude oil washing, the oil tanker shall operate the system in accordance with the requirements of that regulation.

Existing crude oil tankers of 40,000 tons deadweight and above

(7) Subject to the provisions of paragraphs (8) and (9) of this regulation every existing crude oil tanker of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the

Schedule 1 (continued)

requirements of paragraphs (2) and (3) of this regulation from the date of entry into force of the present Convention.

(8) Existing crude oil tankers referred to in paragraph (7) of this regulation may, in lieu of being provided with segregated ballast tanks, operate with a cargo tank cleaning procedure using crude oil washing in accordance with regulation 13B of this Annex unless the crude oil tanker is intended to carry crude oil which is not suitable for crude oil washing.

(9) Existing crude oil tankers referred to in paragraph (7) or (8) of this regulation may, in lieu of being provided with segregated ballast tanks or operating with a cargo tank cleaning procedure using crude oil washing, operate with dedicated clean ballast tanks in accordance with the provisions of regulation 13A of this Annex for the following period:

- (a) for crude oil tankers of 70,000 tons deadweight and above, until two years after the date of entry into force of the present Convention; and
- (b) for crude oil tankers of 40,000 tons deadweight and above but below 70,000 tons deadweight, until four years after the date of entry into force of the present Convention.

Existing product carriers of 40,000 tons deadweight and above

(10) From the date of entry into force of the present Convention, every existing product carrier of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) and (3) of this regulation, or, alternatively, operate with dedicated clean ballast tanks in accordance with the provisions of regulation 13A of this Annex.

An oil tanker qualified as a segregated ballast oil tanker

(11) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraphs (1), (7) or (10) of this regulation may, however, be qualified as a segregated ballast tanker, provided that it complies with the requirements of paragraphs (2) and (3), or paragraph (5) as appropriate, of this regulation.

Regulation 13A

Requirements for oil tankers with dedicated clean ballast tanks

Schedule 1 (continued)

(1) An oil tanker operating with dedicated clean ballast tanks in accordance with the provisions of regulation 13(9) or (10) of this Annex, shall have adequate tank capacity, dedicated solely to the carriage of clean ballast as defined in regulation 1(16) of this Annex, to meet the requirements of regulation 13(2) and (3) of this Annex.

(2) The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements established by the Administration. Such requirements shall contain at least all the provisions of the Specifications for Oil Tankers with Dedicated Clean Ballast Tanks adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 14 and as may be revised by the Organization.⁶⁸

(3) An oil tanker operating with dedicated clean ballast tanks shall be equipped with an oil content meter, approved by the Administration on the basis of specifications recommended by the Organization,⁶⁹ to enable supervision of the oil content in ballast water being discharged. The oil content meter shall be installed no later than at the first scheduled shipyard visit of the tanker following the entry into force of the present Convention. Until such time as the oil content meter is installed, it shall immediately before discharge of ballast be established by examination of the ballast water from dedicated tanks that no contamination with oil has taken place.

(4) Every oil tanker operating with dedicated clean ballast tanks shall be provided with a Dedicated Clean Ballast Tank Operation Manual⁷⁰ detailing the system and specifying operational procedures. Such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the Specifications referred to in paragraph (2) of this regulation. If an alteration affecting the dedicated clean ballast tank system is made, the Operation Manual shall be revised accordingly.

Regulation 13B

68 Reference is made to the Revised Specifications for Oil Tankers with Dedicated Clean Ballast Tanks adopted by the Organization by resolution A.495(XII).

69 Reference is made to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.393(X).

70 See resolution A.495(XII) for the standard format of the Manual.

Schedule 1 (continued)

Requirements for crude oil washing

(1) Every crude oil washing system required to be provided in accordance with regulation 13(6) and (8) of this Annex shall comply with the requirements of this regulation.

(2) The crude oil washing installation and associated equipment and arrangements shall comply with the requirements established by the Administration. Such requirements shall contain at least all the provisions of the Specifications for the Design, Operation and Control of Crude Oil Washing Systems adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 15 and as may be revised by the Organization.⁷¹

(3) An inert gas system shall be provided in every cargo tank and slop tank in accordance with the appropriate regulations of chapter II-2 of the International Convention for the Safety of Life at Sea, 1974, as modified and added to by the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 and as may be further amended.

(4) With respect to the ballasting of cargo tanks, sufficient cargo tanks shall be crude oil washed prior to each ballast voyage in order that, taking into account the tanker's trading pattern and expected weather conditions, ballast water is put only into cargo tanks which have been crude oil washed.

(5) Every oil tanker operating with crude oil washing systems shall be provided with an Operations and Equipment Manual⁷² detailing the system and equipment and specifying operational procedures. Such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the Specifications referred to in paragraph (2) of this regulation. If an alteration affecting the crude oil washing system is made, the Operations and Equipment Manual shall be revised accordingly.

71 Reference is made to Revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems adopted by the Organization by resolution A.446(XI) and amended by the Organization by resolution A.496(XII).

72 Reference is made to the Standard Format of the Crude Oil Washing Operation and Equipment Manual adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.3(XII).

Schedule 1 (continued)

Regulation 13C

Existing tankers engaged in specific trades

(1) Subject to the provisions of paragraph (2) of this regulation, regulation 13(7) to (10) of this Annex shall not apply to an existing oil tanker solely engaged in specific trades between:

- (a) ports or terminals within a State Party to the present Convention;
or
- (b) ports or terminals of States Parties to the present Convention, where:
 - (i) the voyage is entirely within a special area as defined in regulation 10(1) of this Annex; or
 - (ii) the voyage is entirely within other limits designated by the Organization.

(2) The provisions of paragraph (1) of this regulation shall only apply when the ports or terminals where cargo is loaded on such voyages are provided with reception facilities adequate for the reception and treatment of all the ballast and tank washing water from oil tankers using them and all the following conditions are complied with:

- (a) subject to the exceptions provided for in regulation 11 of this Annex, all ballast water, including clean ballast water, and tank washing residues are retained on board and transferred to the reception facilities and the appropriate entry in the Oil Record Book referred to in regulation 20 of this Annex is endorsed by the competent port State authority;
- (b) agreement has been reached between the Administration and the Governments of the port States referred to in subparagraph (1)(a) or (b) of this regulation concerning the use of an existing oil tanker for a specific trade;
- (c) the adequacy of the reception facilities in accordance with the relevant provisions of this Annex at the ports or terminals referred to above, for the purpose of this regulation, is approved by the Governments of the States Parties to the present Convention within which such ports or terminals are situated; and

Schedule 1 (continued)

- (d) the International Oil Pollution Prevention Certificate is endorsed to the effect that the oil tanker is solely engaged in such specific trade.

Regulation 13D

Existing oil tankers having special ballast arrangements

(1) Where an existing oil tanker is so constructed or operates in such a manner that it complies at all times with the draught and trim requirements set out in regulation 13(2) of this Annex without recourse to the use of ballast water, it shall be deemed to comply with the segregated ballast tank requirements referred to in regulation 13(7) of this Annex, provided that all of the following conditions are complied with:

- (a) operational procedures and ballast arrangements are approved by the Administration;
- (b) agreement is reached between the Administration and the Governments of the port States Parties to the present Convention concerned when the draught and trim requirements are achieved through an operational procedure; and
- (c) the International Oil Pollution Prevention Certificate is endorsed to the effect that the oil tanker is operating with special ballast arrangements.

(2) In no case shall ballast water be carried in oil tanks except on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship. Such additional ballast water shall be processed and discharged in compliance with regulation 9 of this Annex and in accordance with the requirements of regulation 15 of this Annex, and entry shall be made in the Oil Record Book referred to in regulation 20 of this Annex.

(3) An Administration which has endorsed a Certificate in accordance with subparagraph (1)(c) of this regulation shall communicate to the Organization the particulars thereof for circulation to the Parties to the present Convention.

Schedule 1 (continued)

Regulation 13E

Protective location of segregated ballast spaces

(1) In every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above, the segregated ballast tanks required to provide the capacity to comply with the requirements of regulation 13 of this Annex which are located within the cargo tank length, shall be arranged in accordance with the requirements of paragraphs (2), (3) and (4) of this regulation to provide a measure of protection against oil outflow in the event of grounding or collision.

(2) Segregated ballast tanks and spaces other than oil tanks within the cargo tank length (L_t) shall be so arranged as to comply with the following requirement:

$$\Sigma PA_c + \Sigma PA_s \geq J[L_t(B + 2D)]$$

where: PA_c = the side shell area in square metres for each segregated ballast tank or space other than an oil tank based on projected moulded dimensions,

PA_s = the bottom shell area in square metres for each such tank or space based on projected moulded dimensions,

L_t = length in metres between the forward and after extremities of the cargo tanks,

B = maximum breadth of the ship in metres as defined in regulation 1(21) of this Annex,

D = moulded depth in metres measured vertically from the top of the keel to the top of the freeboard deck beam at side amidships. In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design,

J = 0.45 for oil tankers of 20,000 tons deadweight, 0.30 for oil tankers of 200,000 tons deadweight and above, subject to the provisions of paragraph (3) of this regulation.

For intermediate values of deadweight the value of J shall be determined by linear interpolation.

Schedule 1 (continued)

Whenever symbols given in this paragraph appear in this regulation, they have the meaning as defined in this paragraph.

(3) For tankers of 200,000 tons deadweight and above the value of J may be reduced as follows:

$$J \text{ reduced} = \left[J - \left(a - \frac{O_c + O_s}{4O_A} \right) \right] \text{ or } 0.2 \text{ whichever is the greater}$$

where: a = 0.25 for oil tankers of 200,000 tons deadweight,

a = 0.40 for oil tankers of 300,000 tons deadweight,

a = 0.50 for oil tankers of 420,000 tons deadweight and above.

For intermediate values of deadweight the value of a shall be determined by linear interpolation.

O_c = as defined in regulation 23(1)(a) of this Annex,

O_s = as defined in regulation 23(1)(b) of this Annex,

O_A = the allowable oil outflow as required by regulation 24(2) of this Annex.

(4) In the determination of PA_c and PA_s for segregated ballast tanks and spaces other than oil tanks the following shall apply:

- (a) the minimum width of each wing tank or space either of which extends for the full depth of the ship's side or from the deck to the top of the double bottom shall be not less than 2 metres. The width shall be measured inboard from the ship's side at right angles to the centreline. Where a lesser width is provided the wing tank or space shall not be taken into account when calculating the protecting area PA_c ; and
- (b) the minimum vertical depth of each double bottom tank or space shall be $B/15$ or 2 metres, whichever is the lesser. Where a lesser depth is provided the bottom tank or space shall not be taken into account when calculating the protecting area PA_s .

The minimum width and depth of wing tanks and double bottom tanks shall be measured clear of the bilge area and, in the case of minimum width, shall be measured clear of any rounded gunwale area.

Schedule 1 (continued)

Regulation 13F

Prevention of oil pollution in the event of collision or stranding

(1) This regulation shall apply to oil tankers of 600 tons deadweight and above:

- (a) for which the building contract is placed on or after 6 July 1993, or
- (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 6 January 1994, or
- (c) the delivery of which is made on or after 6 July 1996, or
- (d) which have undergone major conversion:
 - (i) for which the contract is placed after 6 July 1993; or
 - (ii) in the absence of a contract, the construction work of which is begun after 6 January 1994; or
 - (iii) is completed after 6 July 1996.

(2) Every oil tanker of 5,000 tons deadweight and above shall:

- (a) in lieu of regulation 13E, as applicable, comply with the requirements of paragraph (3) unless it is subject to the provisions of paragraphs (4) and (5); and
- (b) comply, if applicable, with the requirements of paragraph (6).

(3) The entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel oil tanks as follows:

- (a) *Wing tanks or spaces*

Wings tanks or spaces shall extend either for the full depth of the ship's side or from the top of the double bottom to the uppermost deck, disregarding a rounded gunwhale where fitted. They shall be arranged such that the cargo tanks are located inboard of the moulded line of the side shell plating, nowhere less than the distance w which, as shown in figure 1, is measured at any cross-section at right angles to the side shell, as specified below:

$$w = 0.5 + \frac{DW}{20,000}(m)$$

Schedule 1 (continued)

$w = 2.0$ m, whichever is the lesser.

The minimum value of $w = 1.0$ m.

(b) *Double bottom tanks or spaces*

At any cross-section the depth of each double bottom tank or space shall be such that the distance h between the bottom of the cargo tanks and the moulded line of the bottom shell plating as shown in figure 1 is not less than specified below:

$h = B/15$ (m) or

$h = 2.0$ m, whichever is the lesser.

The minimum value of $h = 1.0$ m.

(c) *Turn of the bilge area or at locations without a clearly defined turn of the bilge*

When the distances h and w are different, the distance w shall have preference at levels exceeding $1.5h$ above the baseline as shown in figure 1.

(d) *The aggregate capacity of ballast tanks*

On crude oil tankers of 20,000 tons deadweight and above and product carriers of 30,000 tons deadweight and above, the aggregate capacity of wing tanks, double bottom tanks, forepeak tanks and afterpeak tanks shall not be less than the capacity of segregated ballast tanks necessary to meet the requirements of regulation 13. Wing tanks or spaces and double bottom tanks used to meet the requirements of regulation 13 shall be located as uniformly as practicable along the cargo tank length. Additional segregated ballast capacity provided for reducing longitudinal hull girder bending stress, trim, etc., may be located anywhere within the ship.

(e) *Suction wells in cargo tanks*

Suction wells in cargo tanks may protrude into the double bottom below the boundary line defined by the distance h provided that such wells are as small as practicable and the distance between the well bottom and bottom shell plating is not less than $0.5h$.

Schedule 1 (continued)

(f) *Ballast and cargo piping*

Ballast piping and other piping such as sounding and vent piping to ballast tanks shall not pass through cargo tanks. Cargo piping and similar piping to cargo tanks shall not pass through ballast tanks. Exemptions to this requirement may be granted for short lengths of piping, provided they are completely welded or equivalent.

- (4) (a) Double bottom tanks or spaces as required by paragraph (3)(b) may be dispensed with, provided that the design of the tanker is such that the cargo and vapour pressure exerted on the bottom shell plating forming a single boundary between the cargo and the sea does not exceed the external hydrostatic water pressure, as expressed by the following formula:

$$f \times h_c \times p_c \times g + 100\Delta p \leq d_n \times p_s \times g$$

where:

h_c = height of cargo in contact with the bottom shell plating in metres

p_c = maximum cargo density in t/m³

d_n = minimum operating draught under any expected loading condition in metres

p_s = density of seawater in t/m³

Δp = maximum set pressure of pressure/vacuum value provided for the cargo tank in bars

f = safety factor = 1.1

g = standard acceleration of gravity (9.81 m/s²).

- (b) Any horizontal partition necessary to fulfil the above requirements shall be located at a height of not less than $B/6$ or 6 m, whichever is the lesser, but not more than $0.6D$, above the baseline where D is the moulded depth amidships.
- (c) The location of wing tanks or spaces shall be as defined in paragraph (3)(a) except that, below a level $1.5h$ above the baseline where h is defined in paragraph (3)(b), the cargo tank boundary line may be vertical down to the bottom plating, as shown in figure 2.

Schedule 1 (continued)

(5) Other methods of design and construction of oil tankers may also be accepted as alternatives to the requirements prescribed in paragraph (3), provided that such methods ensure at least the same level of protection against oil pollution in the event of a collision or stranding and are approved in principle by the Marine Environment Protection Committee based on guidelines developed by the Organization.

(6) For oil tankers of 20,000 tons deadweight and above the damage assumptions prescribed in regulation 25(2)(b) shall be supplemented by the following assumed bottom raking damage:

- (a) longitudinal extent:
 - (i) ships of 75,000 tons deadweight and above:
 - 0.6*L* measured from the forward perpendicular;
 - (ii) ships of less than 75,000 tons deadweight:
 - 0.4*L* measured from the forward perpendicular;
- (b) traverse extent: *B*/3 anywhere in the bottom;
- (c) vertical extent: breach of the outer hull.

(7) Oil tankers of less than 5,000 tons deadweight shall:

- (a) at least be fitted with double bottom tanks or spaces having such a depth that the distance *h* specified in paragraph (3)(b) complies with the following:

$$h = B/15 \text{ (m)}$$

with a minimum value of $h = 0.76 \text{ m}$;

in the turn of the bilge area and at locations without a clearly defined turn of the bilge, the cargo tank boundary line shall run parallel to the line of the midship flat bottom as shown in figure 3; and

- (b) be provided with cargo tanks so arranged that the capacity of each cargo tank does not exceed 700 m³ unless wing tanks or spaces are arranged in accordance with paragraph (3)(a) complying with the following:

$$w = 0.4 + \frac{2.4DW}{20,000} \text{ (m)}$$

Schedule 1 (continued)

with a minimum value of $w = 0.76$ m.

(8) Oil shall not be carried in any space extending forward of a collision bulkhead located in accordance with regulation II-1/11 of the International Convention for the Safety of Life at Sea, 1974, as amended. An oil tanker that is not required to have a collision bulkhead in accordance with that regulation shall not carry oil in any space extending forward of the transverse plane perpendicular to the centreline that is located as if it were a collision bulkhead located in accordance with that regulation.

(9) In approving the design and construction of oil tankers to be built in accordance with the provisions of this regulation, Administrations shall have due regard to the general safety aspects including the need for the maintenance and inspections of wing and double bottom tanks or spaces.

Schedule 1 (continued)

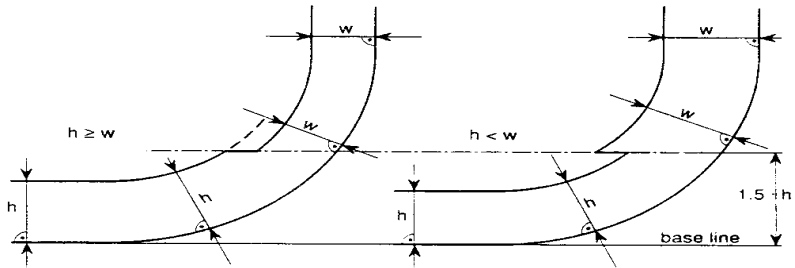


Figure 1 – Cargo tank boundary lines for the purpose of paragraph (3)

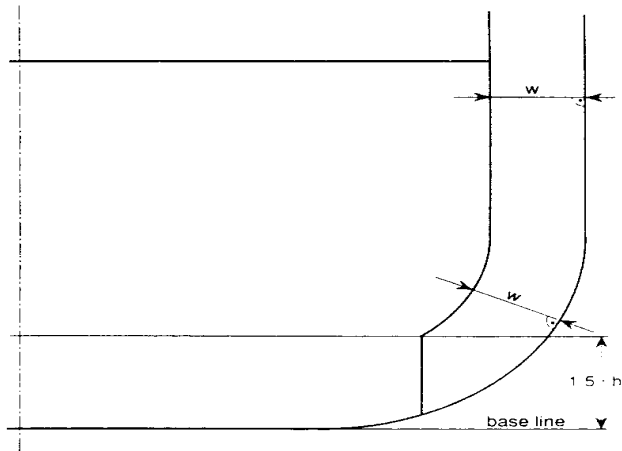


Figure 2 – Cargo tank boundary lines for the purpose of paragraph (4)

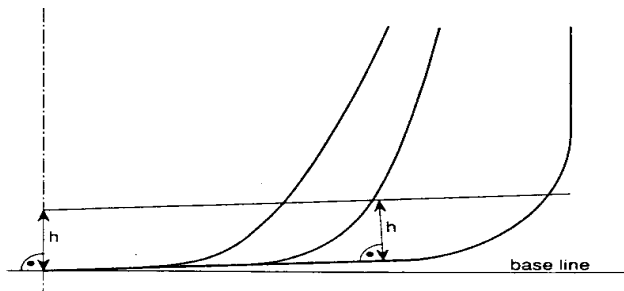


Figure 3 – Cargo tank boundary lines for the purpose of paragraph (7)

Schedule 1 (continued)

Regulation 13G

Prevention of oil pollution in the event of collision or stranding

(1) This regulation shall:

- (a) apply to crude oil tankers of 20,000 deadweight and above and to product carriers of 30,000 tons deadweight and above, which are contracted, the keels of which are laid, or which are delivered before the dates specified in regulation 13F(1) of this annex; and
- (b) not apply to oil tankers complying with regulation 13F of this annex, which are contracted, the keels of which are laid, or are delivered before the dates specified in regulation 13F(1) of this annex; and
- (c) not apply to oil tankers covered by subparagraph (a) above which comply with regulation 13F(3)(a) and (b) or 13F(4) or 13F(5) of this annex, 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 the event, the side protection shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection shall comply with regulation 13E(4)(b) of this annex.

(2) The requirements of this regulation shall take effect as from 6 July 1995.

- (3) (a) An oil tanker to which this regulation applies shall be subject to an enhanced programme of inspections during periodical, intermediate and annual surveys, the scope and frequency of which shall at least comply with the guidelines developed by the Organization.
- (b) An oil tanker over five years of age to which this regulation applies shall have on board, available to the competent authority of any Government of a State Party to the present Convention, a complete file of the survey reports, including the results of all scantling measurement required, as well as the statement of structural work carried out.

Schedule 1 (continued)

(c) This file shall be accompanied by a condition evaluation report, containing conclusions on the structural condition of the ship and its residual scantlings, endorsed to indicate that it has been accepted by or on behalf of the flag Administration. This file and condition evaluation report shall be prepared in a standard format as contained in the guidelines developed by the Organization.

(4) An oil tanker not meeting the requirements of a new oil tanker as defined in regulation 1(26) of this annex shall comply with the requirements of regulation 13F of this annex not later than 25 years after its date of delivery, unless 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), in which case compliance with regulation 13F is required not later than 30 years after its date of delivery.

(5) An oil tanker meeting the requirements of a new oil tanker as defined in regulation 1(26) of this annex shall comply with the requirements of regulation 13F of this annex not later than 30 years after its date of delivery.

(6) Any new ballast and load conditions resulting from the application of paragraph (4) of this regulation shall be subject to approval of the Administration which shall have regard, in particular, to longitudinal and local strength, intact stability and, if applicable, damage stability.

(7) Other structural or operational arrangements such as hydrostatically balanced loading may be accepted as alternatives to the requirements prescribed in paragraph (4), provided that such alternatives ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved by the Administration based on guidelines developed by the Organization.

Regulation 14

Segregation of oil and water ballast and carriage of oil in forepeak tanks

(1) Except as provided in paragraph (2) of this regulation, in new ships of 4,000 tons gross tonnage and above other than oil tankers, and in new oil

Schedule 1 (continued)

tankers of 150 tons gross tonnage and above, no ballast water shall be carried in any oil fuel tank.

(2) Where abnormal conditions or the need to carry large quantities of oil fuel render it necessary to carry ballast water which is not a clean ballast in any oil fuel tank, such ballast water shall be discharged to reception facilities or into the sea in compliance with regulation 9 using the equipment specified in regulation 16(2) of this Annex, and an entry shall be made in the Oil Record Book to this effect.

(3) All other ships shall comply with the requirements of paragraph (1) of this Regulation as far as is reasonable and practicable.

(4) In a ship of 400 tons gross tonnage and above, for which the building contract is placed after 1 January 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1 July 1982, oil shall not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(5) All ships other than those subject to paragraph (4) of this regulation shall comply with the provisions of that paragraph, as far as is reasonable and practicable.

