BERMUDA

MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS 2010

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The Minister with responsibility for Maritime Administration, in exercise of the powers conferred by section 122 of the Merchant Shipping Act 2002 and of all other powers enabling him in that behalf, hereby makes the following Regulations for the purpose of giving effect to the provisions of Annex I to the International Convention for the Prevention of Pollution from Ships 1973, as amended:

PART I

GENERAL

Citation, commencement, interpretation and revocation

1 (1) These Regulations may be cited as the Merchant Shipping (Prevention of Oil Pollution) Regulations 2010.

(2) In these Regulations, except where the context otherwise requires—

"amidships" means at the middle of the length (L);

"Annex I" means Annex I to the Convention (which sets out regulations for the prevention of pollution by oil);

"anniversary date" means the day and month in each year corresponding to the day and month of expiry of the IOPP Certificate;

"approved" means approved by the Minister with responsibility for Maritime Administration or by a Certifying Authority;

"area" in relation to a ship shall be calculated in all cases to moulded lines;

"Bermuda ship" has the same meaning as in section 16(3) of the Merchant Shipping Act 2002;

"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, measured in metres;

"centre tank" means any tank inboard of a longitudinal bulkhead;

"Certificate" has the same meaning as "IOPP Certificate" as defined within these Regulations;

"Certifying Authority" means the Minister with responsibility for Maritime Administration or any person authorised by the Minister and includes in particular (if so authorised) Lloyd's Register, Bureau Veritas, Det Norske Veritas, Germanischer Lloyd, the American Bureau of Shipping, RINA and Class NK;

"chemical tanker" means a ship constructed or adapted for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code;

"clean ballast" means the ballast in a tank which, since oil was last carried therein, has been so cleaned that the effluent there from, 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 approved oil discharge monitoring and control system, evidence based on such a system that the oil content of the effluent did not exceed 15 ppm shall be determinative that the ballast was clean, notwithstanding the presence of visible traces referred to above;

" combination carrier" means a ship designed to carry either oil or solid cargoes in bulk;

"controlled waters" means the waters specified as areas within which the jurisdiction and rights of Bermuda are exercisable by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2004;

"the Convention" means the International Convention for the Prevention of Pollution from Ships 1973, including its protocols, Annex I (but no other Annex) and appendices thereto, as amended by the Protocol of 1978 to that Convention and includes all the amendments adopted by the Organisation's Marine Environment Protection Committee;

"Convention country" means a country which is a Party to the Convention;

"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;

"crude oil tanker" means an oil tanker engaged in the trade of carrying crude oil;

"deadweight" (DW) means the difference in metric tons between the displacement of a ship in water of a relative density of 1.025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship;

"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; but does not include—

(a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London on 13 November 1972; or

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

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

and "to discharge" shall be constructed accordingly;

“existing ship”, without prejudice to regulation 17(2), means a ship which is not a new ship;

“filtering equipment” means filters or any combination of separators and filters which are designed to produce effluent containing not more than 15ppm of oil;

“flag state” means the state whose flag a ship is entitled to fly;

“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;

“Government ship” has the same meaning as in section 4 of the Merchant Shipping Act 2002;

“GT” means gross registered tonnage and the gross registered tonnage of a ship having alternative gross registered tonnages shall be taken to be the larger of those tonnages;

“Guidelines and Specifications for oil discharge monitoring and control systems for oil tankers” means Resolution A496 (XII) or the revised Guidelines and specifications for oil discharge control and monitoring systems for oil tankers adopted by the Organisation by Resolution A.586(14), or the Revised Guidelines and specifications for oil discharge monitoring and control systems for oil tankers adopted by the Organisation by Resolution MEPC.108(49) as applicable;

“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 interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention;

“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;

“IOPP Certificate” means the International Oil Pollution Prevention Certificate issued in accordance with the Convention;

“International Bulk Chemical Code” means the International Code for Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk;

“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;

"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;

"major conversion" means a conversion of an existing ship—

(a) which substantially alters the dimensions or carrying capacity of the ship; or

(b) which changes the type of the ship; or

(c) the intent of which, in the opinion of the Minister with responsibility for Maritime Administration, is substantially to prolong its life; or

(d) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the Protocol not applicable to it as an existing ship;

but conversion of—

(e) an existing oil tanker of 20,000 tons deadweight and above to meet the requirements of regulation 18; or

(f) an existing oil tanker to meet the requirements of regulation 31,

shall not be deemed to constitute a major conversion;

"Merchant Shipping Notice" means a notice described as such and issued by the United Kingdom Maritime and Coastguard Agency, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending or replacing that Notice;

"mile" means an international nautical mile that is to say a distance of 1,852 metres;

"Minister" means the Minister with responsibility for Maritime Administration;

"nearest land": in relation to all land other than the part of Australia specified below, "from the nearest land" means from the nearest base-line from which the territorial sea of any territory is established in accordance with the United Nations Convention on the Law of the Sea ; and in relation to the part of the North-eastern coast of Australia which lies between the points 11°00'S, 142°08'E and 24°42'S, 153°15'E, "from the nearest land" means from the nearest of the straight lines joining consecutively the following points—

11°00'S, 142°08'E; 10°35'S, 141°55'E; 10°00'S, 142°00'E; 9°10'S, 143°52'E; 9°00'S, 144°30'E; 13°00'S, 144°00'E; 15°00'S, 146°00'E; 18°00'S, 147°00'E; 21°00'S, 153°00'E and 24°42'S, 153°15'E;

"new ship", except as provided in regulation 17(1), means a ship—

(a) for which the building contract was placed after 31 December 1975; or

(b) in the absence of a building contract, the keel of which was laid or which was at a similar stage of construction after 30 June 1976; or

(c) the delivery of which is after 31 December 1979; or

(d) which has undergone a major conversion —

(i) for which the contract was placed after 31 December 1975; or

(ii) in the absence of a contract, the construction work of which was begun after 30 June 1976; or

(iii) which is or was completed after 31 December 1979;

"oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than those petrochemicals which are subject to the provisions of Annex II of the Convention and, without limiting the generality of the foregoing, includes the substances listed in appendix I of Annex I of the Convention;

"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;

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier or any "NLS tanker" as defined in Annex II of the present Convention and any gas carrier as defined in regulation 3.20 of chapter II-1 of SOLAS 74 (as amended) when carrying a cargo or part cargo of oil in bulk;

"oil tanker delivered on or before 1 June 1982" means an oil tanker—

(a) for which the building contract is placed on or before 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 on or before 1 January 1980; or

(c) the delivery of which is on or before 1 June 1982; or

(d) which has undergone a major conversion—

(i) for which the contract is placed on or before 1 June 1979; or

(ii) in the absence of a contract, the construction work of which is begun on or before 1 January 1980; or

(iii) which is completed on or before 1 June 1982

"oil tanker delivered after 1 June 1982" 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) 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.

"oil tanker delivered before 6 July 1996" means an oil tanker—

(a) for which the building contract is placed before 6 July 1993; or

(b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction before 6 January 1994; or

(c) the delivery of which is before 6 July 1996; or

(d) which has undergone a major conversion—

(i) for which the contract is placed before 6 July 1993; or

(ii) in the absence of a contract, the construction work of which is begun before 6 January 1994; or

(iii) which is completed before 6 July 1996.

"oil tanker delivered on or after 6 July 1996" means an oil tanker—

(a) for which the building contract is placed on or after 6 July 1993; or

(b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 6 January 1994; or

(c) the delivery of which is on or after 6 July 1996; or

(d) which has undergone a major conversion—

(i) for which the contract is placed on or after 6 July 1993; or

(ii) in the absence of a contract, the construction work of which is begun on or after 6 January 1994; or

(iii) which is completed on or after 6 July 1996.

"oil tanker delivered on or after 1 February 2002" means an oil tanker—

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

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

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

(d) which has undergone a major conversion—

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

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

(iii) which is completed on or after 1 February 2002.

"oil tanker delivered on or after 1 January 2010" means an oil tanker—

(a) for which the building contract is placed on or after 1 January 2007; or

(b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 July 2007; or

(c) the delivery of which is on or after 1 January 2010; or

(d) which has undergone a major conversion—

(i) for which the contract is placed on or after 1 January 2007; or

(ii) in the absence of a contract, the construction work of which is begun on or after 1 July 2007; or

(iii) which is completed on or after 1 January 2010;

"oily mixture" means a mixture with any oil content;

"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;

"ppm" means parts per million;

"product carrier" means an oil tanker engaged in the trade of carrying oil other than crude oil;

"proper officer" has the same meaning as in section 2 of the Merchant Shipping Act 2002;

"Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters" means Resolution A393(X), or the guidelines and specifications for pollution prevention equipment for machinery space bilges of ships, adopted by the Marine Environment Protection Committee by resolution MEPC.60(33), or the Revised guidelines and specifications for pollution prevention equipment for machinery space bilges of ships adopted by the Marine Environment Protection Committee by resolution MEPC.107(49);

"sea" includes any estuary or arm of the sea;

"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 liquid substances;

"separating equipment" means either separators or filters, or any combination of them, which are approved in accordance with the "Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters";

"ship" means a vessel of any type whatsoever operating in the marine environment including waters navigable by sea-going vessels and includes submersible craft, floating craft and a structure which is a fixed or floating platform but excludes hovercraft;

"ship delivered on or before 31 December 1979" means a ship—

(a) for which the building contract is placed on or before 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 on or before 30 June 1976; or

(c) the delivery of which is on or before 31 December 1979; or

(d) which has undergone a major conversion—

(i) for which the contract is placed on or before 31 December 1975; or

(ii) in the absence of a contract, the construction work of which is begun on or before 30 June 1976; or

(iii) which is completed on or before 31 December 1979;

"ship delivered after 31 December 1979" 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

(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.