Regulation 15

Retention of oil on board

(1) Subject to the provisions of paragraphs (5) and (6) of this regulation, oil tankers of 150 tons gross tonnage and above shall be provided with arrangements in accordance with the requirements of paragraphs (2) and (3) of this regulation, provided that in the case of existing tankers the requirements for oil discharge monitoring and control systems and slop tank arrangements shall apply three years after the date of entry into force of the present Convention.

(2)(a) Adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residue and tank washings from the cargo tanks into a slop tank approved by the Administration. In existing oil tankers, any cargo tank may be designated as a slop tank.

(b) In this system arrangements shall be provided to transfer the oily waste into a slop tank or combination of slop tanks in such a way

Schedule 1 (continued)

that any effluent discharged into the sea will be such as to comply with the provisions of regulation 9 of this Annex.

- (c) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slop generated by tank washings, oil residues and dirty ballast residues. The total capacity of the slop tank or tanks shall not be less than 3 per cent of the oil carrying capacity of the ship, except that the Administration may accept:
- (i) 2 per cent for such oil tankers where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system;
 - (ii) 2 per cent where segregated ballast tanks or dedicated clean ballast tanks are provided in accordance with regulation 13 of this Annex, or where a cargo tank cleaning system using crude oil washing is fitted in accordance with regulation 13B of this Annex. This capacity may be further reduced to 1.5 per cent for such oil tankers where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system;
 - (iii) 1 per cent for combination carriers where oil cargo is only carried in tanks with smooth walls. This capacity may be further reduced to 0.8 per cent where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system.

New oil tankers of 70,000 tons deadweight and above shall be provided with at least two slop tanks.

- (d) Slop tanks shall be so designed particularly in respect of the position of inlets, outlets, baffles or weirs where fitted, so as to

Schedule 1 (continued)

avoid excessive turbulence and entrainment of oil or emulsion with the water.

- (3)(a) An oil discharge monitoring and control system approved by the Administration shall be fitted. In considering the design of the oil content meter to be incorporated in the system, the Administration shall have regard to the specification recommended by the Organization.⁷³ The system shall be fitted with a recording device to provide a continuous record of the discharge in litres per nautical mile and total quantity discharged, or the oil content and rate of discharge. This record shall be identifiable as to time and date and shall be kept for at least three years. The oil discharge monitor and control system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instantaneous rate of discharge of oil exceeds that permitted by regulation 9(1)(a) of this Annex. Any failure of this monitoring and control system shall stop the discharge and be noted in the Oil Record Book. A manually operated alternative method shall be provided and may be used in the event of such failure, but the defective unit shall be made operable as soon as possible.⁷⁴ The port State authority may allow the tanker with a defective unit to undertake one ballast voyage before proceeding to a repair port.** The oil discharge monitoring and control system shall be designed and installed in compliance with the Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers developed by the Organization.⁷⁵ Administrations may accept such specific arrangements as detailed in the Guidelines and Specifications.

73 Reference is made to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.393(X).

74 This amendment was adopted by the MEPC at its thirty-first session and will enter into force on 4 April 1993.

75 Reference is made to the Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers adopted by the Organization by resolution A.586(14).

Schedule 1 (continued)

- (b) Effective oil/water interface detectors approved by the Administration shall be provided for a rapid and accurate determination of the oil/water interface in slop tanks and shall be available for use in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent direct to the sea.
- (c) Instructions as to the operation of the system shall be in accordance with an operational manual approved by the Administration. They shall cover manual as well as automatic operations and shall be intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in regulation 9 of this Annex.⁷⁶

(4) The requirements of paragraphs (1), (2) and (3) of this regulation shall not apply to oil tankers of less than 150 tons gross tonnage, for which the control of discharge of oil under regulation 9 of this Annex shall be effected by the retention of oil on board with subsequent discharge of all contaminated washings to reception facilities. The total quantity of oil and water used for washing and returned to a storage tank shall be recorded in the Oil Record Book. This total quantity shall be discharged to reception facilities unless adequate arrangements are made to ensure that any effluent which is allowed to be discharged into the sea is effectively monitored to ensure that the provisions of regulation 9 of this Annex are complied with.

- (5)(a) The Administration may waive the requirements of paragraphs (1), (2) and (3) of this regulation for any oil tanker which engages exclusively on voyages both of 72 hours or less in duration and within 50 miles from the nearest land, provided that the oil tanker is engaged exclusively in trades between ports or terminals within a State Party to the present Convention. Any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determination by the Administration that facilities available to receive such oily mixtures are adequate.

⁷⁶ Reference is made to *Clean Seas Guide for Oil Tankers*, published by the International Chamber of Shipping and the Oil Companies International Marine Forum.

Schedule 1 (continued)

- (b) The Administration may waive the requirements of paragraph (3) of this regulation for oil tankers other than those referred to in subparagraph (a) of this paragraph in cases where:
- (i) the tanker is an existing oil tanker of 40,000 tons deadweight or above, as referred to in regulation 13C(1) of this Annex, engaged in specific trades, and the conditions specified in regulation 13C(2) are complied with; or
 - (ii) the tanker is engaged exclusively in one or more of the following categories of voyages:
 - (1) voyages within special areas; or
 - (2) voyages within 50 miles from the nearest land outside special areas where the tanker is engaged in:
 - (aa) trades between ports or terminals of a State Party to the present Convention; or
 - (bb) restricted voyages as determined by the Administration, and of 72 hours or less in duration;
- provided that all of the following conditions are complied with:
- (3) all oily mixtures are retained on board for subsequent discharge to reception facilities;
 - (4) for voyages specified in subparagraph (b)(ii)(2) of this paragraph, the Administration has determined that adequate reception facilities are available to receive such oily mixtures in those oil loading ports or terminals the tanker calls at;
 - (5) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages specified in subparagraphs (b)(ii)(1) and (b)(ii)(2)(bb) of this paragraph; and
 - (6) the quantity, time, and port of discharge are recorded in the Oil Record Book.

Schedule 1 (continued)

(6) Where in the view of the Organization equipment required by regulation 9(1)(a)(vi) of this Annex and specified in subparagraph (3)(a) of this regulation is not obtainable for the monitoring of discharge of light refined products (white oils), the Administration may waive compliance with such requirement, provided that discharge shall be permitted only in compliance with procedures established by the Organization which shall satisfy the conditions of regulation 9(1)(a) of this Annex except the obligation to have an oil discharge monitoring and control system in operation. The Organization shall review the availability of equipment at intervals not exceeding twelve months.

(7) The requirements of paragraphs (1), (2) and (3) of this regulation shall not apply to oil tankers carrying asphalt or other products subject to the provisions of this Annex, which through their physical properties inhibit effective product/water separation and monitoring, for which the control of discharge under regulation 9 of this Annex shall be effected by the retention of residues on board with discharge of all contaminated washings to reception facilities.

Regulation 16

Oil discharge monitoring and control system and oil filtering equipment

(1) Any ship of 400 tons gross tonnage and above but less than 10,000 tons gross tonnage shall be fitted with oil filtering equipment complying with paragraph (4) of this regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph (2) of this regulation or paragraph (1) of regulation 14.

(2) Any ship of 10,000 tons gross tonnage and above shall be provided with oil filtering equipment, and with arrangements for an alarm and for automatically stopping any discharge of oily mixture when the oil content in the effluent exceeds 15 parts per million.

(3)(a) The Administration may waive the requirements of paragraphs (1) and (2) of this regulation for any ship engaged exclusively on voyages within special areas provided that all of the following conditions are complied with:

- (i) the ship is fitted with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water;

Schedule 1 (continued)

- (ii) all oily bilge water is retained on board for subsequent discharge to reception facilities;
- (iii) the Administration has determined that adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at;
- (iv) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on the voyages within the special areas; and
- (v) the quantity, time, and port of discharge are recorded in the Oil Record Book.

- (b) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of regulation 9(1)(b) of this annex.

(4) Oil filtering equipment referred to in paragraph (1) of this regulation shall be of a design approved by the administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system has an oil content not exceeding 15 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.

(5) Oil filtering equipment referred to in paragraph (2) of this regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system or systems has an oil content not exceeding 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained. The system shall also be provided with arrangements such as will ensure that any discharge of oily mixtures is automatically stopped when the oil content of the effluent exceeds 15 parts per million. In considering the design of such equipment and arrangements, the Administration shall have regard to the specification recommended by the Organization.

(6) For ships delivered before 6 July 1993 the requirements of this regulation shall apply by 6 July 1998, provided that these ships can operate with oily-water separating equipment (100 ppm equipment).

Schedule 1 (continued)

Regulation 17

Tanks for oil residues (sludge)

(1) Every ship of 400 tons gross tonnage and above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oil residues (sludge) which cannot be dealt with otherwise in accordance with the requirements of this Annex, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces.

(2) In new ships, such tanks shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities. Existing ships shall comply with this requirement as far as is reasonable and practicable.

(3) Piping to and from sludge tanks shall have no direct connection overboard, other than the standard discharge connection referred to in regulation 19.⁷⁷

Regulation 18

Pumping, piping and discharge arrangements of oil tankers

(1) In every oil tanker, a discharge manifold for connection to reception facilities for the discharge of dirty ballast water or oil contaminated water shall be located on the open deck on both sides of the ship.

(2) In every oil tanker, pipelines for the discharge to the sea of ballast water or oil contaminated water from cargo tank areas which may be permitted under regulation 9 or regulation 10 of this Annex shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition. Different piping arrangements to permit operation in the manner permitted in subparagraphs (6)(a) to (e) of this regulation may be accepted.

(3) In new oil tankers means shall be provided for stopping the discharge into the sea of ballast water or oil contaminated water from cargo tank areas, other than those discharges below the waterline permitted under paragraph (6) of this regulation, from a position on the upper deck or above

⁷⁷ This amendment was adopted by the MEPC at its thirty-first session and will enter into force on 4 April 1993.

Schedule 1 (continued)

located so that the manifold in use referred to in paragraph (1) of this regulation and the discharge to the sea from the pipelines referred to in paragraph (2) of this regulation may be visually observed. Means for stopping the discharge need not be provided at the observation position if a positive communication system such as a telephone or radio system is provided between the observation position and the discharge control position.

(4) Every new oil tanker required to be provided with segregated ballast tanks or fitted with a crude oil washing system shall comply with the following requirements:

- (a) it shall be equipped with oil piping so designed and installed that oil retention in the lines is minimized; and
- (b) means shall be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary by connection to a stripping device. The line and pump drainings shall be capable of being discharged both ashore and to a cargo tank or a slop tank. For discharge ashore a special small diameter line shall be provided and shall be connected outboard of the ship's manifold valves.

(5) Every existing crude oil tanker required to be provided with segregated ballast tanks, or to be fitted with a crude oil washing system, or to operate with dedicated clean ballast tanks, shall comply with the provisions of paragraph (4)(b) of this regulation.

(6) On every oil tanker the discharge of ballast water or oil contaminated water from cargo tank areas shall take place above the waterline, except as follows:

- (a) Segregated ballast and clean ballast may be discharged below the waterline:
 - (i) in ports or at offshore terminals, or
 - (ii) at sea by gravity,provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.
- (b) Existing oil tankers which, without modification, are not capable of discharging segregated ballast above the waterline may

Schedule 1 (continued)

discharge segregated ballast below the waterline at sea, provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.

- (c) Existing oil tankers operating with dedicated clean ballast tanks, which without modification are not capable of discharging ballast water from dedicated clean ballast tanks above the waterline, may discharge this ballast below the waterline provided that the discharge of the ballast water is supervised in accordance with regulation 13A(3) of this Annex.
- (d) On every oil tanker at sea, dirty ballast water or oil contaminated water from tanks in the cargo area, other than slop tanks, may be discharged by gravity below the waterline, provided that sufficient time has elapsed in order to allow oil/water separation to have taken place and the ballast water has been examined immediately before the discharge with an oil/water interface detector referred to in regulation 15(3)(b) of this Annex, in order to ensure that the height of the interface is such that the discharge does not involve any increased risk of harm to the marine environment.
- (e) On existing oil tankers at sea, dirty ballast water or oil contaminated water from cargo tank areas may be discharged below the waterline, subsequent to or in lieu of the discharge by the method referred to in subparagraph (d) of this paragraph, provided that:
 - (i) a part of the flow of such water is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation; and
 - (ii) such part flow arrangements comply with the requirements established by the Administration, which shall contain at least all the provisions of the Specifications for the Design, Installation and Operation of a Part Flow System for Control of Overboard Discharges adopted by the Organization.

Schedule 1 (continued)

Regulation 19

Standard discharge connection

To enable pipes of reception facilities to be connected with the ship's discharge pipeline for residues from machinery bilges, 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	215 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	183 mm
Slots in flange	6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm
Flange thickness	20 mm
Bolts and nuts: quantity, diameter	6, each of 20 mm in diameter and of suitable length

The flange is designed to accept pipes up to a maximum internal diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oil-proof material, shall be suitable for a service pressure of 6 kg/cm².

Regulation 20

Oil Record Book

(1) Every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book Part I (Machinery Space Operations). Every oil tanker of 150 tons gross tonnage and above shall also be provided with an Oil Record Book Part II (Cargo/Ballast Operations). The Oil

Schedule 1 (continued)

Record Book(s), whether as a part of the ship's official log-book or otherwise, shall be in the Form(s) specified in appendix III to this Annex.

(2) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship:

- (a) for machinery space operations (all ships):
 - (i) ballasting or cleaning of oil fuel tanks;
 - (ii) discharge of dirty ballast or cleaning water from tanks referred to under (i) of the subparagraph;
 - (iii) disposal of oily residues (sludge);
 - (iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces;
- (b) for cargo/ballast operations (oil tankers):
 - (i) loading of oil cargo;
 - (ii) internal transfer of oil cargo during voyage;
 - (iii) unloading of oil cargo;
 - (iv) ballasting of cargo tanks and dedicated clean ballast tanks;
 - (v) cleaning of cargo tanks including crude oil washing;
 - (vi) discharge of ballast except from segregated ballast tanks;
 - (vii) discharge of water from slop tanks;
 - (viii) closing of all applicable valves or similar devices after slop tank discharge operations;
 - (ix) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;
 - (x) disposal of residues.

(3) In the event of such discharge of oil or oily mixture as is referred to in regulation 11 of this Annex or in the event of accidental or other exceptional discharge of oil not excepted by that regulation, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

Schedule 1 (continued)

(4) Each operation described in paragraph (2) of this regulation shall be fully recorded without delay in the Oil Record Book so that all entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of ship. The entries in the Oil Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, for ships holding an International Oil Pollution Prevention Certificate, in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

(5) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

(6) The competent authority of the Government of a Party to the Convention may inspect the Oil Record Book on board any ship to which this Annex applies while the ship is in its port or offshore terminals 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 entry. Any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of an Oil Record Book and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

(7) For oil tankers of less than 150 tons gross tonnage operating in accordance with regulation 15(4) of this Annex an appropriate Oil Record Book should be developed by the Administration.

Regulation 21

Special requirements for drilling rigs and other platforms

Fixed and floating drilling rigs when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall comply with the requirements of this Annex applicable to ships of 400 tons gross tonnage and above other than oil tankers, except that:

Schedule 1 (continued)

- (a) they shall be equipped as far as practicable with the installations required in regulations 16 and 17 of this Annex;
- (b) they shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Administration; and
- (c) subject to the provisions of regulation 11 of this Annex, the discharge into the sea of oil or oily mixture shall be prohibited except when the oil content of the discharge without dilution does not exceed 15 parts per million.

Schedule 1 (continued)

Chapter III

**Requirements for minimizing oil pollution from oil tankers
due to side and bottom damages**

Regulation 22

Damage assumptions

(1) For the purpose of calculating hypothetical oil outflow from oil tankers, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the ship are assumed as follows. In the case of bottom damages two conditions are set forth to be applied individually to the stated portions of the oil tanker.

(a) Side damage

- | | |
|--|---|
| (i) Longitudinal extent (l_c): | $\frac{1}{3}L^{2/3}$ or 14.5 metres,
whichever is less |
| (ii) Transverse extent (t_c) (inboard from the ship's side at right angles to the centreline at the level corresponding to the assigned summer freeboard): | $B/5$ or 11.5 metres,
whichever is less |
| (iii) Vertical extent (v_c): | From the base line upwards without limit |

(b) Bottom damage

- | | | |
|------------------------------------|--|--|
| | <i>For 0.3L from the forward perpendicular of the ship</i> | <i>Any other part of the ship</i> |
| (i) Longitudinal extent (l_s): | $L/10$ | $L/10$ or 5 metres,
whichever is less |

Schedule 1 (continued)

- (ii) Transverse extent $B/6$ or 10 metres, 5 metres
(t_s): whichever is less
but not less than 5
metres
- (iii) Vertical extent from $B/15$ or 6 metres,
the base line (v_s): whichever is less

(2) Wherever the symbols given in this regulation appear in this chapter, they have the meaning as defined in this regulation.

Regulation 23

Hypothetical outflow of oil

(1) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) shall be calculated by the following formulae with respect to compartments breached by damage to all conceivable locations along the length of the ship to the extent as defined in regulation 22 of this Annex.

- (a) For side damages:

$$O_c = \sum W_i + \sum K_i C_i \quad (\text{I})$$

- (b) For bottom damages:

$$O_s = 1/3 (\sum Z_i W_i + \sum Z_i C_i) \quad (\text{II})$$

where: W_i = volume of a wing tank in cubic metres assumed to be breached by the damage as specified in regulation 22 of this Annex; W_i for a segregated ballast tank may be taken equal to zero.

C_i = volume of a centre tank in cubic metres assumed to be breached by the damage as specified in regulation 22 of this Annex; C_i for a segregated ballast tank may be taken equal to zero.

Schedule 1 (continued)

$$K_i = 1 - \frac{b_i}{t_c}$$

when b_i is equal to or greater than t_c , K_i shall be taken equal to zero.

$$Z_i = 1 - \frac{h_i}{v_i}$$

when h_i is equal to or greater than v_i , Z_i shall be taken equal to zero.

b_i = width of wing tank in metres under consideration measured inboard from the ship's side at right angles to the centreline at the level corresponding to the assigned summer freeboard.

h_i = minimum depth of the double bottom in metres under consideration; where no double bottom is fitted h_i shall be taken equal to zero.

Whenever symbols given in this paragraph appear in this chapter, they have the meaning as defined in this regulation.

(2) If a void space or segregated ballast tank of a length less than l_c as defined in regulation 22 of this Annex is located between wing oil tanks, O_c in formula (I) may be calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity) adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - \frac{l_i}{l_c}$$

Schedule 1 (continued)

where l_i = length in metres of void space or segregated ballast tank under consideration.

- (3)(a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.
- (b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered non-existent and the volume of the tanks above the area of the bottom damage shall be included in formula (II) even if the tank is not considered breached because of the installation of such a partial double bottom.
- (c) Suction wells may be neglected in the determination of the value h_i provided such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, h_i shall be taken equal to the double bottom height minus the well height.

Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connection to the tank served to prevent oil outflow in the event of damage to the piping. Such piping shall be installed as high from the bottom shell as possible. These valves shall be kept closed at sea at any time when the tank contains oil cargo, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

(4) In the case where bottom damage simultaneously involves four centre tanks, the value of O_s may be calculated according to the formula

$$O_s = 1/4(\sum Z_i W_i + \sum Z_i C_i) \quad \text{(III)}$$

(5) An Administration may credit as reducing oil outflow in case of bottom damage, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation oil equal to one half of the largest of the breached tanks involved and by

Schedule 1 (continued)

availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of O_s according to formula (III). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the bottom damage v_s . The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other Parties to the Convention.

Regulation 24

Limitation of size and arrangement of cargo tanks

(1) Every new oil tanker shall comply with the provisions of this regulation. Every existing oil tanker shall be required, within two years after the date of entry into force of the present Convention, to comply with the provisions of this regulation if such a tanker falls into either of the following categories:

- (a) a tanker, the delivery of which is after 1 January 1977; or
- (b) a tanker to which both the following conditions apply:
 - (i) delivery is not later than 1 January 1977; and
 - (ii) the building contract is placed after 1 January 1974, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after 30 June 1974.

(2) Cargo tanks of oil tankers shall be of such size and arrangements that the hypothetical outflow O_c or O_s calculated in accordance with the provisions of regulation 23 of this Annex anywhere in the length of the ship does not exceed 30,000 cubic metres or $400 \sqrt[3]{DW}$, whichever is the greater, but subject to a maximum of 40,000 cubic metres.

(3) The volume of any one wing cargo oil tank of an oil tanker shall not exceed 75 per cent of the limits of the hypothetical oil outflow referred to in paragraph (2) of this regulation. The volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres. However, in segregated ballast oil tankers as defined in regulation 13 of this Annex, the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each

Schedule 1 (continued)

exceeding l_c in length, may be increased to the maximum limit of hypothetical oil outflow provided that the width of the wing tanks exceeds t_c .

(4) The length of each cargo tank shall not exceed 10m or one of the following values, whichever is the greater:

- (a) where no longitudinal bulkhead is provided inside the cargo tanks:

$$\left(0.5\frac{bi}{B} + 0.1\right)L$$

but not to exceed $0.2L$

- (b) where a centreline longitudinal bulkhead is provided inside the cargo tanks:

$$\left(0.25\frac{bi}{B} + 0.15\right)L$$

- (c) where two or more longitudinal bulkheads are provided inside the cargo tanks:

(i) for wing cargo tanks: $0.2L$

(ii) for centre cargo tanks:

(1) if $\frac{bi}{B}$ is equal to or greater than one fifth: $0.2L$

(2) if $\frac{bi}{B}$ is less than one fifth:

– where no centreline longitudinal bulkhead is provided:

$$\left(0.5\frac{bi}{B} + 0.1\right)L$$

– where a centreline longitudinal bulkhead is provided:

Schedule 1 (continued)

$$\left(0.25\frac{bi}{B} + 0.15\right)L$$

- (d) bi is the minimum distance from the ship's side to the outer longitudinal bulkhead of the tank in question measured inboard at right angles to the centreline at the level corresponding to the assigned summer freeboard.

(5) In order not to exceed the volume limits established by paragraphs (2), (3) and (4) of this regulation and irrespective of the accepted type of cargo transfer system installed, when such system interconnects two or more cargo tanks, valves or other similar closing devices shall be provided for separating the tanks from each other. These valves or devices shall be closed when the tanker is at sea.

(6) Lines of piping which run through cargo tanks in a position less than t_c from the ship's side or less than v_c from the ship's bottom shall be fitted with valves or similar closing devices at the point at which they open into any cargo tank. These valves shall be kept closed at sea at any time when the tanks contain cargo oil, except that they may be opened only for cargo transfer needed for the purpose of trimming of the ship.

Regulation 25

Subdivision and stability

(1) Every new oil tanker shall comply with the subdivision and damage stability criteria as specified in paragraph (3) of this regulation, after the assumed side or bottom damage as specified in paragraph (2) of this regulation, for any operating draught reflecting actual partial or full load conditions consistent with trim and strength of the ship as well as specific gravities of the cargo. Such damage shall be applied to all conceivable locations along the length of the ship as follows:

- (a) in tankers of more than 225 metres in length, anywhere in the ship's length;
- (b) in tankers of more than 150 metres, but not exceeding 225 metres in length, anywhere in the ship's length except involving either after or forward bulkhead bounding the machinery space located

Schedule 1 (continued)

aft. The machinery space shall be treated as a single floodable compartment; and

- (c) in tankers not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space. For tankers of 100 metres or less in length where all requirements of paragraph (3) of this regulation cannot be fulfilled without materially impairing the operational qualities of the ship, Administrations may allow relaxations from these requirements.

Ballast conditions where the tanker is not carrying oil in cargo tanks, excluding any oil residues, shall not be considered.

(2) The following provisions regarding the extent and the character of the assumed damage shall apply:

(a) Side damage

- | | |
|---|--|
| (i) Longitudinal extent: | $\frac{1}{3}(L^{2/3})$ or 14.5 metres,
whichever is less |
| (ii) Transverse extent (inboard from the ship's side at right angles to the centreline at the level of the summer load line): | $B/5$ or 11.5 metres,
whichever is less |
| (iii) Vertical extent: | From the moulded line of the bottom shell plating at centreline, upwards without limit |

(b) Bottom damage

For 0.3L from the forward perpendicular of the ship *Any other part of the ship*

Schedule 1 (continued)

- | | | | |
|-------|----------------------|---|---|
| (i) | Longitudinal extent: | $\frac{1}{3}(L^{2/3})$ or 14.5 metres, whichever is less | $\frac{1}{3}(L^{2/3})$ or 5 metres, whichever is less |
| (ii) | Transverse extent | $B/6$ or 10 metres, whichever is less | $B/6$ or 5 metres, whichever is less |
| (iii) | Vertical extent: | $B/15$ or 6 metres, whichever is less, measured from the moulded line of the bottom shell plating at centreline | $B/15$ or 6 metres, whichever is less, measured from the moulded line of the bottom shell plating at centreline |
- (c) If any damage of a lesser extent than the maximum extent of damage specified in subparagraphs (a) and (b) of this paragraph would result in a more severe condition, such damage shall be considered.
- (d) Where the damage involving transverse bulkheads is envisaged as specified in subparagraphs (1)(a) and (b) of this regulation, transverse watertight bulkheads shall be spaced at least at a distance equal to the longitudinal extent of assumed damage specified in subparagraph (a) of this paragraph in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage shall be assumed as non-existent for the purpose of determining flooded compartments.
- (e) Where the damage between adjacent transverse watertight bulkheads is envisaged as specified in subparagraph (1)(c) of this regulation, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks shall be assumed damaged, unless:
- (i) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage specified in subparagraph (a) of this paragraph; or
 - (ii) there is a step or recess in a transverse bulkhead of more than 3.05 metres in length, located within the extent of

Schedule 1 (continued)

penetration of assumed damage. The step formed by the after peak bulkhead and after peak tank top shall not be regarded as a step for the purpose of this regulation.

- (f) If pipes, ducts or tunnels are situated within the assumed extent of damage, arrangements shall be made so that progressive flooding cannot thereby extend to compartments other than those assumed to be floodable for each case of damage.

(3) Oil tankers shall be regarded as complying with the damage stability criteria if the following requirements are met:

- (a) The final waterline, taking into account sinkage, heel and trim, shall be below the lower edge of any opening through which progressive flooding may take place. Such openings shall include air-pipes and those which are closed by means of weathertight doors or hatch covers and may exclude those openings closed by means of watertight manhole covers and flush scuttles, small watertight cargo tank hatch covers which maintain the high integrity of the deck, remotely operated watertight sliding doors, and sidescuttles of the non-opening type.
- (b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding shall not exceed 25 degrees, provided that this angle may be increased up to 30 degrees if no deck edge immersion occurs.
- (c) The stability in the final stage of flooding shall be investigated and may be regarded as sufficient if the righting lever curve has at least a range of 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 metre within the 20 degrees range; the area under the curve within this range shall not be less than 0.0175 metre radians. Unprotected openings shall not be immersed within this range unless the space concerned is assumed to be flooded. Within this range, the immersion of any of the openings listed in subparagraph (a) of this paragraph and other openings capable of being closed weathertight may be permitted.
- (d) The Administration shall be satisfied that the stability is sufficient during intermediate stages of flooding.

Schedule 1 (continued)

- (e) Equalization arrangements requiring mechanical aids such as valves or cross-levelling pipes, if fitted, shall not be considered for the purpose of reducing an angle of heel or attaining the minimum range of residual stability to meet the requirements of subparagraphs (a), (b) and (c) of this paragraph and sufficient residual stability shall be maintained during all stages where equalization is used. Spaces which are linked by ducts of a large cross-sectional area may be considered to be common.

(4) The requirements of paragraph (1) of this regulation shall be confirmed by calculations which take into consideration the design characteristics of the ship, the arrangements, configuration and contents of the damaged compartments; and the distribution, specific gravities and the free surface effect of liquids. The calculations shall be based on the following:

- (a) Account shall be taken of any empty or partially filled tank, the specific gravity of cargoes carried, as well as any outflow of liquids from damaged compartments.
- (b) The permeabilities assumed for spaces flooded as a result of damage shall be as follows:

<i>Spaces</i>	<i>Permeabilities</i>
Appropriated to stores	0.60
Occupied by accommodation	0.95
Occupied by machinery	0.85
Voids	0.95
Intended for consumable liquids	0 to 0.95 ⁷⁸
Intended for other liquids	0 to 0.95*

- (c) The buoyancy of any superstructure directly above the side damage shall be disregarded. The unflooded parts of

⁷⁸ The permeability of partially filled compartments shall be consistent with the amount of liquid carried in the compartment. Whenever damage penetrates a tank containing liquids, it shall be assumed that the contents are completely lost from that compartment and replaced by salt water up to the level of the final plane of equilibrium.

Schedule 1 (continued)

superstructures beyond the extent of damage, however, may be taken into consideration provided that they are separated from the damaged space by watertight bulkheads and the requirements of subparagraph (3)(a) of this regulation in respect of these intact spaces are complied with. Hinged watertight doors may be acceptable in watertight bulkheads in the superstructure.

- (d) The free surface effect shall be calculated at an angle of heel of 5 degrees for each individual compartment. The Administration may require or allow the free surface corrections to be calculated at an angle of heel greater than 5 degrees for partially filled tanks.
- (e) In calculating the effect of free surfaces of consumable liquids it shall be assumed that, for each type of liquid at least one transverse pair or a single centreline tank has a free surface and the tank or combination of tanks to be taken into account shall be those where the effect of free surfaces is the greatest.

(5) The master of every new oil tanker and the person in charge of a new non-self-propelled oil tanker to which this Annex applies shall be supplied in an approved form with:

- (a) information relative to loading and distribution of cargo necessary to ensure compliance with the provisions of this regulation; and
- (b) data on the ability of the ship to comply with damage stability criteria as determined by this regulation, including the effect of relaxations that may have been allowed under subparagraph (1)(c) of this regulation.

Schedule 1 (continued)

Chapter IV

**Prevention of pollution arising from an oil pollution
incident⁷⁹**

Regulation 26

Shipboard oil pollution emergency plan

(1) Every oil tanker of 150 tons gross tonnage and above and every ship other than an oil tanker of 400 tons gross tonnage and above shall carry on board a shipboard oil pollution emergency plan approved by the Administration. In the case of ships built before 4 April 1993 this requirement shall apply 24 months after that date.

(2) Such a plan shall be in accordance with guidelines⁸⁰ developed by the Organization and written in the working language of the master and officers. The plan shall consist at least of:

- (a) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident, as required in article 8 and Protocol I of the present Convention, based on the guidelines developed by the Organization;⁸¹
- (b) the list of authorities or persons to be contacted in the event of an oil pollution incident;
- (c) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and

79 This amendment was adopted by the MEPC at its thirty-first session and will enter into force on 4 April 1993.

80 Reference is made to "Guidelines for the development of shipboard oil pollution emergency plans" to be developed by the Organization.

81 Reference is made to General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants adopted by the Organization by resolution A.648(16).

Schedule 1 (continued)

- (d) the procedures and point of contact on the ship for co-ordinating shipboard action with national and local authorities in combating the pollution.

Schedule 1 (continued)

Appendices to Annex I of MARPOL 73/78

Appendix I

List of oils⁸²

Asphalt solutions

Blending stocks

Roofers flux

Straight run residue

Oils

Clarified

Crude oil

Mixtures containing crude oil

Diesel oil

Fuel oil no. 4

Fuel oil no. 5

Fuel oil no. 6

Residual fuel oil

Road oil

Transformer oil

Aromatic oil (excluding vegetable oil)

Lubricating oils and blending stocks

Mineral oil

Motor oil

Penetrating oil

Gasoline blending stocks

Alkylates – fuel

Reformats

Polymer – fuel

Gasolines

Casinghead (natural)

Automotive

Aviation

Straight run

Fuel oil no. 1 (kerosene)

Fuel oil no. 1-D

Fuel oil no. 2

Fuel oil no. 2-D

Jet fuels

JP-1 (kerosene)

JP-3

JP-4

JP-5 (kerosene, heavy)

⁸² This list of oils shall not necessarily be considered as comprehensive.

Schedule 1 (continued)

Spindle oil

Turbo fuel

Turbine oil

Kerosene

Mineral spirit

Distillates

Straight run

Flashed feed stocks

Naphtha

Solvent

Gas oil

Petroleum

Cracked

Heartcut distillate oil

Schedule 1 (continued)

Appendix II

Form of IOPP Certificate

**INTERNATIONAL OIL POLLUTION PREVENTION
CERTIFICATE**

(Note: This certificate shall be supplemented by a Record of Construction and Equipment)

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 (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)

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage

Type of ship:

Oil tanker^a

Ship other than an oil tanker with cargo tanks coming under regulation 2(2) of Annex I of the Convention^a

Ship other than any of the above^a

a Delete as appropriate.

Schedule 1 (continued)

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with regulation 4 of Annex I of the Convention; and
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This certificate is valid until
subject to surveys in accordance with regulation 4 of Annex I of the Convention.

Issued at
(Place of issue of certificate)

..... 19..
<i>(Date of issue)</i>	<i>(Signature of duly authorized official issuing the certificate)</i>

(Seal or stamp of the authority, as appropriate)

Schedule 1 (continued)

Appendix III**Form of Oil Record Book⁸³****OIL RECORD BOOK**

PART I — Machinery space operations

(All ships)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from:

to:

Note: Oil Record Book Part I shall be provided to every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above, other than oil tankers, to record relevant machinery space operations. For oil tankers, Oil Record Book Part II shall also be provided to record relevant cargo/ballast operations.

⁸³ The present Form of Oil Record Book (the second revision) was adopted by the MEPC at its twenty-first session and will enter into force on 4 April 1993.

Schedule 1 (continued)

Introduction

The following pages of this section show a comprehensive list of items of machinery space operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be signed by the master of the ship.

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

Schedule 1 (continued)

LIST OF ITEMS TO BE RECORDED

(A) Ballasting or cleaning of oil fuel tanks

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Cleaning process:
 - .1 position of ship and time at the start and completion of cleaning;
 - .2 identify tank(s) in which one or another method has been employed (rinsing through, steaming, cleaning with chemicals; type and quantity of chemicals used);
 - .3 identity of tank(s) into which cleaning water was transferred.
4. Ballasting:
 - .1 position of ship and time at start and end of ballasting;
 - .2 quantity of ballast if tanks are not cleaned;
 - .3 position of ship at start of cleaning;
 - .4 position of ship at start of ballasting.

(B) Discharge of dirty ballast or cleaning water from oil fuel tanks referred to under section (A)

5. Identity of tank(s).
6. Position of ship at start of discharge.
7. Position of ship on completion of discharge.
8. Ship's speed(s) during discharge.
9. Method of discharge:
 - .1 through 100 ppm equipment;
 - .2 through 15 ppm equipment;
 - .3 to reception facilities.
10. Quantity discharged.

Schedule 1 (continued)

(C) Collection and disposal of oil residues (sludge)

11. Collection of oil residues.

Quantities of oil residues (sludge) retained on board at the end of a voyage, but not more frequently than once a week. When ships are on short voyages, the quantity should be recorded weekly:⁸⁴

.1 separated sludge (sludge resulting from purification of fuel and lubricating oils) and other residues, if applicable:

- identity of tank(s)
- capacity of tank(s) m³
- total quantity of retention m³;

.2 other residues (such as oils residues resulting from drainages, leakages, exhausted oil, etc., in the machinery spaces), if applicable due to tank arrangement in addition to .1:

- identity of tank(s)
- capacity of tank(s) m³
- total quantity of retention m³.

12. Methods of disposal of residue.

State quantity of oil residues disposed of, the tank(s) emptied and the quantity of contents retained:

- .1 to reception facilities (identify port);⁸⁵
- .2 transferred to another (other) tank(s) (indicate tank(s) and the total content of tank(s));

84 Only in tanks listed in item 3 of Form A and B of the Supplement to IOPP Certificate.

85 Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

Schedule 1 (continued)

- .3 incinerated (indicate total time of operation);
- .4 other method (state which).

(D) Non-automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces

- 13. Quantity discharged or disposed of.
- 14. Time of discharge or disposal (start and stop).
- 15. Method of discharge or disposal:
 - .1 through 100 ppm equipment (state position at start and end);
 - .2 through 15 ppm equipment (state position at start and end);
 - .3 to reception facilities (identify port);⁸⁶
 - .4 transfer to slop tank or holding tank (indicate tank(s); state quantity transferred and the total quantity retained in tank(s)).

(E) Automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces

- 16. Time and position of ship at which the system has been put into automatic mode of operation for discharge overboard.
- 17. Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).
- 18. Time when the system has been put into manual operation.
- 19. Method of discharge overboard:
 - .1 through 100 ppm equipment;
 - .2 through 15 ppm equipment.

86 Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

Schedule 1 (continued)

(F) Condition of oil discharge monitoring and control system

20. Time of system failure.
21. Time when system has been made operational.
22. Reasons for failure.

(G) Accidental or other exceptional discharges of oil

23. Time of occurrence.
24. Place or position of ship at time of occurrence.
25. Approximate quantity and type of oil.
26. Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) Bunkering of fuel or bulk lubricating oil

27. Bunkering:
 - .1 Place of bunkering.
 - .2 Time of bunkering.
 - .3 Type and quantity of fuel oil and identity of tank(s) (state quantity added and total content of tank(s)).
 - .4 Type and quantity of lubricating oil and identity of tank(s) (state quantity added and total content of tank(s)).

(I) Additional operational procedures and general remarks

Schedule 1 (continued)

OIL RECORD BOOK⁸⁷

PART II - Cargo/ballast operations

(Oil tankers)

Name of ship:

Distinctive number
or letters:

Gross tonnage:

Period from: to:

⁸⁷ The present Form of Oil Record Book (the second revision) was adopted by the MEPC at its twenty-first session and will enter into force on 4 April 1993.

Schedule 1 (continued)

Note: Every oil tanker of 150 tons gross tonnage and above shall be provided with Oil Record Book Part II to record relevant cargo/ballast operations. Such a tanker shall also be provided with Oil Record Book Part I to record relevant machinery space operations.

Name of ship
Distinctive number
or letters

PLAN VIEW OF CARGO AND SLOP TANKS
(to be completed on board)

Schedule 1 (continued)

Introduction

The following pages of this section show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a code letter.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the office officers in charge. Each completed page shall be countersigned by the master of the ship. In respect of the oil tankers engaged in specific trades in accordance with regulation 13C of Annex I of MARPOL 73/78, appropriate entry in the Oil Record Book shall be endorsed by the competent port State authority.⁸⁸

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

⁸⁸ This sentence should only be inserted for the Oil Record Book of a tanker engaged in a specific trade.

Schedule 1 (continued)

LIST OF ITEMS TO BE RECORDED

(A) Loading of oil cargo

1. Place of loading.
2. Type of oil loaded and identity of tank(s).
3. Total quantity of oil loaded (state quantity added and the total content of tank(s)).

(B) Internal transfer of oil cargo during voyage

4. Identity of tank(s):
 - .1 from:
 - .2 to: (state quantity transferred and total quantity of tank(s))
5. Was (were) the tank(s) in 4.1 emptied? (If not, state quantity retained.)

(C) Unloading of oil cargo

6. Place of unloading.
7. Identity of tank(s) unloaded.
8. Was (were) the tank(s) emptied? (If not, state quantity retained.)

(D) Crude oil washing (COW tankers only)

(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out or ship's position if carried out between two discharge ports.
10. Identity of tank(s) washed.⁸⁹
11. Number of machines in use.
12. Time of start of washing.

⁸⁹ When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g. No. 2 centre, forward section.

Schedule 1 (continued)

13. Washing pattern employed.⁹⁰
14. Washing line pressure.
15. Time washing was completed or stopped.
16. State method of establishing that tank(s) was (were) dry.
17. Remarks.⁹¹

(E) Ballasting of cargo tanks

18. Position of ship at start and end of ballasting.
19. Ballasting process:
 - .1 identity of tank(s) ballasted;
 - .2 time of start and end;
 - .3 quantity of ballast received. Indicate total quantity of ballast for each tank involved in the operation.

(F) Ballasting of dedicated clean ballast tanks (CBT tankers only)

20. Identity of tank(s) ballasted.
21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s).
22. Position of ship when pump(s) and lines were flushed to slop tank.
23. Quantity of the oily water which, after line flushing, is transferred to the slop tank(s) or cargo tank(s) in which slop is preliminarily stored (identify tank(s)). State the total quantity.
24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).

90 In accordance with the Operations and Equipment Manual, enter whether single-stage or multi-stage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the programme.

91 If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.

Schedule 1 (continued)

25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.
26. Quantity of clean ballast taken on board.

(G) Cleaning of cargo tanks

27. Identity of tank(s) cleaned.
28. Port or ship's position.
29. Duration of cleaning.
30. Method of cleaning.⁹²
31. Tank washings transferred to:
 - .1 reception facilities (state port and quantity);⁹³
 - .2 slop tank(s) or cargo tank(s) designated as slop tank(s) (identify tank(s); state quantity transferred and total quantity).

(H) Discharge of dirty ballast

32. Identity of tank(s).
33. Position of ship at start of discharge into the sea.
34. Position of ship on completion of discharge into the sea.
35. Quantity discharged into the sea.
36. Ship's speed(s) during discharge.
37. Was the discharge monitoring and control system in operation during the discharge?

92 Hand-hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.

93 Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

Schedule 1 (continued)

38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
39. Quantity of oily water transferred to slop tank(s) (identify slop tank(s). State total quantity).
40. Discharged to shore reception facilities (identify port and quantity involved).

(I) Discharge of water from slop tanks into the sea

41. Identity of slop tanks.
42. Time of settling from last entry of residues, or
43. Time of settling from last discharge.
44. Time and position of ship at start of discharge.
45. Ullage of total contents at start of discharge.
46. Ullage of oil/water interface at start of discharge.
47. Bulk quantity discharged and rate of discharge.
48. Final quantity discharged and rate of discharge.
49. Time and position of ship on completion of discharge.
50. Was the discharge monitoring and control system in operation during the discharge?
51. Ullage of oil/water interface on completion of discharge.
52. Ship's speed(s) during discharge.
53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

(J) Disposal of residues and oily mixtures not otherwise dealt with

55. Identity of tank(s).
56. Quantity disposed of from each tank. (State the quantity retained.)

Schedule 1 (continued)

57. Method of disposal:

- .1 to reception facilities (identify port and quantity involved);⁹⁴
- .2 mixed with cargo (state quantity);
- .3 transferred to (an)other tank(s) (identify tank(s); state quantity transferred and total quantity in tank(s));
- .4 other method (state which); state quantity disposed of.

(K) Discharge of clean ballast contained in cargo tanks

58. Position of ship at start of discharge of clean ballast.
59. Identity of tank(s) discharged.
60. Was (were) the tank(s) empty on completion?
61. Position of ship on completion if different from 58.
62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

(L) Discharge of ballast from dedicated clean ballast tanks (CBT tankers only)

63. Identity of tank(s) discharged.
64. Time and position of ship at start of discharge of clean ballast into the sea.
65. Time and position of ship on completion of discharge into the sea.
66. Quantity discharged:
 - .1 into the sea; or
 - .2 to reception facility (identify port).
67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?

94 Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

Schedule 1 (continued)

- 68. Was the discharge monitored by an oil content meter?
- 69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

(M) Condition of oil discharge monitoring and control system

- 70. Time of system failure.
- 71. Time when system has been made operational.
- 72. Reasons for failure.

(N) Accidental or other exceptional discharges of oil

- 73. Time of occurrence.
- 74. Port or ship's position at time of occurrence.
- 75. Approximate quantity and type of oil.
- 76. Circumstances of discharge or escape, the reasons therefor and general remarks.

(O) Additional operational procedures and general remarks

TANKERS ENGAGED IN SPECIFIC TRADES

(P) Loading of ballast water

- 77. Identity of tank(s) ballasted.
- 78. Position of ship when ballasted.
- 79. Total quantity of ballast loaded in cubic metres.
- 80. Remarks.

(Q) Re-allocation of ballast water within the ship.

- 81. Reasons for re-allocation.

(R) Ballast water discharge to reception facility

- 82. Port(s) where ballast water was discharged.
- 83. Name or designation of reception facility.
- 84. Total quantity of ballast water discharged in cubic metres.
- 85. Date, signature and stamp of port authority official.

Schedule 1 (continued)

ANNEX II OF MARPOL 73/78

(including amendments)

**Regulations for the Control of Pollution by Noxious Liquid
Substances in Bulk**

Regulation 1

Definitions

For the purposes of this Annex:

(1) “Chemical tanker” means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an “oil tanker” as defined in Annex I of the present Convention when carrying a cargo or part cargo of noxious liquid substances in bulk.

(2) “Clean ballast” means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Category A, B, C or D, has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of this Annex.

(3) “Segregated ballast” means ballast water introduced into a tank permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as variously defined in the Annexes of the present Convention, and which is completely separated from the cargo and oil fuel system.

(4) “Nearest land” is as defined in regulation 1(9) of Annex I of the present Convention.

(5) “Liquid substances” are those having a vapour pressure not exceeding 2.8 kPa/cm² at a temperature of 37.8°C.

(6) ‘Noxious liquid substance’ means any substance referred to in appendix II to this Annex or provisionally assessed under the provisions of regulation 3(4) as falling into Category A, B, C or D.

(7) “Special area” means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the

Schedule 1 (continued)

particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances is required.

Special areas shall be:

- (a) The Baltic Sea area, and
- (b) The Black Sea area, and
- (c) The Antarctic area.

(8) “Baltic Sea area” is as defined in regulation 10(1)(b) of Annex I of the present Convention.

(9) “Black Sea area” is as defined in regulation 10(1)(c) of Annex I of the present Convention.

(9A) The ‘Antarctic area’ means the sea area south of latitude 60°S.

(10) “International Bulk Chemical Code” means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.19(22), as may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of article 16 of the present Convention concerning amendment procedures applicable to an appendix to an Annex.

(11) “Bulk Chemical Code” means the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.20(22), as may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of article 16 of the present Convention concerning amendment procedures applicable to an appendix to an Annex.

(12) “Ship constructed” means a ship the keel of which is laid or which is at a similar stage of construction. A ship converted to a chemical tanker, irrespective of the date of construction, shall be treated as a chemical tanker constructed on the date on which such conversion commenced. This conversion provision shall not apply to the modification of a ship which complies with all of the following conditions:

- (a) the ship is constructed before 1 July 1986; and

Schedule 1 (continued)

- (b) the ship is certified under the Bulk Chemical Code to carry only those products identified by the Code as substances with pollution hazards only.
- (13) “Similar stage of construction” means the stage at which:
- (a) construction identifiable with a specific ship begins; and
 - (b) assembly of that ship has commenced comprising at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less.

Regulation 2

Application

(1) Unless expressly provided otherwise the provisions of this Annex shall apply to all ships carrying noxious liquid substances in bulk.

(2) Where a cargo subject to the provisions of Annex I of the present Convention is carried in a cargo space of a chemical tanker, the appropriate requirements of Annex I of the present Convention shall also apply.