"slop tank" means a tank specifically designed for the collection of tank drainings, tank washings and other oily mixtures;

"short international voyage" means—

(a) a voyage from a port in one country to which the Convention applies to a port in another country; or conversely;

(b) a voyage which does not exceed 1,000 miles distance between the last port of call in the country in which the voyage begins and the last port of call in the scheduled voyage before beginning a return voyage, and which on the return voyage does not exceed 1,000 miles in distance between the port of call in which the ship commences its return voyage and the first port of call in the country in which the voyage began.

For the purposes of this definition no account shall be taken of any deviation by a ship, from her intended voyage, due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled;

"special area" means a sea area where, for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil is required, and shall include those areas listed in Annex I of the Convention;

"Specifications for Oil Tankers with Dedicated Clean Ballast Tanks" means the International Maritime Organisation's Resolution Number A495 (XII);

"Specifications for Oil/Water Interface Detectors" means the International Maritime Organisation's Resolution Number MEPC 5(XIII);

"Specifications for the Design, Operation and Control of Crude Oil Washing Systems", means the International Maritime Organisation's Resolution Number A446(XI) as amended by Resolutions A.497(XII) and A.897(21);

"surveyor" means a surveyor appointed by a Certifying Authority;

"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;

"volume" in relation to a ship shall be calculated in all cases to moulded lines;

"wing tank" means any tank adjacent to the side shell plating.

(3) For the avoidance of doubt, these Regulations replace the Merchant Shipping (Prevention of Oil Pollution) Regulations 1988.

Applications and exemptions

2 (1) Unless expressly provided otherwise, these Regulations apply to—

(a) Bermuda ships;

(b) other ships while they are within Bermuda or the territorial waters thereof; and

(c) Government ships registered in Bermuda and Government ships not so registered but held for the purposes of Her Majesty's Government in the United Kingdom.

(2) These Regulations do 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.

(3) The Minister may exempt a ship of a new type whose constructional features are such as to render the application of any of the provisions of regulations 10 to 32 relating to construction and equipment unreasonable or impracticable from those 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. Particulars of any such exemption granted by the Minister shall be indicated in the IOPP Certificate referred to in regulation 6.

(4) In ships, other than oil tankers, fitted with cargo spaces which are constructed and used to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of regulations 10, 12, 13, 15(1), (2) and (3), 16, 24, 26 and 28(4) for oil tankers shall also apply to the construction and operation of these spaces, except that where such aggregate capacity is less than 1,000 cubic metres it shall be sufficient to comply with the requirements of regulation 15(4) as if they applied to the ship in lieu of those of regulation 15(1), (2) and (3).

(5) The Minister may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of ships or individual ships on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Equivalents

3 The Minister may permit any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by these Regulations if such fitting, material, appliance or apparatus is at least as effective as that required by these Regulations, but shall not permit the substitution of operational methods to control the discharge of oil as being equivalent to those design and construction features which are prescribed by these Regulations.

PART II

SURVEYS, CERTIFICATES AND OIL RECORD BOOK

Surveys

4 (1) A Bermuda oil tanker of 150 GT and above and every other Bermuda ship of 400 GT and above, shall be subject to the following surveys—

(a) before the ship is put in service, or before an IOPP Certificate is first issued in relation to the ship, an initial survey as set out in regulation 4(1)(a) of Annex I;

(b) within five years of the first issue of an IOPP Certificate, and thereafter at intervals which, subject to regulation 7(3) and 8(3) to (6), shall be no more than five years, a renewal survey as set out in regulation 4(1)(b) of Annex I; and

(c) after a repair resulting from investigations prescribed in regulation 5(4) below, or whenever any important repairs or renewals are made, an additional survey as set out in regulation 4(1)(e) of Annex I.

(2) A Bermuda oil tanker of 150 GT and above and every other Bermuda ship of 400 GT and above shall also be subject to the following surveys—

(a) within three months before or after the second or third anniversary date of an IOPP Certificate being issued, an intermediate survey as set out in regulation 4(1)(c) of Annex I; and

(b) within three months before or after each anniversary date of the issue of the ship's IOPP Certificate, other than when an intermediate survey is required to be carried out within that period, an annual survey as set out in regulation 4(1)(d) of Annex I.

Responsibilities of owner and master

5 (1) The owner and master of every ship shall ensure that the condition of the ship and its equipment shall be maintained to conform—

(a) in the case of a Bermuda ship, or any ship surveyed pursuant to these Regulations, with the provisions of these Regulations;

(b) in the case of any other ship, with the requirements of Annex I,

so as 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.

(2) The owner and master of every ship shall ensure that after any survey of the ship required by these Regulations or by Annex I (as applicable) has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey without the approval of the appropriate Certifying Authority, or of the Administration of the State which carried out the survey for that ship, except by direct replacement.

(3) The owner and master of every ship shall ensure that whenever an accident occurs to a ship or a defect is discovered which, in either case, substantially affects the integrity of the ship or the efficiency or completeness of its equipment—

(a) if the ship is a Bermuda ship, it is reported at the earliest opportunity to the Minister and to any other appropriate Certifying Authority;

(b) if the ship is a Bermuda ship in a port outside Bermuda it is also reported to the proper officer and to the appropriate authorities of the country in which the port is situated; and

(c) if the ship is a non-Bermuda registered ship in a port in Bermuda, it is reported at the earliest opportunity to the Minister.

(4) Whenever an accident or defect is reported—

(a) to the Minister or a Certifying Authority under paragraph (3)(a); or

(b) to the proper officer under paragraph (3)(b),

the Minister, Certifying Authority or proper officer shall cause investigations to be initiated to determine whether or not a survey by a surveyor is necessary, and if a survey is found to be necessary require that survey to be carried out.

Issue and Endorsement of Certificates

6 (1) Where the Certifying Authority is satisfied after the completion of an initial or renewal survey carried out in accordance with regulation 4(1)(a) or (b) above that the requirements of Annex I are being complied with, that Certifying Authority shall issue to any oil tanker of 150 GT and above and any other ship of 400 GT and above engaged in international voyages, an IOPP Certificate.

(2) Where the Certifying Authority is satisfied after the completion of an intermediate or annual survey in accordance with the provisions of regulation 4(2)(a) or (b) above that the requirements of Annex I are being complied with, that Certifying Authority shall so endorse the IOPP Certificate issued to the ship.

(3) If any oil tanker of 150 GT and above and any other ship of 400 GT and above which was previously under the flag of another State becomes a Bermuda registered ship engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, a Certifying Authority shall issue an IOPP Certificate to the ship if it is fully satisfied that the ship is in compliance with the requirements of regulation 4(4)(a) and 4(4)(b) of Annex I.

(4) If any oil tanker of 150 GT and above and any other ship of 400 GT and above which was previously under the flag of another State becomes a Bermuda registered ship not engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, a Certifying Authority shall issue an IOPP Certificate to the ship if it is fully satisfied that the ship is in compliance with the requirements of regulation 4(4)(a) and 4(4)(b) of Annex I.

(5) The Minister may, through a proper officer or otherwise, request the Administration of a State which is a Party to the Convention to carry out a survey of a Bermuda registered ship and, if satisfied that the requirements of Annex I are complied with—

(a) to issue or authorise the issue of an IOPP Certificate to the ship, or to endorse or authorise the endorsement of such a Certificate in accordance with the requirements of that Annex;

(b) to include in the Certificate a statement to the effect that it has been issued or endorsed at the request of the Minister; and

(c) to transmit a copy of the survey report and the Certificate to the Minister as soon as possible.

(6) A Certificate issued or endorsed in accordance with paragraph (5) shall have the same force and receive the same recognition as a Certificate issued or endorsed in accordance with paragraphs (1) to (3).

(7) The Minister may, at the request of the Administration of a State which is a Party to the Convention, carry out a survey of a ship registered in that State and, if satisfied that the requirements of Annex I are complied with, issue an IOPP Certificate to the ship or endorse such a Certificate in accordance with the requirements of that Annex.

(8) The Minister shall include in any Certificate issued or endorsed in accordance with paragraph (7) a statement to the effect that it has been issued or endorsed at the

request of that Administration, and shall transmit a copy of the survey report and the Certificate to that Administration as soon as possible.

(9) A Certificate issued or endorsed in accordance with paragraph (7) shall have effect as if issued or endorsed by the Administration of the State which requested the survey of the ship to be carried out.

(10) An IOPP Certificate issued or endorsed in accordance with this regulation shall be drawn up in a form corresponding to the model given in Appendix II to Annex I .

Duration and validity of Certificates

7 (1) Subject to paragraphs (2) to (5), an IOPP Certificate shall be issued—

(a) on the date of the completion of the relevant survey;

(b) as being valid from the date of issue; and

(c) for a period of validity not exceeding five years.

(2) Where a renewal survey required under regulation 4(1)(b) above has been completed within a period of three months before the date of expiry of an IOPP Certificate, the new Certificate shall be issued as being valid from the date of expiry of the existing Certificate.

(3) Subject to regulation 8(6) below, where a renewal survey required under regulation 4(l)(b) above has been completed after the expiry of an IOPP Certificate, the new Certificate shall be issued as being valid from the date of expiry of that expired Certificate.

(4) Where an annual or intermediate survey is completed before the period prescribed for such a survey in regulation 4(2) above—

(a) the anniversary date shown on the IOPP Certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;

(b) subsequent annual or intermediate surveys required under regulation 4(2) shall be completed at the intervals prescribed by those regulations using the new anniversary date; and

(c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 4(2) are not exceeded.

(5) An IOPP Certificate shall cease to be valid—

(a) if its period of validity has been exceeded and the Certificate has either not been extended by the appropriate Certifying Authority in accordance with regulation 8 or the period of any such extension has expired;

(b) if the relevant surveys have not been completed within the periods specified in regulation 4 and the Certificate endorsed in accordance with regulation 6; or

(c) upon transfer of the ship to the flag of another State.

Extension of validity of Certificates

8 (1) Where an IOPP Certificate has been issued for a period of validity of less than five years and the intermediate and annual surveys required under regulation 4(2) above have been completed, the appropriate Certifying Authority may extend the validity of that Certificate so that the Certificate is valid for a maximum period of five years.

(2) Where a renewal survey required under regulation 4(1)(b) has been completed before the expiry of an IOPP Certificate but the new Certificate cannot be issued or placed on board the ship before the expiry of the existing Certificate, the appropriate Certifying Authority may endorse the existing Certificate as valid for a period not exceeding five months from the expiry date of the existing Certificate.

(3) Where a renewal survey required under regulation 4(1)(b) has not been completed before the expiry of an IOPP Certificate and at the time of expiry the ship is not in a port in which it is to be surveyed, the appropriate Certifying Authority may, where it appears to it proper and reasonable to do so, extend the validity of the Certificate, solely for the purpose of allowing the ship to complete its voyage to its port of survey, for a period of no more than three months.

(4) Where no other extension has been granted, the appropriate Certifying Authority may extend the validity of the IOPP Certificate of a ship used solely on short international voyages for a period of no more than one month.

(5) An extension of validity under paragraph (3) or (4) above shall be disregarded for the purposes of determining the date of expiry of an existing IOPP Certificate under regulation 7(2) or (3).

(6) In special circumstances as determined by the Minister, where a renewal survey required under regulation 4(1)(b)—

(a) has been completed after the expiry of the IOPP Certificate;

(b) has been completed during the period for which the validity of the IOPP Certificate has been extended in accordance with paragraph (3); or

(c) has been completed during the period for which the validity of the IOPP Certificate has been extended in accordance with paragraph (4),

the new Certificate may be issued as being valid from the date of the completion of the renewal survey.

Procedure to be adopted when corrective action is necessary

9 (1) In any case where the Certifying Authority determines that the condition of a Bermuda ship or its equipment does not correspond with the particulars of the IOPP 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, the Certifying Authority shall advise the owner or master of the corrective action which in its opinion is required, and shall give notice thereof to the Minister.

(2) If such corrective action is not taken within such period (being a reasonable period) as the Certifying Authority may specify, the Certifying Authority shall, at the end of that time, immediately notify the Minister who may, on receipt of such notification, suspend the validity of the IOPP Certificate issued to the ship and shall give notice of any such suspension to the owner and to the Certifying Authority.

(3) The master shall thereupon deliver up the Certificate issued to the Certifying Authority on demand.

(4) Where the ship is in a port of a Convention country (other than Bermuda) and corrective action in accordance with paragraph (1) has not been taken, the Certifying Authority shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

(5) Where, in the case of a ship of a Convention country (other than Bermuda) which is for the time being in a Bermuda port, the nominated surveyor or the Certifying Authority responsible for issuing the IOPP Certificate to the ship determines that it is necessary to withdraw the Certificate, a report shall, unless made by the nominated surveyor or Certifying Authority, be made by the master of the ship to the Minister. The Minister may then take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purposes of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

Oil Record Book

10 (1) Every ship of 400 GT and above, other than an oil tanker, and every oil tanker of 150 GT and above shall be provided with an Oil Record Book, Part I (Machinery Space Operations). Every oil tanker of 150 GT and above shall also be provided with an Oil Record Book, Part II (Cargo/Ballast Operations). The Oil Record Book shall be in the form prescribed in the Convention.

(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) discharging ballast or cleaning water from oil fuel tanks;

(iii) disposing oily residues (sludge);

(iv) discharging overboard bilge water which has accumulated in machinery spaces;

(b) for cargo/ballast operation (oil tankers)—

(i) loading oil cargo;

(ii) internal transfer of oil cargo during voyage;

(iii) unloading oil cargo;

(iv) ballasting cargo tanks and dedicated clean ballast tanks;

(v) cleaning cargo tanks including crude oil washing;

(vi) discharging ballast except from segregated ballast tanks;

(vii) discharging water from slop tanks;

(viii) closing, after the discharge of the contents of the slop tanks, all valves or similar devices opened to permit such operations;

(ix) closing those valves necessary for the isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and

(x) disposing residues.

(3) In the event of a discharge of oil or oily mixture as is referred to in regulation 11 or in the event of an 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.

(4) Each operation described in paragraph (2) 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.

(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. It shall be preserved for a period of three years after the last entry has been made.

(6) The Minister or a person authorised by the Certifying Authority may inspect the Oil Record Book on board whilst the ship is in a port or offshore terminal and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such an entry. Any such copy shall be 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 Minister, or a person so authorised, under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

PART III

REQUIREMENTS FOR CONTROL OF OPERATIONAL POLLUTION - CONTROL OF DISCHARGE OF OIL

General exceptions

11 The provisions of regulations 12, 13 and 16 shall not apply to—

(a) any 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) any discharge into the sea of oil or oily mixture which results from damage to a ship or its equipment provided that—

(i) all reasonable precautions were taken after the damage, or discovery of the discharge, to prevent or minimise the discharge; and

(ii) the owner or the master did not act either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) any approved discharge into the sea of substances containing oil, when being used for the purpose of combating specific pollution incidents in order to minimise 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 be made.

Ships other than oil tankers and machinery space bilges of oil tankers

12 (1) This regulation applies—

(a) subject to regulation 11, to—

(i) Bermuda ships other than oil tankers; and

(ii) Bermuda oil tankers in relation to discharges from their machinery space bilges (unless mixed with oil cargo residue) but excluding cargo pump room bilges,

wherever they may be; and

(b) subject to regulations 11 and 38, to—

(i) other ships, other than oil tankers; and

(ii) other oil tankers, in relation to discharges from their machinery space bilges (unless mixed with oil cargo residue) but excluding cargo pump room bilges,

wherever they may be.

(2) Subject to paragraph (3), a ship to which this regulation applies shall not discharge oil or oily mixture into any part of the sea unless all the following conditions are satisfied—

(a) the ship is proceeding on a voyage;

(b) the ship is not within a special area;

(c) the oil content of the effluent does not exceed 15ppm; and

(d) the ship has in operation the filtering equipment and the oil discharge and monitoring and control system, required by regulation 14.

(3) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or contain

chemicals or other substances introduced for the purpose of circumventing the conditions of discharge prescribed by this regulation.

(4) Insofar as any oil or oily mixture has not been unloaded as cargo and may not be discharged into the sea in compliance with paragraphs (2) or (3), it shall be retained on board and discharged into reception facilities.

(5) Subject to paragraph (6), this regulation does not apply to discharges which occur landward of the line which for the time being is the baseline for measuring the breadth of the territorial waters of Bermuda.

(6) Notwithstanding paragraph (5), discharges prohibited by paragraph (3) shall continue to be prohibited when made in the sea on the landward side of the line referred to in paragraph (5).

Oil Tankers

13 (1) Subject to regulation 11 this regulation applies to—

(a) every Bermuda oil tanker; and

(b) subject to regulation 38, every other oil tanker wherever it may be.

(2) Subject to paragraph (3) an oil tanker to which this regulation applies shall not discharge any oil or oily mixture (except those for which provision is made in regulation 12) into any part of the sea unless all the following conditions are satisfied—

(a) the tanker is proceeding on a voyage;

(b) the tanker is not within a special area;

(c) the tanker is more than 50 miles from the nearest land;

(d) the instantaneous rate of discharge of oil content does not exceed 30 litres per mile;

(e) the total quantity of oil discharged into the sea does not exceed 1/30,000 of the total quantity of the particular cargo of which the residue formed a part, or, in the case of existing tankers, the total quantity of oil discharged does not exceed 1/15,000 of the total quantity of the particular cargo of which the residue formed a part; and

(f) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulation 15.

(3) The provisions of paragraph (2) shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixture which without dilution has an oil content not exceeding 15 ppm and which does not originate from cargo pump room bilges and is not mixed with oil cargo residues.