(3) Regulation 13 of this Annex shall apply only to ships carrying substances which are categorized for discharge control purposes in Category A, B or C.

(4) For ships constructed before 1 July 1986, the provisions of regulation 5 of this Annex in respect of the requirement to discharge below the waterline and maximum concentration in the wake astern of the ship shall apply as from 1 January 1988.

(5) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration shall not extend to the substitution of operational methods to effect the control of discharge of noxious liquid substances as equivalent to those design and construction features which are prescribed by regulations in this Annex.

(6) The Administration which allows a fitting, material, appliance or apparatus as alternative to that required by this Annex, under paragraph (5) of this regulation, shall communicate to the Organization for circulation to

Schedule 1 (continued)

the Parties to the Convention, particulars thereof, for their information and appropriate action, if any.

- (7) (a) Where an amendment to this Annex and the International Bulk Chemical and Bulk Chemicals Codes involves changes to the structure or equipment and fittings due to the upgrading of the requirements for the carriage of certain substances, the Administration may modify or delay for a specified period the application of such an amendment to ships constructed before the date of entry into force of that amendment, if the immediate application of such an amendment is considered unreasonable or impracticable. Such relaxation shall be determined with respect to each substance, having regard to the guidelines developed by the Organization.⁹⁵
- (b) The Administration allowing a relaxation of the application of an amendment under this paragraph shall submit to the Organization a report giving details of the ship or ships concerned, the cargoes carried, the trade in which each ship is engaged and the justification for the relaxation, for circulation to the Parties to the Convention for their information and appropriate action, if any.

Regulation 3

Categorization and listing of noxious liquid substances

(1) For the purpose of the regulations of this Annex, noxious liquid substances shall be divided into four categories as follows:

- (a) *Category A*: Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of stringent anti-pollution measures.

⁹⁵ Refer to the Guidelines for the Application of Amendments to the List of Substances in Annex II of MARPOL 73/78 and the IBC Code and BCH Code with Respect to Pollution Hazards, approved by the MEPC at its thirty-first session (see MEPC.31/21, annex 2).

Schedule 1 (continued)

- (b) *Category B*: Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures.
- (c) *Category C*: Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a minor hazard to either marine resources or human health or cause minor harm to amenities or other legitimate uses of the sea and therefore require special operational conditions.
- (d) *Category D*: Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a recognizable hazard to either marine resources or human health or cause minimal harm to amenities or other legitimate uses of the sea and therefore require some attention in operational conditions.

(2) Guidelines for use in the categorization of noxious liquid substances are given in appendix I to this Annex.

(3) Noxious liquid substances carried in bulk which are presently categorized as category A, B, C or D and subject to the provisions of this Annex are referred to in appendix II to this Annex.

(4) Where it is proposed to carry a liquid substance in bulk which has not been categorized under paragraph (1) of this regulation or evaluated as referred to in regulation 4(1) of this Annex, the Governments of Parties to the Convention involved in the proposed operation shall establish and agree on a provisional assessment for the proposed operation on the basis of the guidelines referred to in paragraph (2) of this regulation. Until full agreement between the Governments involved has been reached, the substance shall be carried under the most severe conditions proposed. As soon as possible, but not later than 90 days after its first carriage, the Administration concerned shall notify the Organization and provide details of the substance and the provisional assessment for prompt circulation to all Parties for their information and consideration. The Government of each Party shall have a period of 90 days in which to forward its comments to the Organization, with a view to the assessment of the substance.

Schedule 1 (continued)

Regulation 4

Other liquid substances

(1) The substances referred to in appendix III to this Annex have been evaluated and found to fall outside category A, B, C and D, as defined in regulation 3(1) of this Annex, because they are at present considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank-cleaning or deballasting operations.

(2) The discharge of bilge or ballast water or other residues or mixtures containing only substances referred to in appendix III to this Annex shall not be subject to any requirement of this Annex.

(3) The discharge into the sea of clean ballast or segregated ballast shall not be subject to any requirement of this Annex.

Regulation 5

Discharge of noxious liquid substances

Category A, B and C substances outside special areas and Category D substances in all areas

Subject to the provisions of paragraph (14) of this regulation and of regulation 6 of this Annex,

(1) The discharge into the sea of substances in Category A as defined in regulation 3(1)(a) of this Annex or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility is at or below 0.1% by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be 0.005% by weight. Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

Schedule 1 (continued)

- (b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

(2) The discharge into the sea of substances in Category B as defined in regulation 3(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;
- (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in subparagraph (b) of this paragraph, which shall in no case exceed the greater of 1 cubic metre or 1/3,000 of the tank capacity in cubic metres;
- (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(3) The discharge into the sea of substances in Category C as defined in regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

Schedule 1 (continued)

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 10 parts per million;
- (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in subparagraph (b) of this paragraph, which shall in no case exceed the greater of 3 cubic metres or 1/1,000 of the tank capacity in cubic metres;
- (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(4) The discharge into the sea of substances in Category D as defined in regulation 3(1)(d) of this Annex, or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) such mixtures are of a concentration not greater than one part of the substance in ten parts of water; and
- (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.

(5) Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the Organization. Any water subsequently

Schedule 1 (continued)

introduced into the tank shall be regarded as clean and shall not be subject to paragraph (1), (2), (3) or (4) of this regulation.

(6) The discharge into the sea of substances which have not been categorized, provisionally assessed, or evaluated as referred to in regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

Category A, B and C substances within special areas

Subject to the provisions of paragraph (14) of this regulation and of regulation 6 of this Annex,

(7) The discharge into the sea of substances in Category A as defined in regulation 3(1)(a) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the States bordering the special area shall provide in accordance with regulation 7 of this Annex, until the concentration of the substance in the effluent to such facility is at or below 0.05% by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be 0.005% by weight. Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(8) The discharge into the sea of substances in Category B as defined in regulation (3)(1)(b) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

Schedule 1 (continued)

- (a) the tank has been prewashed in accordance with the procedure approved by the Administration and based on standards developed by the Organization and the resulting tank washings have been discharged to a reception facility;
- (b) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (c) the procedures and arrangements for discharge and washings are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;
- (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(9) The discharge into the sea of substances in Category C as defined in regulation 3(1)(c) of this Annex or of those provisionally assessed as such, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) the procedures and arrangements for discharge are approved by the Administration. Such procedures and arrangements shall be based upon standards developed by the Organization and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;
- (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to

Schedule 1 (continued)

in subparagraph (b) of this paragraph which shall in no case exceed the greater of 1 cubic metre or 1/3,000 of the tank capacity in cubic metres;

- (d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(10) Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. Such procedures shall be based upon standards developed by the Organization. Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to paragraph (7), (8) or (9) of this regulation.

(11) The discharge into the sea of substances which have not been categorized, provisionally assessed or evaluated as referred to in regulation 4(1) of this Annex, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

(12) Nothing in this regulation shall prohibit a ship from retaining on board the residues from a Category B or C cargo and discharging such residues into the sea outside a special area in accordance with paragraph (2) or (3) of this regulation, respectively.

(13)(a) The Governments of Parties to the Convention, the coastlines of which border on any given special area, shall collectively agree and establish a date by which time the requirement of regulation 7(1) of this Annex will be fulfilled and from which the requirements of paragraphs (7), (8), (9) and (10) of this regulation in respect of that area shall take effect and notify the Organization of the date so established at least six months in advance of that date. The Organization shall then promptly notify all Parties of that date.

- (b) If the date of entry into force of the present Convention is earlier than the date established in accordance with subparagraph (a) of this paragraph, the requirements of paragraphs (1), (2) and (3) of this regulation shall apply during the interim period.

(14) In respect of the Antarctic area any discharge into the sea of noxious liquid substances or mixtures containing such substances shall be prohibited.

Schedule 1 (continued)

Regulation 5A

Pumping, piping and unloading arrangements

(1) Every ship constructed on or after 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 0.1 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(2)(a) Subject to the provisions of subparagraph (b) of this paragraph, every ship constructed before 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 0.3 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(b) Until 2 October 1994 ships referred to in subparagraph (a) of this paragraph if not in compliance with the requirements of that subparagraph shall, as a minimum, be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions and surface residue assessment, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 1 cubic metre or 1/3000 of the tank capacity in cubic metres, whichever is greater, in that tank and the associated piping.

(3) Every ship constructed on or after 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 0.3 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(4)(a) Subject to the provisions of subparagraph (b) of this paragraph, every ship constructed before 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 0.9 cubic metres in the tank's

Schedule 1 (continued)

associated piping and in the immediate vicinity of that tank's suction point.

- (b) Until 2 October 1994 the ships referred to in subparagraph (a) of this paragraph if not in compliance with the requirements of that sub-paragraph shall, as a minimum, be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions and surface residue assessment, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 3 cubic metres or 1/1000 of the tank capacity in cubic metres, whichever is greater, in that tank and the associated piping.

(5) Pumping conditions referred to in paragraphs (1), (2), (3) and (4) of this regulation shall be approved by the Administration and based on standards developed by the Organization. Pumping efficiency tests referred to in paragraphs (1), (2), (3) and (4) of this regulation shall use water as the test medium and shall be approved by the Administration and based on standards developed by the Organization. The residues on cargo tank surfaces, referred to in paragraphs (2)(b) and (4)(b) of this regulation shall be determined based on standards developed by the Organization.

- (6)(a) Subject to the provisions of subparagraph (b) of this paragraph, the provisions of paragraphs (2) and (4) of this regulation need not apply to a ship constructed before 1 July 1986 which is engaged in restricted voyages as determined by the Administration between:

- (i) ports or terminals within a State Party to the present Convention; or
- (ii) ports or terminals of States Parties to the present Convention.

- (b) The provisions of subparagraph (a) of this paragraph shall only apply to a ship constructed before 1 July 1986 if:

- (i) each time a tank containing Category B or C substances or mixtures is to be washed or ballasted, the tank is washed in accordance with a prewash procedure approved by the Administration and based on standards developed by the Organization and the tank washings are discharged to a reception facility;

Schedule 1 (continued)

- (ii) subsequent washings or ballast water are discharged to a reception facility or at sea in accordance with other provisions of this Annex;
- (iii) the adequacy of the reception facilities at the ports or terminals referred to above, for the purpose of this paragraph, is approved by the Governments of the States Parties to the present Convention within which such ports or terminals are situated;
- (iv) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention, the Administration communicates to the Organization, for circulation to the Parties to the Convention, particulars of the exemption, for their information and appropriate action, if any; and
- (v) the certificate required under this Annex is endorsed to the effect that the ship is solely engaged in such restricted voyages.

(7) For a ship whose constructional and operational features are such that ballasting of cargo tanks is not required and cargo tank washing is only required for repair or dry-docking, the Administration may allow exemption from the provisions of paragraphs (1), (2), (3) and (4) of this regulation, provided that all of the following conditions are complied with:

- (a) the design, construction and equipment of the ship are approved by the Administration, having regard to the service for which it is intended;
- (b) any effluent from tank washings which may be carried out before a repair or dry-docking is discharged to a reception facility, the adequacy of which is ascertained by the Administration;
- (c) the certificate required under this Annex indicates:
 - (i) that each cargo tank is certified for the carriage of only one named substance; and
 - (ii) the particulars of the exemption;
- (d) the ship carries a suitable operational manual approved by the Administration; and

Schedule 1 (continued)

- (e) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention, the Administration communicates to the Organization, for circulation to the Parties to the Convention, particulars of the exemption, for their information and appropriate action, if any.

Regulation 6

Exceptions

Regulation 5 of this Annex shall not apply to:

- (a) the discharge into the sea of noxious liquid substances or mixtures containing such substances necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) the discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment:
 - (i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and
 - (ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) the discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Schedule 1 (continued)

Regulation 7

Reception facilities and cargo unloading terminal arrangements

(1) The Government of each Party to the Convention undertakes to ensure the provision of reception facilities according to the needs of ships using its ports, terminals or repair ports as follows:

- (a) cargo loading and unloading ports and terminals shall have facilities adequate for reception without undue delay to ships of such residues and mixtures containing noxious liquid substances as would remain for disposal from ships carrying them as a consequence of application of this Annex; and
- (b) ship repair ports undertaking repairs to chemical tankers shall have facilities adequate for the reception of residues and mixtures containing noxious liquid substances.

(2) The Government of each Party shall determine the types of facilities provided for the purpose of paragraph (1) of this regulation at each cargo loading and unloading port, terminal and ship repair port in its territories and notify the Organization thereof.

(3) The Government of each Party to the Convention shall undertake to ensure that cargo unloading terminals shall provide arrangements to facilitate stripping of cargo tanks of ships unloading noxious liquid substances at these terminals. Cargo hoses and piping systems of the terminal, containing noxious liquid substances received from ships unloading these substances at the terminal, shall not be drained back to the ship.

(4) Each Party shall notify the Organization, for transmission to the Parties concerned, of any case where facilities required under paragraph (1) or arrangements required under paragraph (3) of this regulation are alleged to be inadequate.

Regulation 8

Measures of control

- (1)(a) The Government of each Party to the Convention shall appoint or authorize surveyors for the purpose of implementing this regulation. The surveyors shall execute control in accordance with control procedures developed by the Organization.

Schedule 1 (continued)

- (b) The master of a ship carrying noxious liquid substances in bulk shall ensure that the provisions of regulation 5 and this regulation have been complied with and that the Cargo Record Book is completed in accordance with regulation 9 of this Annex whenever operations as referred to in that regulation take place.
- (c) An exemption referred to in paragraph (2)(b), (5)(b), (6)(c) or (7)(c) of this regulation may only be granted by the Government of the receiving Party to a ship engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention. When such an exemption has been granted, the appropriate entry made in the Cargo Record Book shall be endorsed by the surveyor referred to in subparagraph (a) of this paragraph.

Category A substances in all areas

(2) With respect to Category A substances the following provisions shall apply in all areas:

- (a) A tank which has been unloaded shall, subject to the provisions of subparagraph (b) of this paragraph, be washed in accordance with the requirements of paragraph (3) or (4) of this regulation before the ship leaves the port of unloading.
- (b) At the request of the ship's master, the Government of the receiving Party may exempt the ship from the requirements referred to in subparagraph (a) of this paragraph, where it is satisfied that:
 - (i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or
 - (ii) the tank unloaded is neither washed nor ballasted at sea and the provisions of paragraph (3) or (4) of this regulation are complied with at another port provided that it has been confirmed in writing that a reception facility at that port is available and is adequate for such a purpose; or
 - (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Schedule 1 (continued)

(3) If the tank is to be washed in accordance with subparagraph (2)(a) of this regulation, the effluent from the tank washing operation shall be discharged to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the concentration specified in regulation 5(1) or 5(7), as applicable, of this Annex. When the required concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and endorsed by the surveyor referred to under paragraph (1)(a) of this regulation.

(4) Where the Government of the receiving party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to paragraph (3) of this regulation provided that:

- (a) the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization; and
- (b) the surveyor referred to under paragraph (1)(a) certifies in the Cargo Record Book that:
 - (i) the tank, its pump and piping systems have been emptied; and
 - (ii) the prewash has been carried out in accordance with the prewash procedure approved by the Administration for that tank and that substance; and
 - (iii) the tank washings resulting from such prewash have been discharged to a reception facility and the tank is empty.

Category B and C substances outside special areas

(5) With respect to Category B and C substances, the following provisions shall apply outside special areas:

- (a) A tank which has been unloaded shall, subject to the provisions of subparagraph (b) of this paragraph, be prewashed before the ship leaves the port of unloading, whenever:

Schedule 1 (continued)

- (i) the substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under regulation 5(2) or (3) of this Annex in case of Category B or C substances respectively; or
- (ii) the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under regulation 5A(5) of this Annex, unless alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this regulation to remove the cargo residues from the ship to quantities specified in regulation 5A of this Annex as applicable.

The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.

- (b) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of subparagraph (a) of this paragraph, where it is satisfied that:
 - (i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed nor ballasted prior to loading; or
 - (ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or
 - (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Schedule 1 (continued)

Category B substances within special areas

(6) With respect to Category B substances, the following provisions shall apply within special areas:

- (a) A tank which has been unloaded shall, subject to the provisions of subparagraphs (b) and (c), be prewashed before the ship leaves the port of unloading. The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.
- (b) The requirements of subparagraph (a) of this paragraph do not apply when all the following conditions are satisfied:
 - (i) the Category B substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity not exceeding the maximum quantity which may be discharged into the sea outside special areas under regulation 5(2) of this Annex, and the residues are retained on board for subsequent discharge into the sea outside the special area in compliance with regulation 5(2) of this Annex; and
 - (ii) the unloading is carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under regulation 5A(5) of this Annex, or failing to comply with the approved pumping conditions, alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this regulation to remove the cargo residues from the ship to quantities specified in regulation 5A of this Annex as applicable.
- (c) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of subparagraph (a) of this paragraph, where it is satisfied that:
 - (i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or

Schedule 1 (continued)

- (ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or
- (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Category C substances within special areas

(7) With respect to Category C substances, the following provisions shall apply within special areas:

- (a) A tank which has been unloaded shall, subject to the provisions of subparagraphs (b) and (c) of this paragraph, be prewashed before the ship leaves the port of unloading, whenever:
 - (i) the Category C substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under regulation 5(9) of this Annex; or
 - (ii) the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under regulation 5A(5) of this Annex, unless alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this regulation to remove the cargo residues from the ship to quantities specified in regulation 5A of this Annex as applicable.

The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.

Schedule 1 (continued)

- (b) The requirements of subparagraph (a) of this paragraph do not apply when all the following conditions are satisfied:
- (i) the Category C substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity not exceeding the maximum quantity which may be discharged into the sea outside special areas under regulation 5(3) of this Annex, and the residues are retained on board for subsequent discharge into the sea outside the special area in compliance with regulation 5(3) of this Annex; and
 - (ii) the unloading is carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under regulation 5A(5) of this Annex, or failing to comply with the approved pumping conditions, alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this regulation to remove the cargo residues from the ship to quantities specified in regulation 5A of this Annex as applicable.
- (c) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of subparagraph (a) of this paragraph, where it is satisfied that:
- (i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or
 - (ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or
 - (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Schedule 1 (continued)

Category D substances in all areas

(8) With respect to Category D substances, a tank which has been unloaded shall either be washed and the resulting tank washings shall be discharged to a reception facility, or the remaining residues in the tank shall be diluted and discharged into the sea in accordance with regulation 5(4) of this Annex.

Discharge from a slop tank

(9) Any residues retained on board in a slop tank, including those from cargo pump-room bilges, which contain a Category A substance, or within a special area either a Category A or a Category B substance, shall be discharged to a reception facility in accordance with the provisions of regulation 5(1), (7) or (8) of this Annex, whichever is applicable.

Regulation 9

Cargo Record Book

(1) Every ship to which this Annex applies shall be provided with a Cargo Record Book, whether as part of the ship's official log-book or otherwise, in the form specified in appendix IV to this Annex.

(2) The Cargo Record Book shall be completed, on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance take place in the ship:

- (i) loading of cargo;
- (ii) internal transfer of cargo;
- (iii) unloading of cargo;
- (iv) cleaning of cargo tanks;
- (v) ballasting of cargo tanks;
- (vi) discharge of ballast from cargo tanks;
- (vii) disposal of residues to reception facilities;
- (viii) discharge into the sea or removal by ventilation of residues in accordance with regulation 5 of this Annex.

(3) In the event of any discharge of the kind referred to in article 8 of the present Convention and regulation 6 of this Annex of any noxious liquid

Schedule 1 (continued)

substance or mixture containing such substance, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(4) When a surveyor appointed or authorized by the Government of the Party to the Convention to supervise any operations under this Annex has inspected a ship, then that surveyor shall make an appropriate entry in the Cargo Record Book.

(5) Each operation referred to in paragraphs (2) and (3) of this regulation shall be fully recorded without delay in the Cargo Record Book so that all the entries in the book appropriate to that operation are completed. Each entry shall be signed by the officer or officers in charge of the operation concerned and each page shall be signed by the master of the ship. The entries in the Cargo Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, for ships holding an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk or a certificate referred to in regulation 12A of this Annex in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

(6) The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of three years after the last entry has been made.

(7) The competent authority of the Government of a Party may inspect the Cargo Record Book on board any ship to which this Annex applies while the ship is in its port, 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 entry. Any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Cargo Record Book and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Schedule 1 (continued)

Regulation 10

Surveys

(1) Ships carrying noxious liquid substances in bulk shall be subject to the surveys specified below:

- (a) An initial survey before the ship is put in service or before the certificate required under regulation 11 of this Annex is issued for the first time, and which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Annex.
 - (b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, and which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the requirements of this Annex.
 - (c) A minimum of one intermediate survey during the period of validity of the certificate and which shall be such as to ensure that the equipment and associated pump and piping systems fully comply with the applicable requirements of this Annex and are in good working order. In cases where only one such intermediate survey is carried out in any one certificate validity period, it shall be held not before six months prior to, nor later than six months after the half-way date of the certificate's period of validity. Such intermediate surveys shall be endorsed on the certificate issued under regulation 11 of this Annex.
 - (d) An annual survey within three months before or after the day and the month of the date of issue of the certificate and which shall include a general examination to ensure that the structure, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the certificate issued under regulation 11 of this Annex.
- (2)(a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to

Schedule 1 (continued)

surveyors nominated for the purpose or to organizations recognized by it.

- (b) An Administration nominating surveyors or recognizing organizations to conduct surveys and inspections as set forth in subparagraph (a) of this paragraph, shall as a minimum empower any nominated surveyor or recognized organization to:
- (i) require repairs to a ship; and
 - (ii) carry out surveys and inspections if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Convention for the information of their officers.

- (c) When a nominated surveyor or recognized organization 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, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor, or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

Schedule 1 (continued)

- (d) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and inspection and shall undertake to ensure the necessary arrangements to satisfy this obligation.
- (3)(a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present Convention to ensure that the ship in all respects will remain 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 (1) of this regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.
 - (c) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Annex, the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (1) of this regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

Regulation 11

Issue of certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued, after survey in accordance with the provisions of regulation 10 of this Annex, to any ship carrying noxious liquid substances in bulk and which is engaged in

Schedule 1 (continued)

voyages to ports or terminals under the jurisdiction of other Parties to the Convention.

(2) Such certificate shall be issued either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

- (3)(a) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk to the ship in accordance with this Annex.
- (b) A copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.
- (c) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the certificate issued under paragraph (1) of this regulation.
- (d) No International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

(4) The International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be drawn up in an official language of the issuing country in the form corresponding to the model given in appendix V to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 12

Duration of certificate

(1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue.

(2) A certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, systems, fittings, arrangements

Schedule 1 (continued)

or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate or annual surveys as specified by the Administration under regulation 10(1)(c) or (d) of this Annex are not carried out.

(3) A certificate issued to a ship shall also cease to be valid upon transfer of the ship to the flag of another State. A new certificate shall be issued only when the Government issuing the new certificate is fully satisfied that the ship is in full compliance with the requirements of regulation 10(3)(a) and (b) of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall transmit as soon as possible to the Administration a copy of the certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Regulation 12A

Survey and certification of chemical tankers

Notwithstanding the provisions of regulations 10, 11 and 12 of this Annex, chemical tankers which have been surveyed and certified by States Parties to the present Convention in accordance with the provisions of the International Bulk Chemical Code or the Bulk Chemical Code, as applicable, shall be deemed to have complied with the provisions of the said regulations, and the certificate issued under that Code shall have the same force and receive the same recognition as the certificate issued under regulation 11 of this Annex.