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

(5) Insofar as any oil or oily mixture has not been unloaded as cargo and may not be discharged into the sea in compliance with paragraph (2), it shall be retained on board and shall be discharged into reception facilities.

(6) Subject to paragraph (7), this regulation does not apply to discharges which occur landward of the line which for the time being is the baseline for measuring the breadth of the territorial waters of Bermuda.

(7) Notwithstanding paragraph (6), discharges prohibited by paragraph (4) shall continue to be prohibited when made in the sea on the landward side of the line referred to in paragraph (6).

Oil filtering equipment and oil discharge monitoring and control system

14 (1) Subject to paragraph (3), every ship of 400 GT and above but less than 10,000 GT shall be fitted with oil filtering equipment complying with paragraph (5); and any such ship which carries ballast water in its bunker fuel tanks—

(a) shall—

(i) in addition, be provided with an alarm device and the means for automatically stopping the discharge of oily mixture when the oil content in the effluent exceeds 15 ppm complying with the specifications referred to in paragraph (6); and

(ii) not discharge such ballast water into the sea unless using that equipment and a record of any such discharge shall be made in the Oil Record Book; or

(b) shall discharge the ballast water to reception facilities.

(2) Subject to paragraphs (3) and (6), every ship which is of 10,000 GT and above shall be provided with—

(a) oil filtering equipment complying with paragraph (5); and

(b) oil content measuring equipment fitted with a 15ppm alarm device and with arrangements for automatically stopping any discharge of oily mixture when the oil content in the effluent exceeds 15 ppm, both complying with paragraph (6).

(3) The Minister may waive the requirements in paragraphs (1) and (2) if a ship is engaged exclusively on voyages within special areas and—

(a) it is fitted with a holding tank having a volume adequate for the retention on board of all oily bilge water;

(b) all oily bilge water is retained on board for subsequent discharge to reception facilities;

(c) adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals that the ship calls at;

(d) the IOPP Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on voyages within special areas; and

(e) the relevant entries are recorded in the Oil Record Book.

(4) Every ship which is of less than 400 GT shall, so far as reasonably practicable be constructed to ensure that oil or oily mixtures are retained on board and discharged to reception facilities or, if oil or oily mixtures are to be discharged into the sea, are so discharged in accordance with the requirements of regulation 12(2).

(5) Oil filtering equipment shall be of an approved design in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters.

(6) Oil content measuring equipment and alarm device shall be of an approved design in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters, and the arrangements for automatically stopping any discharge shall be of an approved design.

Retention of oil on board

15 (1) Subject to the provisions of paragraphs (5) and (6), oil tankers of 150 GT and above shall comply with the requirements of paragraphs (2) and (3).

(2) In respect of oil tankers of 150 GT and above—

(a) adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residues and tank washings from the cargo tanks into a slop tank. In existing oil tankers, any cargo tank may be designated as a slop tank.

(b) arrangements shall be provided to transfer the oil waste into a slop tank or combination of slop tanks in such a way that any effluent discharges into the sea will be such as to comply with regulation 13.

(c) the slop tank or combination of slop tanks provided shall have sufficient capacity to retain the slops generated by tank washings, oil residues and dirty ballast residues; and that capacity shall be not less than 3 per cent of the cargo oil carrying capacity of the ship unless—

(i) segregated ballast tanks or dedicated clean ballast tanks are provided in accordance with regulation 18, or a cargo tank cleaning system using crude oil washing, in accordance with regulation 21. In that event the total capacity of the slop tank or tanks may be reduced to 2 per cent of the oil carrying capacity of the ship;

(ii) in the case of combination carriers, the oil cargo is carried in tanks with smooth walls, where the said total capacity may be reduced to 1 per cent of the oil carrying capacity of the ship,

Provided that, where the tank washing arrangements are such that, once the slop tank or tanks are charged with washing water, this water is sufficient for the tank washing and, where applicable, for providing the driving fluid for the pumps (including eductors) without the introduction of additional water into the system, the above figures of 3 per cent, 2 per cent and 1 per cent may be reduced to 2 per cent, 1.5 per cent and 0.8 per cent respectively:

(d) slop tanks shall be so designed, particularly as regards the position of inlets, outlets, baffles or weirs (where fitted), as to avoid excessive turbulence and entrainment of oil or emulsion with water;

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

(3) In respect of oil tankers of 150 GT and above—

(a) an oil discharge monitoring and control system of an approved design shall be fitted. It shall be designed and installed in accordance with the Guidelines and Specification for Oil Discharge and Control Systems for Oil Tankers;

(b) any such system shall be fitted with a recording device to provide, unless otherwise required by the Guidelines and Specifications referred to in subparagraph (a) a continuous record of the discharge of oil in litres per mile and the total quantity of oil discharged or, in lieu of the total quantity of oil discharged, the oil content and rate of discharge of the effluent. The record shall be identifiable as to the time and date and be kept for at least three years;

(c) the system shall be brought into operation when there is a discharge of effluent into the sea and shall be such as to ensure that any discharge of oily mixture is, unless otherwise permitted by the Guidelines and Specifications referred to in subparagraph (a), automatically stopped when the instantaneous rate of discharge of oil exceeds 30 litres per mile;

(d) on any failure of the system the discharge shall be stopped and the failure noted in the Oil Record Book. A manually operated alternative system shall be provided and may be used in the event of such a failure, but the defective unit shall be made operable as soon as possible. If a tanker with a defective unit is within Bermuda or the territorial waters thereof, the Minister may allow the tanker to undertake one ballast voyage before proceeding to a repair port;

(e) effective oil/water interface detectors, of a design approved in accordance with the Specifications for Oil/Water Interface Detectors, shall be provided for the rapid and accurate determination of the oil/water interface in slop tanks and in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent directly to the sea;

(f) approved instruction manuals on the operation and maintenance of the various components comprising the oil discharge monitoring and control system shall be provided. These manuals shall contain information on manual as well as automatic operation and shall be so drawn up as to ensure that at no time will oil be discharged except in compliance with the conditions specified in regulation 13.

(4) Oil tankers of less than 150 GT pursuant to regulation 13 shall retain oil and all contaminated washings on board for subsequent discharge to reception facilities. The total quantity of oil and water used for washing and returned to a storage or slop 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 discharged into the sea is effectively monitored to ensure that the provisions of regulation 13 are complied with.

(5) The requirements of—

(a) paragraphs (1), (2) and (3) shall not apply to any oil tanker which is engaged exclusively on voyages of 72 hours or less in duration and within 50 miles of the nearest land, provided that—

(i) the oil tanker is engaged exclusively in trade between ports or terminals within Bermuda;

(ii) the oil tanker retains on board all oily mixtures for subsequent discharge to reception facilities;

(iii) the Minister has determined that adequate facilities are available to receive such oily mixtures; and

(b) paragraph (3) shall not apply to any oil tanker where—

(i) the tanker is an existing oil tanker of 40,000 deadweight tons or above, engaged in specific trades, in accordance with regulations 22(1) and complying with the conditions specified in regulation 22(2); or

(ii) subject to subparagraph (b)(iii), the tanker is engaged exclusively on voyages—

(A) within special areas; or

(B) within 50 miles from the nearest land outside special areas and—

trading between ports and terminals within Bermuda; or

on restricted voyages of 72 hours or less in duration;

(iii) tankers to which subparagraph (b) (ii) applies shall comply with the following requirements—

(A) all oily mixtures are retained on board for subsequent discharge to reception facilities;

(B) for voyages specified in subparagraph (b)(ii)(B) adequate reception facilities are available to receive such oily mixtures in those oil loading ports or terminals the tanker calls at;

(C) the IOPP Certificate 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)(A) and (b)(ii)(B); and

(D) the relevant entries are recorded in the Oil Record Book.

(6) Paragraphs (1), (2) and (3) shall not apply to oil tankers carrying asphalt or other products subject to the provisions of these Regulations which, through their physical properties, inhibit effective product/water separation and monitoring: in such cases the requirements of regulation 13 shall be satisfied by the retention of residues on board and the discharge of all contaminated washings to reception facilities.

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

16 (1) For the purposes of these regulations Special Areas are those defined from time to time in a Resolution of the Maritime Environment Protection Committee of the International Maritime Organisation.

(2) Subject to the provisions of regulation 11 and paragraph (3), there shall be prohibited—

(a) in the Antarctic area, any discharge into the sea from any Bermuda ship of oil or oily mixture; and

(b) in every Special Area other than the Antarctic area—

(i) any discharge into the sea of oil or oily mixture from any Bermuda oil tanker or from any Bermuda ship of 400 GT or above other than an oil tanker; and

(ii) any discharge into the sea of oil or oily mixture from a Bermuda ship of less than 400 GT other than an oil tanker, except when the oil content of the effluent without dilution does not exceed 15 ppm.

(3) The provisions of—

(a) paragraph (2) shall not apply to the discharge of clean or segregated ballast;

(b) paragraph (2)(a) and (b)(i) shall not apply to the discharge of processed bilge water from machinery spaces, provided that all 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 cargo oil residues;

(iii) the ship is proceeding on a voyage;

(iv) the oil content of the effluent, without dilution, does not exceed 15 ppm of mixture;

(v) the ship has in operation an oil filtering system complying with regulation 14(5) and equipment complying with regulation 14(6);

(vi) the oil filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped if the oil content of the effluent exceeds 15 ppm parts of the mixture.

(4) In Antarctica and any other Special Area—

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

(b) where residues of oil or oily mixture may not be discharged into the sea in compliance with paragraphs (2) or (3), they shall be retained on board and shall only be discharged into 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 regulations 12 and 13.

(6) A Bermuda ship shall not enter the Antarctic unless—

(a) it is fitted with a tank or tanks of sufficient capacity for the retention on board of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area; and

(b) it has concluded arrangements to have such oily residues and mixtures discharged into a reception facility after it has left the area.

(7) Subject to regulation 38, this regulation, other than paragraph (6), applies to ships which are not Bermuda ships as it applies to Bermuda ships.

PART IV

REQUIREMENTS FOR THE SEGREGATION OF CARGO

Interpretation of Part IV

17 (1) Notwithstanding the provisions of regulation 1(2), for the purposes of this Part a "new oil tanker" means an oil tanker—

(a) for which the building contract was placed after 1 June 1979; or

(b) in the absence of a building contract, the keel of which was laid, or which was at a similar stage of construction after 1 January 1980; or

(c) the delivery of which was after 1 June 1982; or

(d) which has undergone a major conversion—

(i) for which the contract was placed after 1 June 1979; or

(ii) in the absence of a contract, the construction work of which was begun after 1st January 1980; or

(iii) which was completed after 1 June 1982,

except that, for oil tankers of 70,000 tons deadweight and above, the definitions in regulation 1(2) shall apply for the purposes of regulation 18(1).

(2) For the purposes of regulations 18, 21, 22, 23, 26(5) and 26(6) an "existing oil tanker" means an oil tanker which is not a new oil tanker as defined in paragraph (1).

General application (New tankers of 20,000 tons deadweight and above)

18 (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), and (5) if appropriate.

(2) The capacity of the segregated ballast tanks shall be such that the ship can 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):

Provided that the capacity of the segregated ballast tanks shall be at least such that, in any ballast condition at any part of the voyage, including the condition 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 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), 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.

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

(a) on those 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;

(b) where the particular character of the operation of an oil tanker renders it necessary to carry ballast water in excess of the quantity which may be carried in segregated ballast tanks under paragraph (2), provided that the Department of Maritime Administration has approved that method of operation,

and any such additional ballast water shall be processed and discharged in accordance with the requirements of regulations 13 and 15 and an entry of the discharge shall be made in the Oil Record Book.

(4) In the case of new crude oil tankers, the additional ballast permitted by paragraph (3) shall be carried only in cargo tanks that have been crude oil washed in accordance with regulation 21 before departure from an oil unloading port or terminal.

(5) Notwithstanding the provisions of paragraph (2) the capacity of the segregated ballast tanks for new oil tankers less than 150 metres in length shall be as may be determined by the Minister.

(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. This system shall fully comply with the requirements of regulation 21 within one year after the tanker is 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 an oil tanker carries crude oil which is not suitable for crude oil washing, it shall operate the system in accordance with regulation 21.

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

(7) Subject to the provisions of paragraphs (8) and (9) and to the provisions of regulations 22 and 23, every existing crude oil tanker 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).

(8) Subject to regulations 22 and 23, existing crude oil tankers of 40,000 tons deadweight and above 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 21 unless the crude oil tanker is intended to carry crude oil which is not suitable for crude oil washing.

Existing product carriers of 40,000 tons deadweight and above

(9) Subject to regulation 22, 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) or, alternatively, operate with dedicated clean ballast tanks in accordance with the provisions of regulation 20.

An oil tanker described in the IOPP as a segregated ballast oil tanker

(10) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraphs (1), (7) or (9) may be described in the IOPP Certificate as a segregated ballast tanker if it complies with the requirements of paragraphs (2) and (3), or paragraph (5) if appropriate.

Protective location of segregated ballast spaces

19 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 regulation 18 which are located within the cargo tank length shall be arranged, in accordance with the requirements of Schedule 1 in Merchant

Shipping Notice No 1643/MARPOL 1 to provide a measure of protection against oil outflow in the event of grounding or collision.

Requirements for oil tankers with dedicated clean ballast tanks

20 (1) An oil tanker operating with dedicated clean ballast tanks in accordance with the provisions of regulation 18(9) shall have adequate tank capacity, dedicated solely to the carriage of clean ballast to meet the requirements of regulations 18(2) and (3) as those provisions apply to segregated ballast tanks.

(2) The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements of Specifications for Oil Tankers with Dedicated Clean Ballast Tanks.

(3) An oil tanker operating with dedicated clean ballast tanks shall be equipped with an oil content meter approved in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters, so as to permit supervision of the oil content in the ballast water being discharged.

(4) Every oil tanker operating with dedicated clean ballast tanks shall be provided with a dedicated Clean Ballast Tank Operation Manual detailing the system and specifying operational procedures. This Manual shall be approved by the Department of Maritime Administration and shall contain all the information set out in the Specifications referred to in paragraph (2). If an alteration affecting the dedicated clean ballast tank system is made, the Operation Manual shall be revised, and the revision approved by the Department of Maritime Administration.

Requirements for crude oil washing

21 (1) Every crude oil washing system required to be provided in accordance with regulation 18(6) and (8) shall comply with the requirements of this regulation.

(2) The crude oil washing installation and associated equipment and arrangements (including qualification of personnel) shall comply with the requirements and specifications set out in Specifications for the Design, Operation and Control of Crude Oil Washing Systems.

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

(4) Every oil tanker operating with a crude oil washing system shall be provided with an Operations and Equipment Manual describing the system and equipment in detail and specifying the operational procedures to be followed. This Manual shall be approved by the Certifying authority and shall contain all the information set out in Specifications referred to in paragraph (2). If any alteration is made affecting the crude oil washing system, the Operations and Equipment Manual shall be revised, and the revision approved by the Certifying Authority.

Existing oil tankers engaged in specific trades

22 (1) Subject to the provisions of paragraph (2) regulations 18(7), (8) and (9) shall not apply to an existing oil tanker engaged solely in specific trades between—

(a) ports or terminals within a Convention Country; or

(b) ports or terminals between two or more Convention Countries, where—

(i) the voyage is entirely within a Special Area as defined in regulation 16(1); or

(ii) the voyage is entirely within other limits designated by the Minister.

(2) The provisions of paragraph (1) shall apply only when the ports or terminals where the 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, all ballast water, including clean ballast water, and tank washing residues shall be retained on board until they are transferred to the said reception facilities, and the entry relating to the transfer in the Oil Record Book referred to in regulation 10 shall be endorsed by a competent authority appointed by the Convention Country;

(b) agreement has been reached between the Minister and the Governments of the Convention Country or Countries referred to in subparagraph (1) (a) or (b) on the use of an existing oil tanker for such a trade;

(c) the adequacy of reception facilities (in accordance with any Regulations relating to reception facilities) at the ports or terminals referred to above, shall be approved by the governments of the Convention Countries within which those ports or terminals are situated; and

(d) the IOPP Certificate has been endorsed to the effect that the oil tanker is solely engaged in such specific trade.

Existing oil tankers having special ballast arrangements

23 (1) Where an existing oil tanker of 40,000 deadweight tons and above 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 18(2) without recourse to the use of ballast water, it shall be deemed to comply with the segregated ballast tank requirements referred to in regulation 18(7), provided that all the following conditions are complied with—

(a) the operational procedures and ballast arrangements have been approved;

(b) when the draught and trim requirements are achieved through an operational procedure, agreement as to the use of that procedure has been reached between the Minister and the Governments of the Convention Countries concerned;

(c) the IOPP Certificate has been endorsed to the effect that the oil tanker is operating with special ballast arrangements.

(2) In no case shall ballast be carried in cargo oil tanks except on those 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 discharged in compliance with regulations 13 and 15 and the discharge of such water shall be entered in the Oil Record Book.

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

24 (1) Except as provided in paragraph (2), in new ships of 4,000 GT and above other than oil tankers, and in new oil tankers of 150 GT 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 for ships referred to in paragraph (1) to carry ballast water which is not clean ballast water in any oil fuel tank, such ballast water shall be discharged to reception facilities or into the sea in compliance with regulation 12 using the equipment specified in regulation 14(2), and the discharge shall be entered in the Oil Record Book.

(3) All other ships shall comply with the requirements of paragraph (1) so far as it is reasonable and practicable to do so.

(4) In a ship of 400 GT 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) shall comply with the provisions of that paragraph, so far as it is reasonable and practicable to do so.

Tanks for oil residue (sludge)

25 (1) Every ship of 400 GT and above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery installed and length of voyage, to receive any oily residues (sludges) which cannot be dealt with in accordance with the requirements of these Regulations, 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 so far as it is reasonable and practicable to do so.

(3) Every ship to which this regulation applies shall be provided with piping to enable residues from machinery spaces and machinery space bilges to be pumped to a reception facility. This piping shall be led to the open deck and there fitted with a flange in accordance with the dimensions given in Schedule 2 in Merchant Shipping Notice 1643/ MARPOL I.