Regulation 13

Requirements for minimizing accidental pollution

(1) The design, construction, equipment and operation of ships carrying noxious liquid substances of Category A, B or C in bulk, shall be such as to minimize the uncontrolled discharge into the sea of such substances.

(2) Chemical tankers constructed on or after 1 July 1986 shall comply with the requirements of the International Bulk Chemical Code.

Schedule 1 (continued)

(3) Chemical tankers constructed before 1 July 1986 shall comply with the following requirements:

(a) The following chemical tankers shall comply with the requirements of the Bulk Chemical Code as applicable to ships referred to in 1.7.2 of that Code:

- (i) ships for which the building contract is placed on or after 2 November 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of other States Parties to the Convention; and
- (ii) ships constructed on or after 1 July 1983 which are engaged solely on voyages between ports or terminals within the State the flag of which the ship is entitled to fly.

(b) The following chemical tankers shall comply with the requirements of the Bulk Chemical Code as applicable to ships referred to in 1.7.3 of that Code:

- (i) ships for which the building contract is placed before 2 November 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of other States Parties to the Convention; and
- (ii) ships constructed before 1 July 1983 which are engaged on voyages between ports or terminals within the State the flag of which the ship is entitled to fly, except that for ships of less than 1,600 tons gross tonnage compliance with the Code in respect of construction and equipment shall take effect not later than 1 July 1994.

(4) In respect of ships other than chemical tankers carrying noxious liquid substances of Category A, B or C in bulk, the Administration shall establish appropriate measures based on the Guidelines developed by the Organization in order to ensure that the provisions of paragraph (1) of this regulation are complied with.

Schedule 1 (continued)

Regulation 14

Carriage and discharge of oil-like substances

Notwithstanding the provisions of other regulations of this Annex, noxious liquid substances referred to in appendix II of this Annex as falling under Category C or D and identified by the Organization as oil-like substances under the criteria developed by the Organization, may be carried on an oil tanker as defined in Annex I of the Convention and discharged in accordance with the provisions of Annex I of the present Convention, provided that all of the following conditions are complied with:

- (a) the ship complies with the provisions of Annex I of the present Convention as applicable to product carriers as defined in that Annex;
- (b) the ship carries an International Oil Pollution Prevention Certificate and its Supplement B and the certificate is endorsed to indicate that the ship may carry oil-like substances in conformity with this regulation and the endorsement includes a list of oil-like substances the ship is allowed to carry;
- (c) in the case of Category C substances the ship complies with the ship type 3 damage stability requirements of:
 - (i) the International Bulk Chemical Code in the case of a ship constructed on or after 1 July 1986; or
 - (ii) the Bulk Chemical Code, as applicable under regulation 13 of this Annex, in the case of a ship constructed before 1 July 1986; and
- (d) the oil content meter in the oil discharge monitoring and control system of the ship is approved by the Administration for use in monitoring the oil-like substances to be carried.

Schedule 1 (continued)

Appendices to Annex II of MARPOL 73/78

Appendix I

Guidelines for the categorization of noxious liquid substances

- Category A** Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health, or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TLM less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLM of 1 ppm or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.
- Category B** Substances which are bioaccumulated with a short retention of the order of one week or less, or which are liable to produce tainting of the sea food, or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLM of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLM of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.
- Category C** Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLM of 10 ppm or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLM of 100 ppm or more, but less than 1,000 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.
- Category D** Substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLM of

Schedule 1 (continued)

100 ppm or more, but less than 1,000 ppm); or causing deposits blanketing the sea floor with a high biochemical oxygen demand (BOD); or which are highly hazardous to human health, with an LD₅₀ of less than 5 mg/kg; or which produce moderate reduction of amenities because of persistency, smell or poisonous or irritant characteristics, possibly interfering with use of beaches; or which are moderately hazardous to human health, with an LD₅₀ of 5 mg/kg or more, but less than 50 mg/kg, and produce slight reduction of amenities.

Other Liquid Substances (for the purposes of regulation 4 of this Annex)
Substances other than those categorized in Categories A, B, C, and D above.

Schedule 1 (continued)

Appendix II

List of noxious substances carried in bulk

Noxious liquid substances carried in bulk and which are presently categorized as category A, B, C or D and subject to the provisions of this Annex, are so indicated in the pollution category column of chapters 17 or 18 of the International Bulk Chemical Code.

Schedule 1 (continued)

Appendix III

List of other liquid substances

Liquid substances carried in bulk which are identified as falling outside categories A, B, C and D and not subject to the provisions of this Annex are indicated as 'III' in the pollution category column of chapters 17 or 18 of the International Bulk Chemical Code.

Schedule 1 (continued)

Appendix IV

**Cargo Record Book for ships carrying noxious liquid
substances in bulk**

FORM OF CARGO RECORD BOOK

**CARGO RECORD BOOK FOR SHIPS CARRYING
NOXIOUS LIQUID SUBSTANCES IN BULK**

Name of ship

Distinctive number
or letters

Gross tonnage

Period from to

Name of ship

Distinctive number
or letters

Schedule 1 (continued)

Introduction

The following pages show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Cargo Record Book on a tank-to-tank basis in accordance with paragraph 2 of regulation 9 of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended. The items have been grouped into operational sections, each of which is denoted by a letter.

When making entries in the Cargo Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge and, if applicable, by a surveyor authorized by the competent authority of the State in which the ship is unloading. Each completed page shall be countersigned by the master of the ship.

Entries in the Cargo Record Book are required only for operations involving Categories A, B, C and D substances.

Schedule 1 (continued)

List of items to be recorded

Entries are required only for operations involving Categories A, B, C and D substances.

(A) Loading of cargo

1. Place of loading.
2. Identify tank(s), name of substance(s) and category(ies).

(B) Internal transfer of cargo

3. Name and category of cargo(es) transferred.
4. Identity of tanks:
 - .1 from:
 - .2 to:
5. Was (were) tank(s) in 4.1 emptied?
6. If not, quantity remaining in tank(s).

(C) Unloading of cargo

7. Place of unloading.
8. Identity of tank(s) unloaded.
9. Was (were) tank(s) emptied?
 - .1 If yes, confirm that the procedure for emptying and stripping has been performed in accordance with the ship's Procedures and Arrangements Manual (i.e. list, trim, stripping temperature).
 - .2 If not, quantity remaining in tank(s).
10. Does the ship's Procedures and Arrangements Manual require a prewash with subsequent disposal to reception facilities?
11. Failure of pumping and/or stripping system:
 - .1 time and nature of failure;
 - .2 reasons for failure;
 - .3 time when system has been made operational.

Schedule 1 (continued)

(D) Mandatory prewash in accordance with the ship's Procedures and Arrangements Manual

12. Identify tank(s), substance(s) and category(ies).
13. Washing method:
 - .1 number of washing machines per tank;
 - .2 duration of wash/washing cycles;
 - .3 hot/cold wash.
14. Prewash slops transferred to:
 - .1 reception facility in unloading port (identify port);
 - .2 reception facility otherwise (identify port).

(E) Cleaning of cargo tanks except mandatory prewash (other prewash operations, final wash, ventilation etc.)

15. State time, identify tank(s), substance(s) and category(ies) and state:
 - .1 washing procedure used;
 - .2 cleaning agent(s) (identify agent(s) and quantities);
 - .3 dilution of cargo residues with water (state how much water used (only Category D substances));
 - .4 ventilation procedure used (state number of fans used, duration of ventilation).
16. Tank washings transferred:
 - .1 into the sea;
 - .2 to reception facility (identify port);
 - .3 to slops collecting tank (identify tank).

(F) Discharge into the sea of tank washings

17. Identify tank(s):
 - .1 Were tank washings discharged during cleaning of tank(s)?
If so at what rate?

Schedule 1 (continued)

.2 Were tank washing(s) discharged from a slops collecting tank? If so, state quantity and rate of discharge.

18. Time pumping commenced and stopped.

19. Ship's speed during discharge.

(G) Ballasting of cargo tanks

20. Identity of tank(s) ballasted.

21. Time at start of ballasting.

(H) Discharge of ballast water from cargo tanks

22. Identity of tank(s).

23. Discharge of ballast:

.1 into the sea;

.2 to reception facilities (identify port).

24. Time ballast discharge commenced and stopped.

25. Ship's speed during discharge.

(I) Accidental or other exceptional discharge

26. Time of occurrence.

27. Approximate quantity, substance(s) and category(ies).

28. Circumstances of discharge or escape and general remarks.

(J) Control by authorized surveyors

29. Identify port.

30. Identify tank(s), substance(s), category(ies) discharged ashore.

31. Have tank(s), pump(s), and piping system(s) been emptied?

32. Has a prewash in accordance with the ship's Procedures and Arrangements Manual been carried out?

33. Have tank washings resulting from the prewash been discharged ashore and is the tank empty?

34. An exemption has been granted from mandatory prewash.

35. Reasons for exemption.

Schedule 1 (continued)

36. Name and signature of authorized surveyor.
37. Organization, company, government agency for which surveyor works.

(K) Additional operational procedures and remarks

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Schedule 1 (continued)

Name of ship

Distinctive number
or letters

CARGO/BALLAST OPERATIONS

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge/name of and signature of authorized surveyor

Signature of master

Schedule 1 (continued)

Appendix V
Form of certificate

**INTERNATIONAL POLLUTION PREVENTION CERTIFICATE
FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES
IN BULK**

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, as amended (hereinafter referred to as “the Convention”), under the authority of the Government of

.....

(full official designation of the country)

by

.....

*(full official designation of the competent person or organization
authorized under the provisions of the Convention)*

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the provisions of regulation 10 of Annex II of the Convention.
- 2 That the survey showed that the structure, equipment, systems, fitting, arrangements and material of the ship and the condition thereof are in

*Transport Operations (Marine Pollution)
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Schedule 1 (continued)

all respects satisfactory and that the ship complies with the application requirements of Annex II of the Convention.

- 3 That the ship has been provided with a manual in accordance with the standards for procedures and arrangements as called for by regulation 5, 5A and 8 of Annex II of the Convention, and that the arrangements and equipment of the ship prescribed in the manual are in all respects satisfactory and comply with the applicable requirements of the said Standards.
- 4 That the ship is suitable for the carriage in bulk of the following noxious liquid substances, provided that all relevant operational provisions of Annex II of the Convention are observed.

Noxious liquid substances	Conditions of carriage (tank numbers etc.)
^a Continued on additional signed and dated sheets	

This certificate is valid until

subject to surveys in accordance with regulation 10 of Annex II of the Convention

Issued at

(Place of issue of certificate)

..... 19.....

(Date of issue)

*(Signature of duly
authorized official issuing
the certificate)*

(Seal or stamp of the issuing authority, as appropriate)

^a Delete as necessary.

Schedule 1 (continued)

ANNEX III⁹⁶

**Regulations for the Prevention of Pollution by Harmful
Substances Carried by Sea in Packaged Form**

Regulation 1

Application

1 Unless expressly provided otherwise, the regulations of this Annex apply to all ships carrying harmful substances in packaged form.

- 1.1 For the purpose of this Annex, “harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code).⁹⁷
- 1.2 Guidelines for the identification of harmful substances in packaged form are given in the appendix to this Annex.
- 1.3 For the purposes of this Annex, “packaged form” is defined as the forms of containment specified for harmful substances in the IMDG Code.

2 The carriage of harmful substances is prohibited, except in accordance with the provisions of this Annex.

3 To supplement the provisions of this Annex, the Government of each Party to the Convention shall issue, or cause to be issued, detailed requirements on packing, marking, labelling, documentation, stowage, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances.

4 For the purposes of this Annex, empty packagings which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken

96 The revised Annex III of MARPOL 73/78 was published in draft form in the publication *MARPOL 73/78, Consolidated Edition*, 1991. The version as adopted is virtually, but not completely, identical to the draft version.

97 Reference is made to the International Maritime Dangerous Goods Code (IMDG Code) adopted by the Organization by resolution A.81(IV) as it has been or may be amended by the Maritime Safety Committee.

Schedule 1 (continued)

to ensure that they contain no residue that is harmful to the marine environment.

5 The requirements of this Annex do not apply to ship's stores and equipment.

Regulation 2

Packing

Packages shall be adequate to minimize the hazard to the marine environment, having regard to their specific contents.

Regulation 3

Marking and labelling

1 Packages containing a harmful substance shall be durably marked with the correct technical name (trade names alone shall not be used) and, further, shall be durably marked or labelled to indicate that the substance is a marine pollutant. Such identification shall be supplemented where possible by any other means, for example, by use of the relevant United Nations number.

2 The method of marking the correct technical name and of affixing labels on packages containing a harmful substance shall be such that this information will still be identifiable on packages surviving at least three months' immersion in the sea. In considering suitable marking and labelling, account shall be taken of the durability of the materials used and of the surface of the package.

3 Packages containing small quantities of harmful substances may be exempted from the marking requirements.⁹⁸

⁹⁸ Refer to the specific exemptions provided for in the IMDG Code.

Schedule 1 (continued)

Regulation 4

*Documentation*⁹⁹

1 In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of each such substance shall be used (trade names alone shall not be used) and the substance further identified by the addition of the words “MARINE POLLUTANT”.

2 The shipping documents supplied by the shipper shall include, or be accompanied by, a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate and in proper condition for carriage to minimize the hazard to the marine environment.

3 Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of the harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded. A copy of one of these documents shall be made available before departure to the person or organization designated by the port State authority.

4 When the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea, 1974, as amended, the documents required by this regulation may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Annex.

Regulation 5

Stowage

Harmful substances shall be properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of the ship and persons on board.

⁹⁹ Reference to “documents” in this regulation does not preclude the use of electronic data processing (EDP) and electronic data interchange (EDI) transmission techniques as an aid to paper documentation.

Schedule 1 (continued)

Regulation 6

Quantity limitations

Certain harmful substances may, for sound scientific and technical reasons, need to be prohibited for carriage or be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity, due consideration shall be given to size, construction and equipment of the ship, as well as the packaging and the inherent nature of the substances.

Regulation 7

Exceptions

1 Jettisoning of harmful substances carried in packaged form shall be prohibited, except where necessary for the purpose of securing the safety of the ship or saving life at sea.

2 Subject to the provisions of the present Convention, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard, provided that compliance with such measures would not impair the safety of the ship and persons on board.

Schedule 1 (continued)

Appendix

Guidelines for the identification of substances in packaged form

For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances:

- bioaccumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating “+” in column A¹⁰⁰); or
- bioaccumulated with attendant risk to aquatic organisms or to human health with a short retention of the order of one week or less (Hazard Rating “Z” in column A¹⁰⁰); or
- liable to produce tainting of seafood (Hazard Rating “T” in column A¹⁰⁰); or
- highly toxic to aquatic life, defined by a LC₅₀/96 h¹⁰¹ less than 1 ppm (Hazard Rating “4” in column B¹⁰⁰).

100 Refer to the Composite List of Hazard Profiles prepared by the IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), which is circulated annually by the Organization by means of BCH circulars to all IMO Member States.

101 The concentration of a substance which will, within the specified time (generally 96 hours), kill 50% of the exposed group of test organisms. LC₅₀ is often specified in milligrams per litre or parts per million (ppm).

Schedule 1 (continued)

ANNEX V OF MARPOL 73/78

**Regulations for the Prevention of Pollution by Garbage from
Ships**

Regulation 1

Definitions

For the purposes of this Annex:

(1) *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 present Convention.

(2) *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 international law except that, for the purposes of the present 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

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.

Schedule 1 (continued)

(3) *Special area* means a sea area where for recognized 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 shall include those listed in regulation 5 of this Annex.

Regulation 2

Application

The provisions of this Annex shall apply to all ships.

Regulation 3

Disposal of garbage outside special areas

(1) Subject to the provisions of regulations 4, 5 and 6 of this Annex:

- (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 in any case is 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.

Schedule 1 (continued)

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

Regulation 4

Special requirements for disposal of garbage

(1) Subject to the provisions of paragraph (2) of this regulation, the disposal of any materials regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed 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.

Regulation 5

Disposal of garbage within special areas

(1) For the purposes of this Annex 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.

Schedule 1 (continued)

- (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*¹⁰² 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*¹⁰³ means the sea area south of latitude 60° S.
- (h) The *Wider Caribbean Region*,¹⁰⁴ 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

102 Regulation 5(1)(f) was adopted by the MEPC at its twenty-eighth session and entered into force on 18 April 1991.

103 Regulation 5(1)(g) was adopted by the MEPC at its thirtieth session and is expected to enter into force on 17 March 1992.

104 Regulation 5(1)(h) was adopted by the MEPC at its thirty-first session and is expected to enter into force on 4 April 1993.

Schedule 1 (continued)

parallel and 50° W meridian, thence a rhumb line drawn south-westerly to the eastern boundary of French Guiana.

(2) Subject to the provisions of regulation 6 of this Annex:

- (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,¹⁰⁵ 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.¹⁰⁶

(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 Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area adequate reception facilities are provided in accordance with regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.

105 These amendments were adopted by the MEPC at its thirty-first session and are expected to enter into force on 4 April 1993.

106 These amendments were adopted by the MEPC at its thirty-first session and are expected to enter into force on 4 April 1993.

Schedule 1 (continued)

- (b) The Government of each Party concerned shall notify the Organization of the measures taken pursuant to subparagraph (a) of this regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this regulation in respect of the area in question shall take effect. The Organization 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)¹⁰⁷ Notwithstanding paragraph 4 of this regulation, the following rules apply to the Antarctic area:
- (a) The Government of each Party to the Convention at whose ports ships depart *en route* to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.
 - (b) The Government of each Party to the Convention shall ensure that all ships entitled to fly its 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.

Regulation 6

Exceptions

Regulations 3, 4 and 5 of this Annex shall not apply to:

- (a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

¹⁰⁷ This amendment was adopted by the MEPC at its thirtieth session and is expected to enter into force on 17 March 1992.

Schedule 1 (continued)

- (b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or
- (c) the accidental loss of synthetic fishing nets, provided that all reasonable precautions have been taken to prevent such loss.

Regulation 7

Reception facilities

(1) The Government of each Party to the Convention undertakes to ensure the provision of 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 Government of each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this regulation are alleged to be inadequate.

Schedule 2 Recordable operations and events

Part 1 Ships to which part 2, division 3 applies

section 8(4)

1 Machinery space operations

Each of the following is a recordable operation—

- (a) the ballasting or cleaning of an oil fuel tank;
- (b) a discharge of dirty ballast or dirty cleaning water from an oil fuel tank;
- (c) a disposal of oil residues (sludge);
- (d) a discharge overboard or other disposal of bilge water that has accumulated in any machinery space.

2 Cargo or ballast operations

Each of the following is a recordable operation—

- (a) loading of oil cargo, including by transfer operation;
- (b) internal transfer of oil cargo during voyage;
- (c) unloading of oil cargo, including by transfer operation;
- (d) ballasting of cargo tanks and dedicated clean ballast tanks;
- (e) cleaning of cargo tanks, including crude oil washing;
- (f) discharge of ballast except from segregated ballast tanks;
- (g) discharge of water from slop tanks;
- (h) closing of all applicable valves or similar devices after slop tank discharge operations;

Schedule 2 (continued)

- (i) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;
- (j) disposal of residues after an operation mentioned in paragraphs (a) to (i).

3 Recordable events

Each of the following is a recordable event—

- (a) a discharge into coastal waters of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;
- (b) a discharge into coastal waters of oil or oily mixture resulting from damage to a ship or its equipment;
- (c) a discharge into coastal waters of an oily mixture, approved by an authorised officer, to combat specific pollution incidents to minimise the damage from pollution;
- (d) a failure of the ship's oil discharge monitoring and control system;
- (e) a discharge exempted under part 2, division 1.

Part 2 Ships to which part 3, division 3 applies

section 29(4)

1 Recordable operations

Each of the following is a recordable operation—

- (a) the loading of cargo;
- (b) an internal transfer of cargo;

Schedule 2 (continued)

- (c) the unloading of cargo;
- (d) the cleaning of a cargo tank;
- (e) the ballasting of a cargo tank;
- (f) a discharge of ballast from a cargo tank;
- (g) a disposal of residues to a reception facility;
- (h) the removal, by ventilation procedures approved under part 3, division 4, of cargo residues from a tank.

2 Recordable events

Each of the following is a recordable event—

- (a) a discharge into coastal waters of a noxious liquid substance necessary for the purpose of securing the safety of a ship or saving life at sea;
- (b) a discharge into coastal waters of a noxious liquid substance resulting from damage to a ship or its equipment;
- (c) a discharge into coastal waters of a noxious liquid substance, approved by an authorised officer, to combat specific pollution incidents to minimise the damage from pollution;
- (d) a discharge exempted under part 3, division 1.

Schedule 3 Oil-like substances

section 25

1 Oil-like substances—Category C

The following Category C substances are oil-like substances for section 38¹⁰⁸ of the Act—

- Aviation alkylates
- Cycloheptane
- Cyclohexane
- Cyclopentane
- *p*-Cymene
- Diethylbenzene
- Dipentene
- Ethylbenzene
- Ethylcyclohexane
- Heptane (all isomers)
- Hexane (all isomers)
- Hexene (all isomers)
- Isopropyl cyclohexane
- Methylcyclohexane
- 2-Methyl-1-pentene
- Nonane (all isomers)
- Octane (all isomers)
- Olefin mixtures (C₅–C₇)
- Pentane (all isomers)
- Pentene (all isomers)

108 Section 38 (Certain noxious liquid substances to be treated as oil) of the Act

Schedule 3 (continued)

- 1-Phenyl-1-xylylethane
- Propylene dimer
- Tetrahydronaphthalene
- Toluene
- Xylenes.

2 Oil-like substances—Category D

The following Category D substances are oil-like substances for section 38 of the Act—

- Alkyl (C₉–C₁₇) benzenes
- Diisopropyl naphthalene
- Dodecane (all isomers).

Schedule 3A Devolution to port authority

section 48

Port of Cooktown

Port of Maryborough

Port of Quintell Beach

Schedule 4 Nil discharge waters for untreated sewage

section 38A

Part 1 From 1 January 2004 to 30 June 2004

- 1 Prohibited discharge waters.

Part 2 From 1 July 2004 to 31 December 2009

- 1 Prohibited discharge waters.
- 2 Smooth waters.
- 3 Hervey Bay waters or northern Moreton Bay waters within 1852m of any of the following—
 - (a) aquaculture fisheries resources;
 - (b) a reef;
 - (c) the mean low water mark of the mainland;¹⁰⁹
 - (d) if a ship has 16 or more persons onboard—the mean low water mark of an island.
- 4 Open waters within 1852m of—
 - (a) aquaculture fisheries resources; or
 - (b) if a ship has 16 or more persons onboard—

109 1852m is 1n mile

Schedule 4 (continued)

- (i) a reef; or
- (ii) the mean low water mark of an island or the mainland.

Part 3 From 1 January 2010

- 1 Prohibited discharge waters.
- 2 Smooth waters.
- 3 If a ship has 16 or more persons on board—Hervey Bay waters, northern Moreton Bay waters or open waters.
- 4 Hervey Bay waters or northern Moreton Bay waters within 1852m of any of the following—
 - (a) aquaculture fisheries resources;
 - (b) a reef;
 - (c) the mean low water mark of the mainland.
- 5 Open waters—
 - (a) within 1852m of aquaculture fisheries resources; or
 - (b) if a ship has 7 to 15 persons onboard, the waters within 1852m of any of the following—
 - (i) a reef;
 - (ii) the mean low water mark of an island or the mainland.