(4) Piping to and from sludge tanks shall have no direct connection overboard other than the discharge connection required by paragraph (3).

Pumping, piping and discharge arrangements of oil tankers

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

(2) In every oil tanker, pipelines for any discharge to the sea of ballast or oil contaminated water from cargo tank areas which may be permitted under regulations 12, 13 or 16 shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition, or, subject to the approval of the Department of Maritime Administration, below the waterline—

(a) to enable such discharges below the waterline as are permitted by paragraph (6) to be made; and

(b) where the discharge outlet is located above the departure ballast waterline but not above the waterline in the deepest ballast condition, if so located before 1 January 1981.

(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), from a position on the upper deck or above, and so located that the manifold referred to in paragraph (1) and the discharge to the sea from the pipe lines referred to in paragraph (2) may be visually observed. The means for stopping the discharge may be situated elsewhere than at the observation position if an effective 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 minimised;

(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, so designed that 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 connected outboard of the deck manifold valves, both port and starboard.

(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).

(6) Ballast water or oil contaminated water from the cargo tank areas of any oil tanker shall be discharged only above the waterline, except that—

(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 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 the dedicated clean ballast tanks above the waterline, may discharge this ballast below the waterline provided that the discharge of the ballast water is supervised with the aid of an oil content meter as provided for in regulation 20(3);

(d) dirty ballast water or oil contaminated water from tanks in the cargo area of an oil tanker at sea, 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 of the kind referred to in regulation 15(3)(e), in order to ensure that the height of the interface is such that the discharge does not involve any increased harm to the marine environment;

(e) dirty ballast water or oil contaminated water from cargo tank areas of an existing oil tanker may be discharged below the waterline, subsequent to or in lieu of discharge by the method referred to in subparagraph (d), 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 set out in Schedule 3 in Merchant Shipping Notice No. 1643/MARPOL 1.

PART V

REQUIREMENTS FOR MINIMISING OIL POLLUTION FROM OIL TANKERS DUE TO SIDE AND BOTTOM DAMAGE

Interpretation

27 For the purposes of determining the permissible size and arrangements of cargo tanks and for assessing the standard of subdivision of oil tankers the meaning of "side and bottom damage" and "hypothetical outflow of oil" are set out in Schedule 4 in Merchant Shipping Notice 1643/MARPOL 1.

Limitation of size and arrangement of cargo tanks

28 (1) Every new oil tanker shall comply with the provisions of this regulation. Every existing oil tanker shall comply with the provisions of this regulation if—

(a) it was delivered to its first owner after 1 January 1977; or

(b) it was delivered to its first owner on or before—

(i) 1 January 1977; and

(ii) the building contract for the tanker was placed after 1 January 1974, or in cases where there was no building contract the keel was laid or the tanker was at a similar stage of construction after 30 June 1974.

(2) Cargo tanks of oil tankers shall be of such size and arrangement that the hypothetical outflow Oc or Os, calculated in accordance with the provisions of Schedule 4 in Merchant Shipping Notice No. 1643/MARPOL 1 , anywhere in the length of the ship does not exceed 30,000 cubic metres or 400 3v 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 outflow Oc or Os, referred to in paragraph (2). 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 18 the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each exceeding Lc in length may be increased to the maximum limit of hypothetical oil outflow provided that the width of the wing tanks exceeds tc, where tc is defined in Schedule 4 in Merchant Shipping Notice No. 1643/MARPOL 1.

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

(a) where no longitudinal bulkhead is provided inside the cargo tanks, the lesser of—

(i) (0.5 bi/ B +0.1)L; and

(ii) 0.2L;

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

(0.25 bi/B +0.15)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—

(A) if bi/B is equal to or greater than one fifth — 0.2L;

(B) if bi/B is less than one fifth—

where no centreline longitudinal bulkhead is provided— (0.5 bi/B +0.1)L

where a centreline longitudinal bulkhead is provided— (0.25 bi/B +0.15)L,

and in this paragraph "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) and irrespective of the type of cargo transfer system installed, when such a 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 tc from the ship's side or less than Vs from the ship's bottom, where Vs is defined in Merchant Shipping Notice No. 1643/MARPOL 1, 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 for cargo transfer needed for the purpose of trimming of the ship.

Subdivision and stability

29 (1) Every new oil tanker shall comply with the subdivision and damage stability criteria specified in Schedule 5, in Merchant Shipping Notice No. 1643/MARPOL 1.

(2) The master of every new oil tanker and the person in charge of a new non-self propelled oil tanker to which these Regulations apply shall be supplied by the owner with—

(a) information relating to loading and distribution of cargo necessary to ensure compliance with the provision of this regulation; and

(b) data on the ability of the ship to comply with the damage stability criteria prescribed by this regulation, including the effect of any lesser requirements that may have been imposed by the Minister,

and such information and data shall be supplied in an approved form.

Intact stability of oil tankers of 5,000 tons deadweight and above

(3) This regulation shall apply to every oil tanker of 5,000 tons deadweight and above—

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

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

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

(d) which has undergone a major conversion—

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

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

(iii) which is completed after 1 February 2002.

(4) Every oil tanker to which this regulation applies shall comply with the intact stability criteria specified in Schedule 5A in Merchant Shipping Notice No. 1643/MARPOL 1.

PART VI

IMPROVED REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF OIL TANKERS AGAINST OIL POLLUTION IN THE EVENT OF COLLISION OR STRANDING

"New" oil tankers (building contracts after 5 July 1993)

30 (1) This regulation applies 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 keel of which is laid or which is at a similar stage of construction on or after 6 January 1994; or

(c) the delivery of which is on or after 6 July 1996; or

(d) which has undergone a 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) which is completed after 6 July 1996.

(2) Subject to paragraphs (4) and (5), every oil tanker of 5,000 tons deadweight and above shall comply with the requirements of paragraph (3) and, in the case of an oil tanker in respect of which regulation 19 makes provision, compliance with the requirements of paragraph (3) shall be instead of compliance with the requirements of that regulation.

(3) The entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel oil tanks, in accordance with the requirements set out in Schedule 6 in Merchant Shipping Notice No. 1643/MARPOL 1.

(4) Double bottom tanks or spaces as required by paragraph (3) may be dispensed with, if the design of the tanker meets the conditions set out in Schedule 7 in Merchant Shipping Notice No. 1643/MARPOL 1.

(5) Instead of complying with the requirements of paragraph (3) or (4), an oil tanker referred to in paragraph (2) may conform to other methods of design and construction, provided that such methods—

(a) ensure at least the same level of protection against oil pollution in the event of collision or stranding; and

(b) have the approval of the Minister based on guidelines developed by the Organisation.

(6) In an oil tanker to which this regulation applies, oil shall not be carried in any space extending forward of a collision bulkhead provided in accordance with Regulation 11 of Chapter II-1 of SOLAS. An oil tanker which is not required to have a collision bulkhead in accordance with the said regulation 11 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 provided in accordance with that regulation.

(7) In approving the design and construction of an oil tanker to which this regulation applies, the Certifying Authority shall have due regard to general safety considerations (including the need for the maintenance of and for inspections of wing and double bottom tanks or spaces).

"Existing" oil tankers (building contracts before 6 July 1993) compliance with double hull or equivalent design requirements for single hull oil tankers

31 (1) Subject to paragraph (2), this regulation shall apply to an oil tanker of 5,000 tons deadweight and above—

(a) for which the building contract was placed before 6 July 1993; or

(b) in the absence of a building contract, the keel of which was laid or which was at a similar stage of construction before 6 January 1994; or

(c) the delivery of which was before 6 July 1996; or

(d) which had undergone a major conversion—

(i) for which the contract was placed before 6 July 1993; or

(ii) in the absence of a contract, the construction work of which was begun on or before 6 January 1994; or

(iii) which was completed on or before 6 July 1996.

(1A) Subject to paragraph (2), paragraph (7) of this regulation applies to an oil tanker of 600 tons deadweight and above.

(2) This regulation shall not apply to an oil tanker which—

(a) complies with the requirements of Schedule 6 in Merchant Shipping Notice No. 1643/MARPOL 1;

(b) complies with those requirements as modified in accordance with Schedule 7 in Merchant Shipping Notice No. 1643/MARPOL 1; or

(c) conforms to other methods of design and construction which ensure at least the same level of protection against oil pollution in the event of collision or stranding and have the approval of the Minister based on guidelines developed by the International Maritime Organisation.

(3) For the purposes of paragraph (2)—

(a) an oil tanker which does not meet in all respects the requirements mentioned in paragraph (2) regarding minimum distances between the cargo tank boundaries of the ship side and bottom plating shall be treated as meeting those requirements if—

(i) the side protection distance is not less than that which the IBC Code specifies for Type 2 cargo tank location (that is to say, the said distance is nowhere less than 760mm from the shell plating), and

(ii) the bottom protection distance is not lessl than the lesser of B/15 or 2 meteres, and

(b) "the IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1998 Edition) published by the International Maritime Organisation.

(4) A category 1 oil tanker to which this regulation applies—

(a) if it is a Bermuda registered oil tanker, shall not operate; and

(b) if it is any other oil tanker, shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of Bermuda—

(i) if the ship was delivered in 1981 or earlier, or was delivered in 1982 on or before 4 August, on or after 4 August 2005,

(ii) if the ship was delivered in 1982 after 4 August, on or after the anniversary in 2005 of the day and month of that ship's delivery.

(5) A category 2 or 3 oil tanker to which this regulation applies—

(a) if it is a Bermuda registered oil tanker, shall not operate; and

(b) if it is any other oil tanker, shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of Bermuda—

(i) if the ship was delivered in 1976 or earlier, or was delivered in 1977 on or before 4 August, on or after 4 August 2005;

(ii) if the ship was delivered in 1977 after 4 August, on or after the anniversary in 2005 of the day and month of that ship's delivery;

(iii) if the ship was delivered in 1978 or 1979, on or after the anniversary in 2006 of the day and month of that ship's delivery;

(iv) if the ship was delivered in 1980 or 1981, on or after the anniversary in 2007 of the day and month of that ship's delivery;

(v) if the ship was delivered in 1982, on or after the anniversary in 2008 of the day and month of that ship's delivery;

(vi) if the ship was delivered in 1983, on or after the anniversary in 2009 of the day and month of that ship's delivery;

(vii) if the ship was delivered in 1984 or later, on or after the anniversary in 2010 of the day and month of that ship's delivery.

(6) A category 2 or 3 oil tanker which is equipped only with double bottoms or double sides not used for the transport of oil and extending for the whole length of the cargo tank, or with double-hulled spaces not used for the transport of oil and extending for the whole length of the cargo tank, but which do not meet the conditions for exemption from the provisions of paragraph 1(c) of Regulation 13G of Annex I, may continue to operate after the date set out in relation to such a ship in paragraph (5), but not beyond the anniversary of the date of delivery of the ship in the year 2015 or the date on which the ship reaches the age of 25 years from its date of delivery, whichever is the sooner.

(7) No oil tanker carrying heavy grades of oil shall be allowed to enter or leave a port or offshore terminal or to anchor in an area under the jurisdiction of Bermuda unless—

(a) it is a double hull oil tanker; or

(b) it is an oil tanker of less than 5,000 tons deadweight operating on or before the anniversary in 2008 of the day and month of that ship's delivery; or

(c) it is an oil tanker operating exclusively in ports and inland navigation and duly certified under the inland waterway legislation applicable to the ship; or

(d) it is an ice-strengthened single-hull oil tanker operating before 21 October 2005 in ice conditions which require the use of such a vessel, equipped with a double bottom not used for the transport of oil and extending over the entire length of the cargo tank, carrying heavy grades of oil only in its central tanks.

(8) Paragraph (8A) applies to a category 2 or 3 oil tanker—

(a) on and after 4 August 2005 if on or before that date the ship has been subject to a renewal or intermediate survey following the fifteenth anniversary of the day and month of the ship's delivery; and

(b) in any other case, from the date on which the ship first has a renewal or intermediate survey following the fifteenth anniversary of the day and month of the ship's delivery.

(8A) A ship to which this paragraph applies—

(a) if it is a Bermuda registered tanker shall not operate; and

(b) if it is any other tanker, shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of Bermuda,

unless it complies with the Condition Assessment Scheme adopted by Resolution 94(46) of 27 April 2001 of the Marine Environment Protection Committee of the International Maritime Organisation and amended by Resolution 99(48) of 11 October 2002 and Resolution 112(50) of 4 December 2003 of that Committee.

(9) A category 2 or 3 oil tanker, on or after the anniversary in 2015 of the day and month of that ship's delivery—

(a) if it is a Bermuda registered oil tanker, shall not operate; and

(b) if it is any other oil tanker, shall not enter a port or offshore terminal under the jurisdiction of Bermuda.

(10) The Minister may grant an exemption from any of paragraphs (4) to (9) of this regulation under regulation 2(5) of these Regulations only where that exemption—

(a) allows an oil tanker to enter a port or offshore terminal under the jurisdiction of Bermuda;

(b) is granted in exceptional circumstances; and

(c) is granted because the oil tanker is in difficulty and in search of a place of refuge, or is unloaded and proceeding to a port of repair.

(11) In this regulation—

"category 1 oil tanker" means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of the consolidated 2002 edition of the Convention;

"category 2 oil tanker" means an oil tanker of—

(a) 20,000 tons deadweight and above which carries as cargo crude oil, fuel oil, heavy diesel oil or lubricating oil; or

(b) 30,000 tons deadweight and above which carries as cargo oil other than oil mentioned in paragraph (a),

and which complies with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of the consolidated 2002 edition of the Convention and is provided with segregated ballast tanks protectively located ("SBT/PL");

"category 3 oil tanker" means an oil tanker of 5,000 tons deadweight and above other than a category 1 or category 2 oil tanker;

"double hull oil tanker" means—

(a) in relation to an oil tanker of 5,000 tons deadweight and above, an oil tanker which complies with—

(i) the double hull or equivalent design requirements of Regulation 13F of Annex I of the consolidated 2002 edition of the Convention; or

(ii) the provisions of paragraph 1(c) of regulation 13G of Annex I of the consolidated 2002 edition of the Convention; and

(b) in relation to an oil tanker of 600 tons deadweight and above but less than 5,000 tons deadweight, an oil tanker which—

(i) is fitted with double bottom tanks or spaces complying with the provisions of regulation 13F(7)(a) of Annex I of the consolidated 2002 edition of the Convention;

(ii) is fitted with wing tanks or spaces arranged in accordance with regulation 13F(3)(a) of Annex I of the consolidated 2002 edition of the Convention; and

(iii) complies with the requirement for distance as referred to in regulation 13F(7)(b) of Annex I of the consolidated 2002 edition of the Convention;

"fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the International Maritime Organisation;

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

"heavy grades of oil" means—

(a) crude oils having a density at 15°C which is higher than 900kg/m³ (which corresponds to an API grade of less than 25.7);

(b) fuel oils having a density at 15° which is higher than 900 kg/m³ or a linematic viscosity at 50°C which is higher than 180mm2/s (which corresponds toa kinematic viscosity of over 189cSt);

(c) bitumen and tar and their emulsions;

"L" has the meaning given in regulation 13E(2) of Annex I of the consolidated 2002 edition of the Convention;

"new oil tanker" means a new oil tanker as defined in regulation 1 (26) of Annex I of the consolidated 2002 edition of the Convention.

PART VII

OFFSHORE INSTALLATIONS

Requirements for Offshore Installations

32 (1) Offshore installations, when engaged in the exploration, exploitation and associated offshore processing of sea bed mineral resources, shall comply with the requirements of these Regulations applicable to ships of 400 GT and above other than oil tankers, notwithstanding that the installations are not proceeding on a voyage, except that—

(a) they shall be equipped as far as practicable with the systems and tanks required by regulations 14 and 25(1) and (2);

(b) they shall keep a record of all operations involving oil or oily mixture discharges, in an approved form.

(2) Unless the discharge is one specified in regulation 11, an offshore installation when so engaged shall not discharge into the sea any oil or oily mixture with an oil content of 15ppm or more.

(3) For the purpose of this regulation—

(a) "offshore installation" means any mobile or fixed drilling or production platform or any other platform used in connection with the exploration, exploitation or associated offshore processing of sea bed mineral resources;

(b) "oil or oily mixtures" means discharge associated with machinery space drainage and does not include production or displacement water discharge.

PART VIII

PREVENTION OF POLLUTION ARISING FROM AN OIL POLLUTION INCIDENT

Shipboard oil pollution emergency plan

33 (1) Every oil tanker of 150 GT and above and every ship (not being an oil tanker) of 400 GT and above shall carry on board an approved shipboard oil pollution emergency plan.

(2) The plan shall be in accordance with the guidelines for the development of shipboard oil pollution emergency plans adopted by the Marine Environment Protection Committee of the International Maritime Organisation on 13 March 2000 by Resolution MEPC 54(32) as amended by Resolution MEPC 86(44) of 13 March 2000 and includes any document amending it which is considered to be relevant and is specified in a Merchant Shipping Notice and the plan shall include at least—

(i) 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 Convention;

(ii) the list of persons (including national and local authorities) to be contacted in the event of an oil pollution incident;

(iii) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following an incident; and

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

(3) In the case of ships to which regulation 16 of Annex II to the Convention also applies, such a plan may be combined with the shipboard marine pollution emergency plan

for noxious liquid substances required under regulation 16 of Annex II to the Convention, and in this case the title of the plan shall be "Shipboard Marine Pollution Emergency Plan".

PART IX

POWERS TO INSPECT, DENY ENTRY, DETENTION AND PENALTIES

Power to Inspect

34 (1) Regarding the inspection of ships—

(a) a ship to which these Regulations apply shall be subject, in any Bermuda port or offshore terminal, to inspections by persons appointed by the Minister;

(b) any such inspection shall be limited to verifying that there is on board a valid IOPP Certificate in the form prescribed by the Convention, 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 inspector shall take such steps as he may consider necessary to ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The Minister may in such a case permit the ship to leave the port or offshore terminal for the purposes of proceeding to the nearest appropriate repair yard;

(c) notwithstanding subparagraph (b), and without prejudice to any specific control provisions over operational procedures provided for in these Regulations, the inspector may investigate any operation regulated by these Regulations if there are clear grounds for believing that the master or crew are not familiar with essential ship board procedures for preventing pollution by oil. In the event of any such inspection revealing deficiencies the inspector shall take such steps as to ensure that the ship will not sail until the situation has been brought to order in accordance with the requirements of these Regulations.