Schedule 5 Nil discharge waters for treated sewage

section 38B

Part 1 From 1 January 2004 to 30 June 2004

- 1 Prohibited discharge waters.

Part 2 From 1 July 2004

- 1 Prohibited discharge waters.
- 2 For grade B treated sewage, Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters within 700m of any of the following—
 - (a) a person in the water;
 - (b) aquaculture fisheries resources;
 - (c) a reef.
- 3 For grade C treated sewage, Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters within 926m of any of the following—
 - (a) a person in the water;
 - (b) aquaculture fisheries resources;
 - (c) a reef.¹¹⁰

110 926m is 0.5n mile

**Schedule 6 Nil discharge waters for treated
sewage or untreated
sewage from a declared ship**

section 38E

**Part 1 From 1 January 2004 to 30 June
2004**

- 1 Prohibited discharge waters.

**Part 2 From 1 July 2004 to 30 June
2005**

- 1 Prohibited discharge waters.
- 2 For untreated sewage—
 - (a) smooth waters; and
 - (b) Hervey Bay waters or northern Moreton Bay waters within 1852m of any of the following—
 - (i) aquaculture fisheries resources;
 - (ii) a reef;
 - (iii) the mean low water mark of the mainland; and
 - (c) open waters within 1852m of—
 - (i) aquaculture fisheries resources; or
 - (ii) if a declared ship has 16 or more persons onboard—a reef or the mean low water mark of an island, or the mainland.

Schedule 6 (continued)

- 3 For grade B treated sewage—Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters, within 700m of any of the following—
 - (a) a person in the water;
 - (b) aquaculture fisheries resources;
 - (c) a reef.
- 4 For grade C treated sewage, Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters within 926m of any of the following—
 - (a) a person in the water;
 - (b) aquaculture fisheries resources;
 - (c) a reef.

Part 3

**From 1 July 2005 to
31 December 2009**

- 1 Prohibited discharge waters.
- 2 For untreated sewage—
 - (a) Hervey Bay waters, northern Moreton Bay waters and smooth waters; and
 - (b) open waters within 1852m of—
 - (i) aquaculture fisheries resources; or
 - (ii) if a declared ship has 16 or more persons onboard—a reef or the mean low water mark of an island or the mainland.
- 3 For grade B treated sewage, Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters within 700m of any of the following—
 - (a) a person in the water;

Schedule 6 (continued)

- 4 For grade C treated sewage—Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters within 926m of any of the following—
- (a) a person in the water;
 - (b) aquaculture fisheries resources;
 - (c) a reef.

Schedule 7 Levels of sewage quality characteristics for treated sewage

section 38H

Part 1 Grade A treated sewage

1 Faecal coliforms

The geometric mean of the faecal coliform count of the samples of treated sewage taken during the test period must not be more than 250 faecal coliforms/100mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

2 Suspended solids

If testing is carried out—

- (a) on shore, the geometric mean of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50mg/L; or
- (b) onboard a ship, the geometric mean of the total suspended content of the samples of treated sewage taken during the test period must not be more than 100mg/L above the suspended solids content of ambient water used for flushing purposes.

3 Biochemical oxygen demand

The geometric mean of the 5 day biochemical oxygen demand of the samples of treated sewage taken during the test period must not be more than 50mg/L.¹¹¹

111 The levels of sewage quality characteristics stated in items 1 to 3 are the levels stated in Annex IV of MARPOL.

Schedule 7 (continued)

Part 2 Grade B treated sewage

4 Faecal coliforms

The geometric mean of the faecal coliform count of the samples of treated sewage taken during the test period must not be more than 150 faecal coliforms/100mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

5 Suspended solids

The geometric mean of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50mg/L above the suspended solids content of ambient water used for flushing purposes.

Part 3 Grade C treated sewage

6 Faecal coliforms

The geometric mean of the faecal coliform count of the samples of treated sewage taken during the test period must not be more than 150 faecal coliforms/100mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

Schedule 8 Designated areas

dictionary, definition *designated area*

For the definition *designated area* in schedule 10, each of the following is a designated area—

- a buffer zone or a protection zone under the *Marine Parks (Moreton Bay) Zoning Plan 1997*
- Noosa River
- a marine national park zone, under the *Marine Parks (Great Sandy) Zoning Plan 2006*, located near Burkitt's Reef, Hoffman's Rocks or Barolin Rock, adjacent to the Woongarra Coast
- an area within the Great Barrier Reef Coast Marine Park mentioned in schedule 8A.

Schedule 8A Areas within the Great Barrier Reef Coast Marine Park that are designated areas

schedule 8

Part 1 Preliminary

1 Definitions

In this schedule—

100m line, around a reef, means the line every point of which is 100m seaward from the seaward edge of the reef.

500m line, around a reef, means the line every point of which is 500m seaward from the seaward edge of the reef.

coastal 100m line—

- 1 The *coastal 100m line* around an island or the mainland is the line every point of which is 100m seaward from the island or the mainland at low water.
- 2 However, to the extent there is a fringing reef around the island or the mainland, the *coastal 100m line* is the line every point of which is 100m seaward from the seaward edge of the fringing reef.

coastal 500m line—

- 1 The *coastal 500m line* around an island, a group of islands, the mainland, a rock, or a group of rocks, is the line every point of which is 500m seaward from the island, the group of islands, the mainland, the rock or the group of rocks, at low water.
- 2 However, to the extent there is a fringing reef around the the island, the group of islands, the mainland, the rock or the group of rocks, the *coastal 500m line* is the line every point of which is 500m seaward from the edge of the fringing reef.

Schedule 8A (continued)

fringing reef, in relation to an island or the mainland, means a reef that adjoins, overlaps or is in close proximity to the island or the mainland at low water.

H.A.T. means highest astronomical tide.

highest astronomical tide means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

high water means the mean height of the highest high water at spring tide.

island 500m line, around an island, means the line every point of which is 500m seaward from the island at low water.

L.A.T. means lowest astronomical tide.

lowest astronomical tide means the lowest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

low water means the mean height of the lowest low water at spring tide.

median line, means—

- (a) in relation to 2 islands—a line that—
 - (i) starts at 1 point where the island 500m line around 1 island intersects the island 500m line around the other island; and
 - (ii) ends at the other point where the 2 island 500m lines intersect; and
 - (iii) at every point is equidistant from both islands at low water; or
- (b) in relation to an island and a rock or group of rocks—a line that—
 - (i) starts at 1 point where the island 500m line around the island intersects the rock 500m line around the rock or group of rocks; and

Schedule 8A (continued)

- (ii) ends at the other point where the island 500m line intersects the rock 500m line; and
- (iii) at every point is equidistant from the island and the rock or group of rocks at low water; or
- (c) in relation to 2 reefs—a line that—
 - (i) starts at 1 point where the 500m line around 1 reef intersects the 500m line around the other reef; and
 - (ii) ends at the other point where the 2500m lines intersect; and
 - (iii) at every point is equidistant from the seaward edge of both reefs.

rock 500m line, around a rock or a group of rocks, means the line every point of which is 500m seaward from the rock, or the group of rocks, at low water.

Trinity Inlet fish habitat area means the Trinity Inlet fish habitat area—

- (a) declared under the *Fisheries Regulation 1995*; and
- (b) as it was immediately before the commencement of this schedule.¹¹²

2 References to latitudes and longitudes

The latitudes and longitudes used to describe an area mentioned in this schedule are worked out using the Geocentric Datum of Australia 1994, commonly called ‘GDA94’, notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995, at page 3369.

¹¹² The Trinity Inlet fish habitat area as it was immediately before the commencement of this schedule is shown on plan FHA-003 [Revision 2]. See the *Fisheries Regulation 1995*, schedule 7 (Fish habitat areas), section 68 (Trinity Inlet).

Schedule 8A (continued)

3 References to H.A.T., high water etc.

- (1) A reference in this schedule to the mainland, an island or another natural feature at H.A.T., high water, L.A.T., or low water is a reference to the line that represents H.A.T., high water, L.A.T., or low water adjacent to the mainland, the island or the natural feature.

Examples of natural features—

bay, creek, inlet, river, rock

- (2) A reference to the bank of a creek, inlet or river is a reference to the line that—
- (a) runs along the outer limit of the defined channel of the creek, inlet or river; and
 - (b) follows the upper limit of the land in the channel that is covered by the waters of the creek, inlet or river—
 - (i) for a reference to the bank at H.A.T.—at H.A.T.; or
 - (ii) for a reference to the bank at high water—at high water; or
 - (iii) for a reference to the bank at L.A.T.—at L.A.T.; or
 - (iv) for a reference to the bank at low water—at low water.

- (3) In this section—

the mainland includes a part of the mainland.¹¹³

4 References to bracketed island or reef numbers

- (1) In this schedule, a reference to a bracketed island number after a description of an island, or a bracketed reef number after a description of a reef, is included to provide additional information for identifying the island or reef.

¹¹³ See also the *Survey and Mapping Infrastructure Act 2003*, section 60 (References to features forming part of an administrative area boundary) for other rules of interpretation for working out boundaries mentioned in this schedule.

Schedule 8A (continued)

(2) In this section—

island number means the word ‘island’ followed by a sequence of numbers separated by a dash.

reef number means the word ‘reef’ followed by—

- (a) a sequence of numbers separated by a dash; or
- (b) a sequence of numbers separated by a dash and a letter in lower case.

Part 2 Areas that are designated areas

Division 1 Areas within the Mackay/Capricorn Management Area

1 Part of Rodds Bay Segment

The area within the following boundary—

- from where latitude 24°00.528' south intersects the mainland at low water¹¹⁴
- then south-westerly along the geodesic that passes through the following points—
 - (a) where the mainland at low water intersects latitude 24°00.528' south;
 - (b) where latitude 24°01.818' south intersects Hummock Hill Island at low water;

to where the geodesic intersects the coastal 500m line around the mainland at Rodds Peninsula
- then generally northerly, north-easterly, easterly and south-easterly along the coastal 500m line around the

¹¹⁴ Latitude 24°00.528' south intersects the mainland at low water near Spit End.

Schedule 8A (continued)

mainland at Rodds Peninsula to where it intersects longitude 151°43.063' east

- then south along longitude 151°43.063' east to where it intersects the mainland at high water¹¹⁵
- then generally north-westerly, westerly and southerly along the mainland at high water to where it intersects latitude 24°00.528' south¹¹⁶
- then west along latitude 24°00.528' south to where it intersects the mainland at low water.

2 Parts of Keppel Bay Segment

The following areas—

- (a) the area within the following boundary—
- from the most western point where North Keppel Island at H.A.T. intersects latitude 23°04.662' south
 - then west along latitude 23°04.662' south to where it intersects the coastal 500m line around North Keppel Island
 - then generally south-easterly along the coastal 500m line around North Keppel Island to where it intersects latitude 23°04.992' south
 - then east along latitude 23°04.992' south to where it intersects North Keppel Island at H.A.T.
 - then generally north-westerly along North Keppel Island at H.A.T. to the most western point where it intersects latitude 23°04.662' south;
- (b) the area within the following boundary—

115 Longitude 151°43.063' east intersects the mainland at high water on Rodds Peninsula.

116 The mainland at high water intersects latitude 24°00.528' south near Spit End.

Schedule 8A (continued)

- from the most western point where Great Keppel Island at H.A.T. intersects latitude 23°10.698' south
 - then west along latitude 23°10.698' to where it intersects the coastal 500m line around Great Keppel Island
 - then generally southerly along the coastal 500m line around Great Keppel Island to where it intersects latitude 23°11.340' south
 - then east along latitude 23°11.340' south to where it intersects Great Keppel Island at H.A.T.
 - then generally northerly along Great Keppel Island at H.A.T. to the most western point where it intersects latitude 23°10.698' south;
- (c) the area that is landward of the coastal 500m line around Egg Rock;
- (d) the area within the following boundary—
- from the eastern point of the median line between Middle Island and Miall Island
 - then generally south-westerly along the median line between Middle Island and Miall Island to the western point of the line
 - then generally southerly, south-easterly, easterly and north-easterly along the island 500m line around Middle Island to the western point of the median line between Middle Island and Passage Rocks
 - then generally north-easterly along the median line between Middle Island and Passage Rocks to the eastern point of the line
 - then generally north-westerly along the island 500m line around Middle Island to the eastern point of the median line between Middle Island and Miall Island;

Schedule 8A (continued)

- (e) the area within the following boundary—
- from the most northern point of Halfway Island at low water
 - then north along the longitude that passes through the most northern point of Halfway Island at low water to where the longitude intersects the southern point of the median line between Great Keppel Island and Halfway Island
 - then generally north-easterly along the median line between Great Keppel Island and Halfway Island to the northern point of the line
 - then generally south-easterly and southerly along the island 500m line around Halfway Island to where it intersects the latitude that passes through the most southern point of Halfway Island at high water
 - then west along the latitude that passes through the most southern point of Halfway Island at high water to the most southern point of Halfway Island at high water
 - then northerly along a geodesic to the most southern point of Halfway Island at H.A.T.
 - then generally north-easterly and northerly along the eastern side of Halfway Island at H.A.T. to the most northern point of the Island at H.A.T.
 - then northerly along a geodesic to the most northern point of Halfway Island at low water;
- (f) the area within the following boundary—
- from the most western point of the island 500m line around Peak Island
 - then generally northerly along the island 500m line around Peak Island to the southern point of the median line between Peak Island and Split Rock

Schedule 8A (continued)

- then generally north-easterly along the median line between Peak Island and Split Rock to the northern point of the line
- then generally south-easterly and southerly along the island 500m line around Peak Island to the north-eastern point of the median line between Peak Island and Arch Rock
- then generally south-westerly along the median line between Peak Island and Arch Rock to the south-western point of the line
- then generally north-westerly along the island 500m line around Peak Island to the most western point of the line.

3 Parts of Broad Sound Segment

The following areas—

- (a) the area within the following boundary—
- from the most southern point of the 500m line around Ethel Sand Shoal (reef 21-357)¹¹⁷
 - then north-westerly and north-easterly along the 500m line around Ethel Sand Shoal (reef 21-357) to its most eastern point
 - then south-easterly along a geodesic to the most eastern point of the coastal 500m line around George Island
 - then generally south-westerly along the coastal 500m line around George Island to its most southern point
 - then south-westerly along a geodesic to the most southern point of the coastal 500m line around Calliope Island

117 The most southern point of the 500m line around Ethel Sand Shoal (reef 21-357) is at approximately latitude 21°51.174' south, longitude 149°44.556' east.

Schedule 8A (continued)

- then westerly along a geodesic to the most southern point of the 500m line around Ethel Sand Shoal (reef 21-357);
- (b) the area within the following boundary—
- from the most southern point of Leicester Island at low water
 - then northerly along a geodesic to the most southern point of Leicester Island at H.A.T.
 - then north-easterly and northerly along the eastern side of Leicester Island at H.A.T. to its most northern point
 - then northerly along a geodesic to the most northern point of Leicester Island at low water
 - then east along the latitude that passes through the most northern point of Leicester Island at low water to the most western point where the latitude intersects Townshend Island at H.A.T.
 - then generally southerly, easterly, south-westerly, north-easterly and southerly along Townshend Island at H.A.T. to where it intersects the latitude that passes through the most southern point of the coastal 500m line around Marquis Island
 - then west along the latitude that passes through the most southern point of the coastal 500m line around Marquis Island to the most southern point where the latitude intersects the coastal 500m line around Marquis Island
 - then generally westerly and northerly along the coastal 500m line around Marquis Island to its most western point
 - then north-westerly along a geodesic to the most southern point of Leicester Island at low water.

Schedule 8A (continued)

4 Parts of Cumberland Islands Segment

The following areas—

- (a) the area that is landward of the coastal 500m line around Penrith Island;
- (b) the area within the following boundary—
 - from where latitude 20°46.824' south intersects the western side of Carlisle Island at low water
 - then east along latitude 20°46.824' south to the most western point where it intersects Carlisle Island at H.A.T.
 - then generally easterly along Carlisle Island at H.A.T. to where it intersects longitude 149°17.994' east on the southern side of the island
 - then south along longitude 149°17.994' east to where it intersects the southern side of Carlisle Island at low water
 - then westerly along a geodesic to where latitude 20°48.150' south intersects the eastern side of Brampton Island at low water
 - then south along latitude 20°48.150' south to where it intersects the eastern side of Brampton Island at H.A.T.
 - then generally westerly along Brampton Island at H.A.T. to where it intersects longitude 149°15.672' east
 - then north along longitude 149°15.672' east to where it intersects the northern side of Brampton Island at low water
 - then north-easterly along a geodesic to where latitude 20°46.824' south intersects the western side of Carlisle Island at low water;
- (c) the area within the following boundary—

Schedule 8A (continued)

- from the most northern point of the coastal 500m line around Scawfell Island
- then generally south-easterly, southerly, southwesterly, westerly and north-westerly along the coastal 500m line around Scawfell Island to its most western point
- then east along the latitude that passes through the most western point of the coastal 500m line around Scawfell Island to where the latitude intersects Scawfell Island at H.A.T.
- then generally south-easterly, north-easterly, southeasterly, north-easterly, northerly and north-westerly along Scawfell Island at H.A.T. to its most northern point
- then northerly along a geodesic to the most northern point of the coastal 500m line around Scawfell Island.

5 Parts of Capricorn-Bunker Segment

The following areas—

- (a) the area within the following boundary—
- from the most northern point where the 500m line around Wistari Reef intersects the 500m line around Heron Island Reef
 - then easterly along the 500m line around Heron Island Reef to where it intersects the 500m line around Sykes Reef
 - then generally easterly along the 500m line around Sykes Reef to where it intersects longitude 152°00.054' east
 - then south along longitude 152°00.054' east to the most southern point where it intersects the 500m line around Sykes Reef

Schedule 8A (continued)

- then westerly along the 500m around Sykes Reef to where it intersects the 500m line around Heron Island Reef
 - then westerly along the 500m line around Heron Island Reef to the most southern point where it intersects the 500m line around Wistari Reef
 - then generally south-westerly, north-westerly and north-easterly along the 500m line around Wistari Reef to the most northern point where it intersects the 500m line around Heron Island Reef;
- (b) the area landward of the 500m line around Lady Elliot Island Reef;
- (c) the area within the following boundary—
- from the most northern point where longitude 151°46.638' east intersects the 100m line around Brew Shoal Reef
 - then generally north-easterly along the 100m line around Brew Shoal Reef to where it intersects the longitude that passes through the most eastern point of Tryon Island at high water
 - then south along the longitude that passes through the most eastern point of Tryon Island at high water to where it intersects the most eastern point of Tryon Island at high water
 - then westerly along a geodesic to the most eastern point of Tryon Island at H.A.T.
 - then generally south-westerly along Tryon Island at H.A.T. to where it intersects longitude 151°46.638' east
 - then north along longitude 151°46.638' east to the most northern point where it intersects the 100m line around Brew Shoal Reef;
- (d) the area within the following boundary—

Schedule 8A (continued)

- from the most southern point where the 100m line around Brew Shoal Reef intersects longitude 151°46.638' east
 - then north along longitude 151°46.638' east to where it intersects Tryon Island at H.A.T.
 - then generally north-easterly along Tryon Island at H.A.T. to its most eastern point
 - then easterly along a geodesic to the most eastern point of Tryon Island at high water
 - then south along the longitude that passes through the most eastern point of Tryon Island at high water to where it intersects the 100m line around Brew Shoal Reef
 - then generally south-westerly along the 100m line around Brew Shoal Reef to the most southern point where it intersects longitude 151°46.638' east;
- (e) the area within the following boundary—
- from the most northern point where longitude 151°42.402' east intersects the 100m line around North West Reef
 - then generally easterly along the 100m line around North West Reef to where it intersects the longitude that passes through the most eastern point of North West Island at high water
 - then south along the longitude that passes through the most eastern point of North West Island at high water to the most eastern point of North West Island at high water
 - then westerly along a geodesic to the most eastern point of North West Island at H.A.T.
 - then generally north-westerly and westerly along North West Island at H.A.T. to where it intersects longitude 151°42.402' east

Schedule 8A (continued)

- then north along longitude 151°42.402' east to the most northern point where it intersects the 100m line around North West Reef;
- (f) the area within the following boundary—
- from the most southern point where the 100m line around North West Reef intersects longitude 151°42.402' east
 - then north along longitude 151°42.402' east to where it intersects North West Island at H.A.T.
 - then generally north-easterly along North West Island at H.A.T. to its most eastern point
 - then easterly along a geodesic to the most eastern point of North West Island at high water
 - then south along the longitude that passes through the most eastern point of North West Island at high water to where the longitude intersects the 100m line around North West Reef
 - then generally north-westerly along the 100m line around North West Reef to the most southern point where the line intersects longitude 151°42.402' east;
- (g) the area within the following boundary—
- from the most northern point where longitude 151°43.512' east intersects the 100m line around Masthead Island Reef
 - then generally south-easterly along the 100m line around Masthead Island Reef to where it intersects the longitude that passes through the most eastern point of Masthead Island at high water
 - then south along the longitude that passes through the most eastern point of Masthead Island at high water to the most eastern point of Masthead Island at high water

Schedule 8A (continued)

- then westerly along a geodesic to the most eastern point of Masthead Island at H.A.T.
 - then generally westerly along Masthead Island at H.A.T. to where it intersects longitude 151°43.512' east
 - then north along longitude 151°43.512' east to the most northern point where it intersects the 100m line around Masthead Island Reef;
- (h) the area within the following boundary—
- from the most southern point where the 100m line around Masthead Island Reef intersects longitude 151°43.512' east
 - then north along longitude 151°43.512' east to where it intersects Masthead Island at H.A.T.
 - then generally easterly along Masthead Island at H.A.T. to its most eastern point
 - then easterly along a geodesic to the most eastern point of Masthead Island at high water
 - then south along the longitude that passes through the most eastern point of Masthead Island at high water to where the longitude intersects the 100m line around Masthead Island Reef
 - then generally westerly along the 100m line around Masthead Island Reef to the most southern point where it intersects longitude 151°43.512' east;
- (i) the area within the following boundary—
- from the most northern point where Lady Musgrave Island at H.A.T. intersects longitude 152°23.604' east
 - then north along longitude 152°23.604' east to where it intersects the 100m line around Lady Musgrave Island Reef

Schedule 8A (continued)

- then generally north-easterly along the 100m line around Lady Musgrave Island Reef to where it intersects longitude 152°24.552' east¹¹⁸
 - then south-easterly along a geodesic to latitude 23°53.628' south, longitude 152°24.780' east
 - then south-westerly along a geodesic to the most eastern point of Lady Musgrave Island at high water
 - then westerly along a geodesic to the most eastern point of Lady Musgrave Island at H.A.T.
 - then generally northerly, north-westerly and southwesterly along Lady Musgrave Island at H.A.T. to the most northern point where it intersects longitude 152°23.604' east;
- (j) the area landward of the 500m line around Llewellyn Reef;
- (k) the area landward of the 500m line around One Tree Island Reef;
- (l) the area landward of the 500m line around Wreck Island Reef.

Division 2 Areas within the Townsville/Whitsunday Management Area

6 Parts of Whitsundays Segment

The following areas—

- (a) the area within the following boundary—

¹¹⁸ Longitude 152°24.552' east approximately passes through the most northern point of the seaward edge of the part of Lady Musgrave Island Reef that is on the southern side of the main entrance channel to Lady Musgrave Island.

Schedule 8A (continued)

- from the most northern point where longitude 148°57.664' east intersects Hook Island at low water
 - then westerly along a geodesic to the most northern point where longitude 148°55.364' east intersects Hook Island at low water
 - then south along longitude 148°55.364' east to where it intersects Hook Island at H.A.T.
 - then generally south-easterly, southerly, northeasterly and easterly along Hook Island at H.A.T. to the most northern point where it intersects longitude 148°57.664' east
 - then north along longitude 148°57.664' east to the most northern point where it intersects Hook Island at low water;
- (b) the area landward of the coastal 100m line around Border Island;
- (c) the area within the following boundary—
- from the most northern point of the coastal 100m line around Haslewood Island
 - then southerly along the coastal 100m line around Haslewood Island to the most northern point where it intersects the coastal 100m line around Lupton Island
 - then southerly along the coastal 100m line around Lupton Island to the most southern point where it intersects the coastal 100m line around Haslewood Island
 - then generally southerly along the coastal 100m line around Haslewood Island to its most southern point
 - then north along the longitude that passes through the most southern point of the coastal 100m line

Schedule 8A (continued)

around Haslewood Island to where the longitude intersects Haslewood Island at H.A.T.

- then generally northerly along Haslewood Island at H.A.T. to its most northern point
 - then northerly along a geodesic to the most northern point of the coastal 100m line around Haslewood Island;
- (d) the area within the following boundary—
- from the most eastern point where latitude 20°25.896' south intersects the mainland at low water
 - then north-easterly along a geodesic to the most southern point of the coastal 100m line around Calf Island
 - then generally north-easterly, northerly and northwesterly along the coastal 100m line around Calf Island to the most eastern point where it intersects the coastal 100m line around Cow Island
 - then generally northerly, north-westerly and westerly along the coastal 100m line around Cow Island to where it intersects the mainland at low water
 - then generally southerly along the mainland at low water to the most eastern point where it intersects latitude 20°25.896' south;
- (e) the area within the following boundary—
- from the most northern point of the coastal 500m line around Eshelby Island
 - then generally south-westerly and southerly along the coastal 500m line around Eshelby Island to the most western point where it intersects the coastal

Schedule 8A (continued)

500m line around the unnamed island (island 20-013) just south of Eshelby Island¹¹⁹

- then generally south-westerly, southerly, easterly and northerly along the coastal 500m line around the unnamed island (island 20-013) just south of Eshelby Island to the most eastern point where it intersects the coastal 500m line around Eshelby Island
- then generally northerly and north-westerly along the coastal 500m line around Eshelby Island to its most northern point.

7 Part of Bowling Green Bay Segment

The area within the following boundary—

- from where the mainland at high water intersects latitude 19°15.300' south near Cape Woorra
- then east along latitude 19°15.300' south to where it intersects the coastal 500m line around the mainland
- then generally south-easterly and westerly along the coastal 500m line around the mainland to where it intersects latitude 19°16.902' south
- then west along latitude 19°16.902' south to where it intersects the mainland at high water
- then generally easterly and north-westerly along the mainland at high water to where it intersects latitude 19°15.300' south near Cape Woorra.

8 Parts of Halifax Bay and Magnetic Island Segment

The following areas—

¹¹⁹ The most western point where the coastal 500m line around Eshelby Island intersects the coastal 500m line around the unnamed island (20-013) just south of Eshelby Island is at approximately latitude 20°01.344' south, longitude 148°37.314' east.

Schedule 8A (continued)

- (a) the part of Balding Bay that is south of the following line—
- from where longitude $146^{\circ}52.302'$ east intersects Magnetic Island at high water on the eastern side of the bay
 - then north-westerly along a geodesic to where longitude $146^{\circ}51.522'$ east intersects Magnetic Island at high water on the western side of the bay;
- (b) the part of Geoffrey Bay that is north of the following line—
- from where longitude $146^{\circ}52.332'$ east intersects Magnetic Island at high water on the eastern side of the bay
 - then south-westerly along a geodesic to where longitude $146^{\circ}52.224'$ east intersects Magnetic Island at high water on the western side of the bay;
- (c) the area within the following boundary—
- from the most northern point where Magnetic Island at low water intersects longitude $146^{\circ}49.002'$ east
 - then south along longitude $146^{\circ}49.002'$ east to where it intersects Magnetic Island at H.A.T.
 - then generally easterly and north-easterly along Magnetic Island at H.A.T. to the most northern point where it intersects longitude $146^{\circ}49.974'$ east
 - then north along longitude $146^{\circ}49.974'$ east to where it intersects Magnetic Island at low water
 - then south-westerly along a geodesic to the most northern point where Magnetic Island at low water intersects longitude $146^{\circ}49.002'$ east.

9 Part of Hinchinbrook Segment

The area within the following boundary—

Schedule 8A (continued)

- from the most northern point of the coastal 500m line around North Island
- then southerly along the coastal 500m line around North Island on its eastern side to where it intersects the coastal 500m line around Tween Island
- then southerly along the coastal 500m line around Tween Island to where it intersects the coastal 500m line around Middle Island
- then southerly along the coastal 500m line around Middle Island to where it intersects the coastal 500m line around South Island
- then southerly, westerly and northerly along the coastal 500m line around the South Island to where it intersects the coastal 500m line around Middle Island on its western side
- then northerly along the coastal 500m line around Middle Island to where it intersects the coastal 500m line around Tween Island
- then northerly along the coastal 500m line around Tween Island to where it intersects the coastal 500m line around North Island
- then northerly along the coastal 500m line around North Island to its most northern point.

10 Part of Palm Islands Segment

The area within the following boundary—

- from the most western point where latitude 18°36.900' south intersects Orpheus Island at H.A.T.
- then generally northerly, easterly, southerly and south-westerly along Orpheus Island at H.A.T. to its most southern point
- then south along the longitude that passes through the most southern point of Orpheus Island at H.A.T. to

Schedule 8A (continued)

where the longitude intersects the coastal 500m line around Orpheus Island

- then generally north-easterly, northerly, westerly and southerly along the coastal 500m line around Orpheus Island to the most western point where it intersects latitude 18°36.900' south
- then east along latitude 18°36.900' south to the most western point where it intersects Orpheus Island at H.A.T.

Division 3 Areas within the Cairns/Cooktown Management Area

11 Parts of Mulgrave-Johnstone Segment

The following areas—

- (a) the area landward of the 500m line around Green Island Reef (reef 16-049);
- (b) the area within the following boundary—
 - from the northern point of the median line between South Barnard Islands Reef (reef 17-046) and King Reef (reef 17-048)
 - then generally south-easterly along the median line between South Barnard Islands Reef (reef 17-046) and King Reef (reef 17-048) to the southern point of the line
 - then generally easterly, north-easterly, northerly, westerly, south-westerly and southerly along the 500m line around South Barnard Islands Reef to the northern point of the median line between South Barnard Islands Reef (reef 17-046) and King Reef (reef 17-048);
- (c) the area landward of the seaward edge of the following—

Schedule 8A (continued)

- (i) the unnamed reef that is around Normanby Island and Mable Island;
- (ii) Grange Rock Reef (reef 17-012a);
- (d) the part of Mourilyan Creek that is between the following—
 - (i) latitude 17°38.802' south;
 - (ii) latitude 17°40.908' south;
- (e) the parts of Maria Creek and North Maria Creek that are—
 - (i) upstream of the eastern boundary of Maria Creek National Park; or
 - (ii) downstream of the most western boundary of Maria Creek National Park.¹²⁰

12 Trinity Inlet Segment

- (1) The following areas, but not including the areas mentioned in subsection (2)—
 - (a) the Trinity Inlet fish habitat area;
 - (b) the area that is known as Ellie Point sand reserve and has the following boundary—
 - from latitude 16°51.909' south, longitude 145°46.065' east¹²¹

120 The most western point of Maria National Park is on the southern bank of North Maria Creek.

Maria National Park is shown as lot 1445 on plan NPW191. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 2 (National Parks).

121 Latitude, 16°51.909' south, longitude 145°46.065' east is on the right bank of the Barron River.

Schedule 8A (continued)

- then easterly along a geodesic to the most northern point of False Cape at L.A.T.¹²²
 - then south along the mainland at L.A.T. to where it intersects the latitude that passes through the most eastern point of Ellie Point
 - then west along the latitude that passes through the most eastern point of Ellie Point to the most eastern point of Ellie Point
 - then north-westerly to the south-eastern corner of lot 51 on plan NR3159
 - then north-westerly along the eastern boundary of lot 51 on plan NR3159 to latitude 16°51.909' south, longitude 145°46.065' east;
- (c) the following lots—
- (i) lots 1 to 4 on plan C19823;
 - (ii) lot 92 on plan NR3051;
 - (iii) lot 146 on SP129134;
 - (iv) lot 151 on plan NR4172.
- (2) The following areas are excluded from the designated area described in subsection (1)—
- (a) the area within 10m either side of the centre-line of the vehicular track that crosses lot 151 on plan NR4172;
 - (b) the area within 10m either side of the centre-line of the vehicular track from Airport Avenue to the sand stockpile area on lot 1 on RP736304;
 - (c) the sand stockpile area on lot 1 on RP736304.

13 Parts of Marlin Coast Segment

The following areas—

¹²² The most northern point of False Cape at L.A.T. is on the western side of Trinity Inlet.

Schedule 8A (continued)

- (a) the parts of Barron River and Redden Creek within the following boundary—
- from the most eastern point of the right bank at the mouth of the Barron River at H.A.T.
 - then upstream along the right bank of the Barron River to a point that is 50m downstream from the Cook Highway Bridge
 - then westerly across the Barron River to the left bank of the river
 - then downstream along the left bank of the Barron River to the left bank of Redden Creek
 - then downstream along the left bank of Redden Creek to the mouth of the creek
 - then south across Redden Creek to the right bank of the creek
 - then upstream along the right bank of Redden Creek to where it intersects the left bank of the Barron River
 - then downstream along the left bank of the Barron River to the mouth of the river
 - then south-easterly across the Barron River to the most eastern point of the right bank at the mouth of the river at H.A.T.;
- (b) the part of Barr Creek within the following boundary—
- from the most north-eastern corner of lot 72 on RP714006¹²³
 - then south-westerly along the northern boundary of lot 72 on RP714006 to where it meets the north-western boundary of lot 2 on SP147290

123 The most north-eastern corner of lot 72 on RP714006 is on the right bank at the mouth of Barr Creek.

Schedule 8A (continued)

- then south-westerly along the north-western boundary of lot 2 on SP147290 to where it meets the eastern boundary of lot 49 on plan N157300
 - then southerly along the eastern boundary of lot 49 on plan N157300 to where it meets the eastern boundary of lot 15 on plan USL9633
 - then southerly along the eastern boundary of lot 15 on plan USL9633 to where it meets the south-eastern boundary of lot 147 on plan NR4789
 - then south-westerly and northerly along the south-western boundary of lot 147 on plan NR4789 to where it meets the western boundary of lot 15 on plan USL9633
 - then northerly along the western boundary of lot 15 on plan USL9633 to where it meets the left bank of Barr Creek at H.A.T.
 - then north-westerly along the left bank of Barr Creek to the mouth of the creek at H.A.T.
 - then southerly across the mouth of Barr Creek to the most north-eastern corner of lot 72 on RP714006;
- (c) the parts of Yorkeys Creek and Richters Creek within the following boundary—
- from where the north-eastern corner of lot 105 on AP7001 intersects the mainland at H.A.T.
 - then generally southerly along the seaward boundary of lot 105 on AP7001 to the south-eastern corner of the lot
 - then southerly along the mainland at H.A.T. to where it intersects the right bank at the mouth of Richters Creek
 - then upstream along the right bank of Richters Creek to where it meets the south-western corner of lot 121 on plan NR840892

Schedule 8A (continued)

- then easterly along the southern boundary of lot 121 on plan NR840892 to where it meets the north-western corner of lot 235 on plan NR5479
- then south-easterly along the western boundary of lot 235 on plan NR5479 to where it meets the south-western side of Acacia Street at Holloways Beach
- then generally southerly along the south-western side of Acacia Street at Holloways to where it intersects the western side of Poinsettia Street at Holloways Beach
- then southerly along the western side of Poinsettia Street at Holloways Beach to where it intersects the western side of Casuarina Street at Holloways Beach
- then southerly along the western side of Casuarina Street at Holloways Beach to where it meets the south-eastern corner of lot 1 on plan USL9604
- then westerly and northerly along the boundary of lot 1 on plan USL9604 to where the western boundary of the lot meets the western boundary of lot 120 on CP857579
- then generally westerly along the northern boundary of lot 120 on CP857579 to where it meets the eastern boundary of lot 115 on plan NR3359
- then southerly and westerly along the boundary of lot 115 on plan NR3359 to where the southern boundary of the lot meets the right bank of Thomatis Creek
- then north-easterly across Thomatis Creek to where the left bank of the creek meets the most southern corner of lot 16 on plan USL9940
- then north-westerly and easterly along the boundary of lot 16 on plan USL9940 to where the

Schedule 8A (continued)

- northern boundary of the lot meets the right bank of Richters Creek
- then northerly across Richters Creek to the left bank of the creek
 - then downstream along the left bank of Richters Creek to where it meets the northern boundary of lot 12 on plan USL9940
 - then easterly along the northern boundary of lot 12 on plan USL9940 to where it meets the left bank of Richters Creek
 - then north-easterly along the left bank of Richters Creek to where it meets the most southern corner of lot 139 on plan NR3818
 - then north along the western boundary of lot 139 on plan NR3818 to where it meets the south-western corner of lot 105 on AP7001
 - then northerly along the western boundary of lot 105 on AP7001 to where it meets the north-western corner of lot 106 on SP137305
 - then north-easterly along the southern boundary of lot 106 on SP137305 to where it meets the eastern boundary of lot 105 on AP7001
 - then south-easterly and north-easterly along lot 105 on AP7001 to where the north-eastern corner of the lot intersects the mainland at H.A.T.
- (d) the part of Half Moon Creek within the following boundary—
- from the north-eastern corner of lot 50 on plan USL9567¹²⁴

¹²⁴ The north-eastern corner of lot 50 on plan USL9567 is on the right bank at the mouth of Half Moon Creek.

Schedule 8A (continued)

- then southerly along the eastern boundary of lot 50 on plan USL9567 to where it meets the north-eastern corner of lot 34 on SP11364
- then southerly and easterly along the eastern boundary of lot 34 on SP113641 to where it meets the north-eastern corner of lot 3 on plan USL9661
- then southerly along the eastern boundary of lot 3 on plan USL9661 to where it meets the most northern corner of lot 187 on plan NR6708
- then southerly along the eastern boundary of lot 187 on plan NR6708 to where it meets the eastern boundary of lot 3 on plan USL9661
- then southerly and westerly along the boundary of lot 3 on plan USL9661 to where the western boundary of the lot meets the eastern boundary of lot 188 on plan NR6708
- then south-westerly along the eastern boundary of lot 188 on plan NR6708 to where it meets the southern boundary of lot 3 on plan USL9661
- then westerly and northerly along the boundary of lot 3 on plan USL9661 to where the western boundary of the lot meets the south-eastern corner of lot 2 on plan USL9661
- then westerly and northerly along the boundary of lot 2 on plan USL9661 to where the northern boundary of the lot meets the most western corner of lot 27 on plan USL9569
- then northerly and south-easterly along the boundary of lot 27 on plan USL9569 to where the northern boundary of the lot meets the left bank of Half Moon Creek
- then downstream along the left bank of Half Moon Creek to the mouth of the creek

Schedule 8A (continued)

- then across the mouth of Half Moon Creek to where the mouth meets the north-eastern corner of lot 50 on plan USL9567.¹²⁵

14 Parts of Wonga Beach Segment

The following areas—

- (a) the part of Saltwater Creek within the following boundary—
 - from the south-eastern corner of lot 5 on SP159909
 - then generally westerly along the southern boundary of lot 5 on SP159909 to where it meets the right bank of Coop Creek
 - then northerly across Coop Creek to where the left bank of the creek meets the southern boundary of lot 6 on SP159909
 - then westerly and northerly along the boundary of lot 6 on SP159909 to where the northern boundary of the lot meets the western boundary of lot 6 on plan SR412
 - then southerly and easterly along the boundary of lot 6 on plan SR412 to where the southern boundary of the lot meets the south-eastern corner of lot 6 on RP712142
 - then northerly along the eastern boundary of lot 6 on RP712142 to where it intersects the anabranch of Saltwater Creek on the right bank of the creek
 - then north across the anabranch of Saltwater Creek to the left bank of the creek
 - then downstream along the left bank of Saltwater Creek to where it meets the western boundary of lot 1 on plan USL8767

¹²⁵ The north-eastern corner of lot 50 on plan USL9567 is on the right bank at the mouth of Half Moon Creek.

Schedule 8A (continued)

- then easterly along the northern boundary of lot 1 on plan USL8767 to where it meets the northern boundary of lot 1 on plan USL8764
 - then westerly along the northern boundary of lot 1 on plan USL8764 to where it intersects longitude 145°24.565' east
 - then north along longitude 145°24.565' east to where it intersects the southern boundary of lot 42 on plan SR6
 - then east and north along the eastern boundary of lot 42 on plan SR6 to the north-eastern corner of the lot
 - then east along the latitude that passes through the north-eastern corner of lot 42 on plan SR6 to where the latitude intersects the mainland at H.A.T.
 - then southerly along the mainland at H.A.T. to where it intersects the left bank at the mouth of Saltwater Creek
 - then southerly across Saltwater Creek to the right bank at the mouth of the creek at H.A.T.
 - then southerly along the mainland at H.A.T. to where it intersects the south-eastern corner of lot 5 on SP159909;
- (b) the part of the Mossman River within the following boundary—
- from the north-eastern corner of lot 5 on plan USL8735¹²⁶
 - then upstream along the right bank of the Mossman River to where it meets the north-western corner of lot 5 on plan USL8735

126 The north-eastern corner of lot 5 on plan USL8735 is on the right bank at the mouth of the Mossman River at H.A.T.

Schedule 8A (continued)

- then generally southerly along lot 5 on plan USL8735 to where it meets the north-western corner of lot 1 on plan C9641
- then southerly along the western boundaries of lots 1, 3, 4, 5, 6, 7, 8 and 9 on plan C9641 to the south-western corner of lot 9 on plan C9641
- then southerly along a geodesic to the north-eastern corner of lot 1 on RP720137
- then south-westerly along the northern boundary of lot 1 on RP720137 to where it meets the north-eastern corner of lot 11 on RP709171
- then south-westerly along the northern boundary of lot 11 on RP709171 to where it meets the most north-eastern corner of lot 12 on RP709171
- then south-westerly along the northern boundary of lot 12 on RP709171 to the north-western corner of the lot
- then westerly along a geodesic to the most north-eastern corner of lot 265 on plan N15783
- then generally westerly along the northern boundary of lot 265 on plan N15783 to the south-western corner of the lot
- then southerly along a geodesic to the north-eastern corner of lot 1 on plan RL1156¹²⁷
- then westerly along the northern boundary of lot 1 on plan RL1156 to the north-western corner of the lot
- then westerly across the Mossman River to the south-eastern corner of lot 5 on RP711228¹²⁸

¹²⁷ The north-eastern corner of lot 1 on plan RL1156 meets the south-western corner of lot 4 on plan T4371.

¹²⁸ The most south-eastern corner of lot 5 on RP711228 is on the left bank of the Mossman River.

Schedule 8A (continued)

- then northerly along the eastern boundary of lot 5 on RP711228 to where it meets the southern boundary of lot 7 on RP715390
- then easterly and north-easterly along the boundary of lot 7 on RP715390 to where the eastern boundary of the lot meets the south-western corner of lot 3 on AP8350
- then northerly along the eastern boundary of lot 7 on RP715390 to where it meets the south-western corner of lot 275 on plan SR794
- then generally north-easterly along the eastern boundary of lot 275 on plan SR794 to where it meets lot 1 on AP8350
- then generally northerly, westerly, northerly, easterly, southerly and easterly along the boundary of lot 1 on AP8350 to where it meets the south-western corner of lot 382 on plan SR864
- then easterly along the southern boundary of lot 382 on plan SR864 to where it meets the left bank of the Mossman River at H.A.T.
- then downstream along the left bank of the Mossman River at H.A.T. to the mouth of the river at H.A.T.
- then south across the mouth of the Mossman River to the north-eastern corner of lot 5 on plan USL8735.

15 Parts of Daintree Segment

The following areas—

- (a) the area landward of the 500m line around Low Islets Reef (reef 16-028);
- (b) the area within the following boundary—

Schedule 8A (continued)

- from where latitude 15°45.870' south intersects the mainland at H.A.T.¹²⁹
 - then generally southerly, easterly, south-easterly and southerly along the mainland at H.A.T. to where it intersects latitude 15°50.862' south¹³⁰
 - then east along latitude 15°50.862' south to where it intersects the coastal 500m line around the mainland
 - then generally northerly, north-westerly, westerly and northerly along the coastal 500m line around the mainland to where it intersects latitude 15°45.870' south
 - then west along latitude 15°45.870' south to where it intersects the mainland at H.A.T.;
- (c) the area within the following boundary—
- from where latitude 16°04.902' south intersects the mainland at H.A.T.¹³¹
 - then generally northerly and north-westerly along the mainland at H.A.T. to where it intersects longitude 145°22.788' east
 - then north along longitude 145°22.788' east to where it intersects the coastal 500m line around the mainland
 - then generally southerly along the coastal 500m line around the mainland to the most eastern point where it intersects latitude 16°04.902' south
 - then west along latitude 16°04.902' south to where it intersects the mainland at H.A.T.;

129 Latitude 15°45.870' south intersects the mainland at H.A.T. near Obree Point.

130 The mainland at H.A.T. intersects latitude 15°50.862' south near the northern bank of Fritz Creek.

131 Latitude 16°04.902' south intersects the mainland at H.A.T. just south of Cape Tribulation.

Schedule 8A (continued)

- (d) the part of the Daintree River that is south of latitude 16°17.496' south.

16 Parts of Starcke Segment

The following areas—

- (a) the area landward of the 500m line around Decapolis Reef (reef 14-131);
- (b) the area within the following boundary—

- from the most western point of the 500m line around Pethebridge Islets Reef (reef 14-122b)
- then north-westerly along the geodesic that passes through the following points—

(i) the most western point of the 500m line around Pethebridge Islets Reef (reef 14-122b);

(ii) the most eastern point of Murdoch Point at low water;

to where the geodesic intersects the geodesic that passes through the following points—

(iii) latitude 14°18.179' south, longitude 145°39.064' east;

(iv) latitude 14°39.906' south, longitude 144°56.565' east

- then south-westerly along the geodesic that passes through the following points—

(i) latitude 14°18.179' south, longitude 145°39.064' east;

(ii) latitude 14°39.906' south, longitude 144°56.565' east;

to where the geodesic intersects the mainland at low water

Schedule 8A (continued)

- then generally south-easterly along the mainland at low water to where it intersects latitude 14°44.196' south
 - then east along latitude 14°44.196' south to where it intersects the coastal 100m line around the mainland
 - then generally south-easterly and easterly along the coastal 100m line around the mainland to where it intersects the geodesic that passes through the following points—
 - (i) the most northern point on Lookout Point at low water;
 - (ii) the most western point of the 500m line around Pethebridge Islets Reef (reef 14-112b)
 - then north-westerly along that geodesic to the most western point of the 500m line around Pethebridge Islets Reef (reef 14-122b);
- (c) the area within the following boundary—
- from the most eastern point of Lizard Island at high water¹³²
 - then easterly along a geodesic to the most eastern point of Lizard Island at low water
 - then south-easterly along the geodesic that passes through the following points—
 - (i) the most eastern point of Lizard Island at low water;
 - (ii) latitude 14°41.328' south, longitude 145°28.518' east;
 to where the geodesic intersects the coastal 500m line around Lizard Island

¹³² The most eastern point of Lizard Island is at Lizard Head.