(2) Upon receiving evidence that a particular ship has discharged oil or an oily mixture contrary to the provisions of these Regulations the Minister shall cause the matter to be investigated and shall inform the State which has reported the contravention, as well as the International Maritime Organisation, of the action taken.

(3) For the purposes of this regulation any person appointed as an inspector shall have the powers of an inspector set out in sections 220 and 221 of the Merchant Shipping Act 2002.

Power to deny entry or detain

35 (1) If a harbour master has reason to believe that a ship which he believes proposes to enter or leave the harbour does not comply with the requirements of these Regulations, he shall immediately report the matter to the Minister who, if he is satisfied that the ship

presents an unreasonable threat of harm to the marine environment, may deny the entry or exit of such ship to Bermuda ports or offshore terminals.

(2) In any case where—

(a) a ship does not comply with the requirements of these Regulations;

(b) the steps to be taken by an inspector under regulation 34(1)(b) or (c) involve detention of the ship;

(c) an accident occurs to a non-Bermuda registered ship, or a defect is discovered in a non-Bermuda registered ship, either of which substantially affects the integrity of the ship or the efficiency or completeness of its equipment, and a full and proper report of that accident or defect has not been made to the appropriate authority for that ship; or

(d) within a reasonable period of a report being made of an accident to or defect in a non-Bermuda registered ship the Minister is not satisfied that action taken as respects that ship is sufficient to restore the integrity of the ship or the efficiency or completeness of its equipment,

the ship shall be liable to be detained and section 242 of the Merchant Shipping Act 2002 (which relates to the detention of a ship) shall have effect in relation to that ship, as if for the words "this Act" wherever they appear, there were substituted the words "the Merchant Shipping (Prevention of Oil Pollution) Regulations 2010 ".

(3) Where a ship other than a Bermuda ship is—

(a) denied entry pursuant to paragraph (1); or

(b) detained pursuant to paragraph (2); or

(c) detained pursuant to regulation 37(3),

the Minister shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

Penalties

36 (1) If any ship fails to comply with any requirement of these Regulations (other than regulations 12, 13 and 16) the owner and the master of the ship shall each be guilty of an offence and punishable on summary conviction to a fine not exceeding $10,000 and on conviction on indictment to a fine not exceeding $50,000.

(2) If any ship fails to comply with any requirement of regulation 12, 13 or 16, the owner and the master shall each be guilty of an offence and section 130(3) of the Merchant Shipping Act 2002 shall apply as it applies to an offence under that section, so that each of the owner and the master shall be liable on summary conviction to a fine not exceeding $10,000 or on conviction on indictment to a fine not exceeding $50,000.

(3) It shall be a defence for a person charged under paragraph (1) of this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Where an offence under this regulation is committed, or would have been committed save for the operation of paragraph (3), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

Enforcement and application of fines

37 (1) Any document required or authorised, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of or otherwise in connection with, proceedings for an offence of contravening regulation 12, 13 or 16 alleged to have been committed by the company as the owner of a ship shall be treated as duly served on that company if the document is served on the master of the ship; and any person authorised to serve any document for the purposes of the institution of, or otherwise in connection with proceedings for an offence under these Regulations (whether or not in pursuance of the foregoing provisions of this paragraph) shall, for that purpose, have the right to go on board the ship in question.

(2) In paragraph (1), a "foreign company" means a company or body which is not one to whom section 62A of the Companies Act 1981 applies so as to authorise the service of the document in question under section 62A.

(3) A person exercising the power of detention conferred by regulation 35(2) (a) in respect of an alleged contravention of regulation 12, 13 or 16 shall immediately release the ship if —

(a) no proceedings for the offence in question are instituted within the period of seven days beginning with the day on which the vessel is detained;

(b) such proceedings, having been instituted through exercise of the power conferred by paragraph (1) within that period, are concluded without the master or owner being convicted;

(c) either—

(i) the sum of $500,000 is paid to the Minister by way of security; or

(ii) security which, in the opinion of the Minister, is satisfactory and is for an amount not less than $500,000 is given to the Minister, by or on behalf of the master or owner;

(d) where the master or owner is convicted of the offence, any costs or expenses ordered to be paid by him, and any fine imposed on him, have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by such a court or tribunal is posted.

(4) The Minister shall repay any sum paid in pursuance of paragraph (3) (c) or release any security so given—

(a) if no proceedings for the offence in question are instituted within the period of seven days beginning with the day on which the sum is paid; or

(b) if such proceedings, having been instituted within that period are concluded without the master or owner being convicted.

(5) Where a sum has been paid, or security has been given, by any person in pursuance of paragraph (3) (c) and the master or owner is convicted of the offence in question, the sum so paid or the amount made available under the security shall be applied as follows—

(a) first in payment of any costs or expenses ordered by the court to be paid by the master or owner; and

(b) next in payment of any fine imposed by the court,

and any balance shall be repaid to the person paying the sum, or giving the security.

(6) For the purposes of this regulation in its application to Bermuda—

(a) proceedings for an offence are instituted—

(i) when a Magistrate issues a summons or warrant under section 3 of the Criminal Jurisdiction and Procedure Act 2015 in respect of the offence;

(ii) when a person is charged with the offence after being taken into custody without a warrant;

(iii) when a bill of indictment is preferred by virtue of section 485 of the Criminal Code Act 1907,

and where the application of this paragraph would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times; and

(b) proceedings for an offence are concluded without the master or owner being convicted on the occurrence of one of the following events—

(i) the discontinuance of the proceedings;

(ii) the acquittal of the master or owner;

(iii) the quashing of the master or owner's conviction for the offence;

(iv) the grant of Her Majesty's pardon in respect of the master or owner's conviction for the offence.

(7) Where a fine imposed by a court in proceedings against the owner or master of a ship for an offence under regulation 12, 13 or 16 is not paid or any costs or expenses ordered to be paid by him are not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or arrestment and sale of the ship, her tackle, furniture and apparel.

(8) Where a person is convicted of an offence under regulations 12, 13 or 16, and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

[Regulation 37 paragraph (6)(a) amended by 2015 : 38 s. 91 effective 6 November 2015]

PART X

PROCEEDINGS FOR POLLUTION OFFENCES COMMITTED OUTSIDE BERMUDA WATERS

Restriction on jurisdiction over offences outside Bermuda limits

38 (1) No proceedings for an offence of contravening regulation 12, 13 or 16 by a ship which is not a Bermuda ship, which relates to a discharge in the internal waters, territorial waters or exclusive economic zone of another State shall be instituted unless—

(a) that State, the flag state or a State damaged or threatened by the discharge requests that proceedings be taken; or

(b) the discharge has caused or is likely to cause pollution in the internal waters, territorial sea or controlled waters of Bermuda.

(2) Where proceedings for an offence of contravening regulation 12, 13 or 16 by a ship which is not a Bermuda ship which relates to a discharge in the internal waters, territorial sea or exclusive economic zone of another State have been instituted but not concluded, and that State requests suspension of the proceedings, then—

(a) proceedings shall be suspended; and

(b) the Minister shall transmit all the evidence and court records and documents relating to the case, together with any sum paid or security given pursuant to regulation 37 (3)(c), to that State.

(3) It shall be a defence to a person charged with contravening regulation 12, 13 or 16 for the defendant to show—

(a) that the ship is not a Bermuda ship; and

(b) the discharge took place outside Bermuda, its territorial waters and the controlled waters of Bermuda; and

(c) the ship was in a port in Bermuda at the time of institution of proceedings by reason only of stress of weather or other reason beyond the control of the master or owner or charterer.

Suspension of proceedings at flag state request

39 (1) This regulation relates to an alleged offence of contravening regulation 12, 13 or 16 by a ship which is not a Bermuda ship, in relation to a discharge outside Bermuda or its territorial waters.

(2) In respect of any alleged offence to which this regulation relate—

(a) any proceedings for such an offence shall be stayed if the Court is satisfied that the flag state has instituted proceedings corresponding to the proceedings in Bermuda in respect of the discharge, within six months of the institution of proceedings in Bermuda;

(b) subparagraph (a) does not apply—

(i) where the discharge resulted in major damage to Bermuda; or

(ii) the Minister certifies that the flag state has repeatedly disregarded its obligation to enforce effectively the requirements of the Convention in respect of its ships.

(3) Where proceedings instituted by the flag state have been brought to a conclusion, the suspended proceedings shall be terminated.

(4) Where the costs of the Minister incurred in respect of proceedings suspended under paragraph (2) have been paid, any money paid or security given under regulation 37(3) (c) shall be released.

Supplementary

40 For the purposes of regulations 38 and 39, proceedings for an offence are to be treated as being instituted in Bermuda in the circumstances set out in regulation 37(6), (7) or (8) as the case may be.

Made this 24th day of September, 2010

Premier

[*Amended by:*
2015 : 38]