Schedule 8A (continued)

- then generally south-westerly along the coastal 500m line around Lizard Island to where it intersects the latitude that passes through the most southern point of South Island at low water¹³³
- then west along the latitude that passes through the most southern point of South Island at low water to the most southern point of South Island at low water
- then north-westerly along a geodesic to the most southern point of South Island at high water
- then generally north-easterly, northerly, westerly, south-westerly and southerly along South Island at high water to its most western point
- then westerly along a geodesic to the most western point of South Island at low water
- then north-westerly along a geodesic to the most southern point of Palfrey Island at low water
- then northerly along a geodesic to the most southern point of Palfrey Island at high water
- then generally easterly, north-easterly, northerly, north-westerly, westerly and south-westerly along Palfrey Island at high water to its most western point
- then westerly along a geodesic to the most western point of Palfrey Island at low water
- then northerly along a geodesic to the most western point of Lizard Island at low water¹³⁴
- then easterly along a geodesic to the most western point of Lizard Island at high water
- then generally south-easterly, southerly, easterly, north-easterly, easterly and south-easterly along

133 The most southern point of South Island is at the south-eastern end of the Island.

134 The most western point of Lizard Island is at South Bay Point.

Schedule 8A (continued)

Lizard Island at high water to its most eastern point;

- (d) the area within the following boundary—
- from the most western point where latitude 14°38.988' south intersects Lizard Island at high water
 - then generally southerly, south-easterly and south-westerly along Lizard Island at high water to its most western point¹³⁵
 - then north-westerly along a geodesic to the most western point Lizard Island at low water
 - then north-westerly along the geodesic that passes through the following points—
 - (i) the most western point Lizard Island at low water;
 - (ii) latitude 14°39.738' south, longitude 145°26.604' east;to where the geodesic intersects the seaward edge of Lizard Island Reef (reef 14-115a)
 - then generally northerly along the seaward edge of Lizard Island Reef (reef 14-115a) to the most western point where it intersects latitude 14°38.988' south
 - then east along latitude 14°39.077' south to the most western point where it intersects Lizard Island at high water;
- (e) the area within the following boundary—
- from the most southern point of the 500m line around Turtle Reef (reef 14-119b)

135 The most western point of Lizard Island is adjacent to Chinamans Ridge.

Schedule 8A (continued)

- then generally north-westerly, northerly and north-easterly along the 500m line around Turtle Reef (reef 14-119b) to its most northern point
 - then north-easterly along a geodesic to the most northern point of the 500m line around Turtle Reef (reef 14-120e)
 - then generally south-easterly along the 500m line around Turtle Reef (reef 14-120e) to its most eastern point
 - then southerly along a geodesic to the most eastern point of the 500m line around Turtle Reef (reef 14-120i)
 - then generally south-westerly along the 500m line around Turtle Reef (reef 14-120i) to its most southern point
 - then north-westerly along a geodesic to the most southern point of the 500m line around Turtle Reef (reef 14-120a)
 - then north-westerly along a geodesic to the most southern point of the 500m line around Turtle Reef (reef 14-119b);
- (f) the area landward of the 500m line around Eyrie Reef (reef 14-118);
- (g) the area landward of the coastal 500m line around Nymph Island;
- (h) the area landward of the coastal 500m line around South Direction Island;
- (i) the area landward of the coastal 500m line around Rocky Islets;
- (j) the area landward of the coastal 500m line around Three Islands;
- (k) the area within the following boundary—

Schedule 8A (continued)

- from the most western point of Lizard Island at low water¹³⁶
- then west along the latitude that passes through the most western point of Lizard Island at low water to the most western point where the longitude intersects the coastal 500m line around Lizard Island
- then generally southerly, south-easterly, easterly and north-easterly along the coastal 500m line around Lizard Island to the most eastern point where it intersects the latitude that passes through the most southern point of South Island at low water¹³⁷
- then west along the latitude that passes through the most southern point of South Island at low water to the most southern point of South Island at low water
- then north-westerly along a geodesic to the most southern point of the South Island at high water
- then generally westerly and north-westerly along South Island at high water to its most western point
- then westerly along a geodesic to the most western point of South Island at low water
- then north-westerly along a geodesic to the most southern point of Palfrey Island at low water
- then northerly along a geodesic to the most southern point of Palfrey Island at high water
- then generally westerly, north-westerly and northerly along Palfrey Island at high water to its most western point

136 The most western point of Lizard Island is at South Bay Point.

137 The most southern point of South Island is on the south-eastern end of the Island.

Schedule 8A (continued)

- then westerly along a geodesic to the most western point of Palfrey Island at low water
- then northerly along a geodesic to the most western point Lizard Island at low water.

Schedule 9 Treatment system standards

section 38I

- 1 The system must include documentation (*system documentation*) from the system's manufacturer or supplier that states—
 - (a) the system's performance specifications, under normal operating conditions, which must include a statement of the levels of sewage quality characteristics remaining in sewage after it has been treated in the system; and
 - (b) the name and address of an independent testing entity that has assessed the performance of the system against the performance specifications mentioned in paragraph (a); and
 - (c) the date of the assessment and the results of the assessment.
- 2 The system must—
 - (a) include comprehensive and durable manuals for operating and maintaining the system (*system service manual*); and
 - (b) have a durable label attached to it, stating the following—
 - (i) the manufacturer's name and address;
 - (ii) the type and model number of the system; and
 - (c) be installed in accordance with the manufacturer's instructions; and
 - (d) be fitted with an indicator to indicate if the system is malfunctioning as defined under section 51B of the Act; and
 - (e) if sewage entering the system is not macerated before it enters the system—be fitted with a macerator to macerate the sewage before the system's main treatment process starts to treat the sewage.

Schedule 9 (continued)

- 3 The system service manual must state the following particulars for the system—
- (a) operating instructions;
 - (b) maintenance schedules and requirements;
 - (c) authorised service providers.

Schedule 10 Dictionary

section 3

100m line, for schedule 8A, see schedule 8A, section 1.

500m line, for schedule 8A, see schedule 8A, section 1.

appropriate certificate means an international oil pollution prevention certificate, and its supplement B, with an endorsement—

- (a) indicating the ship is permitted to carry oil-like substances in conformity with Annex II, regulation 14; and
- (b) specifying the oil-like substances the tanker is permitted to carry.

aquaculture fisheries resources see *Fisheries Act 1994*, schedule.¹³⁸

Australian fishing vessel means a fishing vessel that is registered or entitled to be registered in Australia or in relation to which an instrument under the *Fisheries Management Act 1991* (Cwlth), section 4(2) is in force.

authorised officer, in part 3, includes a marine surveyor appointed or authorised by the government of a country that is a party to the Convention for the purpose of implementing Annex II, regulation 8.

boat harbour means a State managed boat harbour or a non-State managed boat harbour under the *Transport Infrastructure (Public Marine Facilities) Regulation 2000*.

canal see the *Canals Act 1958*, section 2(1).¹³⁹

Category A substance see schedule 1, Annex II, appendixes I and II.

138 *Fisheries Act 1994*, schedule (Dictionary)

139 The *Canals Act 1958* was repealed on 11 December 2003 by the *Coastal Protection and Management and Other Legislation Amendment Act 2001*, section 25(b).

Schedule 10 (continued)

Category B substance see schedule 1, Annex II, appendixes I and II.

Category C substance see schedule 1, Annex II, appendixes I and II.

Category D substance see schedule 1, Annex II, appendixes I and II.

coastal 100m line, for schedule 8A, see schedule 8A, section 1.

coastal 500m line, for schedule 8A, see schedule 8A, section 1.

designated area means an area stated in schedule 8.

disposal facility, for part 4A, division 3, see section 38L.

fishing vessel means a vessel used, or intended to be used, for catching fish, whales, seals, walrus or other living resources of the sea or seabed for profit or reward, but does not include any vessel—

- (a) engaged in harvesting or transportation of algae or aquatic plants; or
- (b) that is primarily a carrier or mother vessel.

food wastes means any spoiled or unspoiled victual substances generated in the normal operation of the ship, and includes fruits, vegetables, dairy products, poultry, meat products, food scraps and food particles.

fringing reef, for schedule 8A, see schedule 8A, section 1.

grade A treated sewage see section 38H.

grade B treated sewage see section 38H.

grade C treated sewage see section 38H.

H.A.T., for schedule 8A, see schedule 8A, section 1.

Hervey Bay waters means the waters of Hervey Bay, other than prohibited discharge waters, within a boundary drawn—

- from Burrum Point on the mainland to the Fairway Beacon, Hervey Bay

Schedule 10 (continued)

- to Rooney Point, Fraser Island
- along the western shore of Fraser Island to latitude 25°22.90' south
- to latitude 25°24.90' south, longitude 152°58.06' east
- due west to the mainland at latitude 25°24.90' south.

highest astronomical tide, for schedule 8A, see schedule 8A, section 1.

high water, for schedule 8A, see schedule 8A, section 1.

IMDG Code means the International Maritime Dangerous Goods Code.

independent testing entity means an entity in Australia that is certified by the National Association of Testing Authorities, ABN 59004379748, as competent to test and certify treatment systems.

island 500m line, for schedule 8A, see schedule 8A, section 1.

L.A.T., for schedule 8A, see schedule 8A, section 1.

lowest astronomical tide, for schedule 8A, see schedule 8A, section 1.

low water, for schedule 8A, see schedule 8A, section 1.

marina means a buoy mooring, jetty or pile mooring or combination of them where, for a fee or reward, a ship is, or may be, anchored, berthed, or moored.

median line, for schedule 8A, see schedule 8A, section 1.

northern Moreton Bay waters means the waters of Moreton Bay, other than prohibited discharge waters, within a boundary drawn—

- from latitude 27°06' south on the mainland to South Point, Bribie Island
- along the southern shore of Bribie Island to Skirmish Point
- to Comboyuro Point, Moreton Island

Schedule 10 (continued)

- along the western shore of Moreton Island to Reeders Point
- to Amity Point, North Stradbroke Island
- to Cleveland Point on the mainland.

oily mixture, in part 2, division 1, does not include a mixture that contains—

- (a) chemicals or other substances in quantities or concentrations that are hazardous to Queensland's marine and coastal environment; or
- (b) chemicals or other substances that have been introduced for the purpose of attempting to prevent the application of section 26¹⁴⁰ of the Act to the discharge of an oily mixture from a ship.¹⁴¹

open waters means coastal waters, other than Hervey Bay waters, northern Moreton Bay waters, prohibited discharge waters and smooth waters.

partially smooth waters see *Transport Operations (Marine Safety) Regulation 2004*, schedule 15.¹⁴²

pleasure vessel means a vessel used wholly for recreational or sporting activities and not for hire or reward.

prohibited discharge waters means waters of any of the following—

- (a) a boat harbour;
- (b) a canal;
- (c) a marina;
- (d) a designated area.

140 Section 26 (Discharge of oil into coastal waters prohibited) of the Act

141 Discharge of chemicals hazardous to Queensland's marine and coastal environment are dealt with in part 3 (Noxious liquid substances in bulk).

142 *Transport Operations (Marine Safety) Regulation 2004*, schedule 15 (Dictionary)

Schedule 10 (continued)

Queensland ship means a ship registered, or required to be registered, under the *Transport Operations (Marine Safety) Act 1994* or another Act.

reef includes the following—

- (a) bommie fields;
- (b) moats;
- (c) ramparts;
- (d) reef slopes;
- (e) underwater and intertidal rocky areas.

registered office see section 54.

rock 500m line, for schedule 8A, see schedule 8A, section 1.

smooth waters has the meaning given by the *Transport Operations (Marine Safety) Regulation 2004*, but does not include—

- (a) the waters described in schedule 8 of the regulation that are within .5n miles from land; and
- (b) prohibited discharge waters.

system documentation see schedule 9, section 1.

system service manual see schedule 9, section 2.

Tonnage Measurement Convention has the meaning given by the Commonwealth Navigation Act.

trading ship means a ship (other than a Commonwealth vessel under the Commonwealth Navigation Act or a fishing vessel) that is used for or in connection with any business or commercial activity, and includes a vessel that is used wholly or principally for—

- (a) the carriage of passengers or cargo for hire or reward; or
- (b) the provision of services to ships or shipping whether for reward or otherwise.

Trinity Inlet, for schedule 8A, see schedule 8A, section 1.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 October 2006. Future amendments of the Transport Operations (Marine Pollution) Regulation 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

*Transport Operations (Marine Pollution)
Regulation 1995*

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	15 November 1995	24 January 1996
1A	1996 SL No. 39	1 March 1996	24 July 1996
1B	1998 SL No. 261	25 September 1998	18 March 1999

Reprint No.	Amendments included	Effective	Notes
1C	2002 SL No. 250	1 October 2002	
1D	2003 SL No. 106 2003 SL No. 135	1 July 2003	
1E	2003 SL No. 236	3 October 2003	
1F	2003 SL No. 326 2003 SL No. 327	12 December 2003	
1G	2003 SL No. 315	1 January 2004	
1H	2004 SL No. 54	1 July 2004	
1I	2004 SL No. 238	5 November 2004	
1J	2005 SL No. 50	1 April 2005	
1K	2005 SL No. 91	1 July 2005	
1L	2006 SL No. 90	1 July 2006	
1M	2006 SL No. 222	31 August 2006	
1N	2006 SL No. 244	6 October 2006	

5 List of legislation

Transport Operations (Marine Pollution) Regulation 1995 SL No. 307

made by the Governor in Council on 9 November 1995

notfd gaz 10 November 1995 pp 1045–6

ss 1–2 commenced on date of notification

remaining provisions commenced 15 November 1995 (see s 2)

exp 31 August 2007 (see SIA s 56A(1)(a)(i) and SIR s 5 sch 3)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and an explanatory note were prepared.

amending legislation—

Transport Operations (Marine Pollution) Amendment Regulation (No. 1) 1996 SL No. 39

notfd gaz 1 March 1996 pp 998–9

commenced on date of notification

*Transport Operations (Marine Pollution)
Regulation 1995*

**Transport Operations (Marine Pollution) Amendment Regulation (No. 1) 1998 SL
No. 261**

notfd gaz 25 September 1998 pp 327–9
commenced on date of notification

Maritime Safety Queensland Regulation 2002 SL No. 250 ss 1–2, 4 sch

notfd gaz 27 September 2002 pp 340–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2002 (see s 2)

Transport Legislation Amendment Regulation (No. 2) 2003 SL No. 106 pts 1, 8

notfd gaz 30 May 2003 pp 371–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2003 (see s 2)

**Transport Operations (Marine Pollution) Amendment Regulation (No. 1) 2003 SL
No. 135**

notfd gaz 27 June 2003 pp 749–56
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2003 (see s 2)

**Transport Operations (Marine Pollution) Amendment Regulation (No. 2) 2003 SL
No. 236**

notfd gaz 3 October 2003 pp 382–5
commenced on date of notification

**Transport Operations (Marine Pollution) Amendment Regulation (No. 3) 2003 SL
No. 315**

notfd gaz 5 December 2003 pp 1114–17
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2004 (see s 2)
Note—A regulatory impact statement and explanatory note were prepared

**Transport Operations (Marine Pollution) Amendment Regulation (No. 4) 2003 SL
No. 326**

notfd gaz 12 December 2003 pp 1203–7
commenced on date of notification

**Transport Operations (Marine Pollution) Amendment Regulation (No. 5) 2003 SL
No. 327**

notfd gaz 12 December 2003 pp 1203–7
commenced on date of notification

Transport Legislation Amendment Regulation (No. 1) 2004 SL No. 54 pts 1, 8

notfd gaz 14 May 2004 pp 112–14
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2004 (see s 2)

**Marine Parks and Other Legislation Amendment and Repeal Regulation (No. 1)
2004 SL No. 238 pts 1, 5**

notfd gaz 5 November 2004 pp 813–5
commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

*Transport Operations (Marine Pollution)
Regulation 1995*

**Transport Operations (Marine Safety) and Other Legislation Amendment
Regulation (No. 1) 2005 SL No. 50 pts 1, 3**

notfd gaz 1 April 2005 pp 1066–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2005 (see s 2)

Note— A regulatory impact statement and explanatory note were prepared

Transport Legislation Amendment Regulation (No. 1) 2005 SL No. 91 pts 1, 8

notfd gaz 20 May 2005 pp 224–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

**Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2006
SL No. 90 ss 1, 2(1), pt 9**

notfd gaz 19 May 2006 pp 252–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2(1))

Marine Parks (Declaration) Regulation 2006 SL No. 222 pts 1, 6

notfd gaz 18 August 2006 pp 1821–5

ss 1–2 commenced on date of notification

remaining provisions commenced 31 August 2006 (see s 2)

Note— (1) A regulatory impact statement and explanatory note were prepared

(2) The regulatory impact statement also applies to 2006 SL No. 223

**Transport Operations (Maritime Legislation) Amendment Regulation (No. 1) 2006
SL No. 244 pts 1–2**

notfd gaz 6 October 2006 pp 577–80

commenced on date of notification

6 List of annotations

Definitions—the dictionary

s 3 amd 2003 SL No. 315 s 4

Shipboard oil pollution emergency plan

s 14 amd 2002 SL No. 250 s 4 sch; 2003 SL No. 106 s 16; 2004 SL No. 54 s 16;
2005 SL No. 91 s 16; 2006 SL No. 90 s 18

Oil record book must be carried on ship or retained

s 16 amd 2002 SL No. 250 s 4 sch

Cargo record book must be carried on ship or retained

s 27 amd 2002 SL No. 250 s 4 sch

Category A substances

s 30 amd 2002 SL No. 250 s 4 sch

Category A substances—alternative washing procedure

s 32 amd 2002 SL No. 250 s 4 sch

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Category B and C substances

s 33 amd 2002 SL No. 250 s 4 sch

Category B and C substances—approved prewash procedure

s 34 amd 2002 SL No. 250 s 4 sch

Category B and C substances—prewash procedure at another port

s 35 amd 2002 SL No. 250 s 4 sch

PART 4A—SEWAGE

pt hdg ins 2003 SL No. 315 s 5

Division 1—Managing sewage discharges

div hdg ins 2003 SL No. 315 s 5

Nil discharge waters for untreated sewage for Act, s 47

s 38A ins 2003 SL No. 315 s 5

Nil discharge waters for treated sewage for Act, s 48

s 38B ins 2003 SL No. 315 s 5

Documents to be kept onboard ship fitted with treatment system

s 38C ins 2003 SL No. 315 s 5

Declared ship for Act, s 49

s 38D ins 2003 SL No. 315 s 5
 amd 2005 SL No. 50 s 17

Nil discharge waters for treated sewage or untreated sewage from a declared ship for Act, s 49

s 38E ins 2003 SL No. 315 s 5

Ships to which Act, s 51 applies

s 38F ins 2003 SL No. 315 s 5
 amd 2005 SL No. 50 s 18

Minimum requirements for shipboard sewage management plan

s 38G ins 2003 SL No. 315 s 5

Levels of sewage quality characteristics for treated sewage

s 38H ins 2003 SL No. 315 s 5

Standard for treatment system

s 38I ins 2003 SL No. 315 s 5

Sewage discharges in coastal waters, other than nil discharge waters

s 38J ins 2003 SL No. 315 s 5

Division 2—Assessment and maintenance of treatment system on declared ship

div 2 (s 38K) ins 2003 SL No. 315 s 5

Division 3—Sewage disposal records

div 3 (ss 38L–38N) ins 2003 SL No. 315 s 5

Notification of discharges

s 46 amd 2002 SL No. 250 s 4 sch; 2003 SL No. 135 s 4

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Devolution of matters

s 48 amd 2003 SL No. 135 s 5

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s 51 amd 2002 SL No. 250 s 4 sch

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s 51A ins 2003 SL No. 327 s 3

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s 52 amd 1998 SL No. 261 s 3

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s 55 ins 1996 SL No. 39 s 3

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s 56 ins 2006 SL No. 244 s 3

SCHEDULE 3A—DEVOLUTION TO PORT AUTHORITY

ins 2003 SL No. 135 s 6
amd 2003 SL No. 236 s 3; 2003 SL No. 326 s 3

SCHEDULE 4—NIL DISCHARGE WATERS FOR UNTREATED SEWAGE

ins 2003 SL No. 315 s 8

SCHEDULE 5—NIL DISCHARGE WATERS FOR TREATED SEWAGE

ins 2003 SL No. 315 s 8

**SCHEDULE 6—NIL DISCHARGE WATERS FOR TREATED SEWAGE OR
UNTREATED SEWAGE FROM A DECLARED SHIP**

ins 2003 SL No. 315 s 8

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TREATED SEWAGE**

ins 2003 SL No. 315 s 8

SCHEDULE 8—DESIGNATED AREAS

ins 2003 SL No. 315 s 8
amd 2004 SL No. 238 s 26; 2006 SL No. 222 s 21

**SCHEDULE 8A—AREAS WITHIN THE GREAT BARRIER REEF COAST
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ins 2003 SL No. 315 s 8

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(prev sch 4) renum 2003 SL No. 315 s 7
def “100 m line” ins 2004 SL No. 238 s 28
def “500 m line” ins 2004 SL No. 238 s 28
def “aquaculture fisheries resources” ins 2003 SL No. 315 s 6
def “boat harbour” ins 2003 SL No. 315 s 6
def “canal” ins 2003 SL No. 315 s 6
def “coastal 100 m line” ins 2004 SL No. 238 s 28

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- def “**coastal 500 m line**” ins 2004 SL No. 238 s 28
- def “**designated area**” ins 2003 SL No. 315 s 6
- def “**disposal facility**” ins 2003 SL No. 315 s 6
- def “**fringing reef**” ins 2004 SL No. 238 s 28
- def “**grade A treated sewage**” ins 2003 SL No. 315 s 6
- def “**grade B treated sewage**” ins 2003 SL No. 315 s 6
- def “**grade C treated sewage**” ins 2003 SL No. 315 s 6
- def “**H.A.T.**” ins 2004 SL No. 238 s 28
- def “**Hervey Bay waters**” ins 2003 SL No. 315 s 6
- def “**highest astronomical tide**” ins 2004 SL No. 238 s 28
- def “**high water**” ins 2004 SL No. 238 s 28
- def “**independent testing entity**” ins 2003 SL No. 315 s 6
- def “**island 500 m line**” ins 2004 SL No. 238 s 28
- def “**L.A.T.**” ins 2004 SL No. 238 s 28
- def “**lowest astronomical tide**” ins 2004 SL No. 238 s 28
- def “**low water**” ins 2004 SL No. 238 s 28
- def “**marina**” ins 2003 SL No. 315 s 6
- def “**median line**” ins 2004 SL No. 238 s 28
- def “**northern Moreton Bay waters**” ins 2003 SL No. 315 s 6
- def “**open waters**” ins 2003 SL No. 315 s 6
- def “**partially smooth waters**” ins 2003 SL No. 315 s 6
amd 2005 SL No. 50 s 19(1)
- def “**prohibited discharge waters**” ins 2003 SL No. 315 s 6
- def “**reef**” ins 2003 SL No. 315 s 6
- def “**rock 500 m line**” ins 2004 SL No. 238 s 28
- def “**smooth waters**” ins 2003 SL No. 315 s 6
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- def “**system documentation**” ins 2003 SL No. 315 s 6
- def “**system service manual**” ins 2003 SL No. 315 s 6
- def “**Trinity Inlet**” ins 2004 SL No. 238 s 28