



Ministry of Transport

TE MANATŪ WAKA

Maritime Transport Act 1994

Marine Protection Rules

MARINE PROTECTION AMENDMENTS RULES 2008 CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK MARPOL REVISED ANNEX II

Parts 100, 101B, 103, 140, 141, 142A, 142B and 143

Pursuant to sections 386, 387 and 388 of the Maritime Transport Act 1994
I, Harry James Duynhoven, Minister for Transport Safety, hereby make the following
marine protection rules.

Signed at Wellington

this 26th day of June 2008

by HARRY JAMES DUYNHOVEN


Minister for Transport Safety

Contents

Part Objective	7	New Part 140
Extent of Consultation		New Part 140 Discharge of Noxious Liquid Substances in Bulk
1 Entry into force	8	New Part 141
Amendments to Part 100		New Part 141
Port Reception Facilities		Ship Design, Construction, Equipment and Operation
Oil, Noxious Liquid Substances, and Garbage		— Noxious Liquid Substances in Bulk
2 Rule 100.2 Definitions	9	Part 142A amended
Amendments to Part 101B		Amendments to Part 142A
Survey and Inspections — Noxious Liquid Substances		Documents (Certificates) — Noxious Liquid Substances
Carried in Bulk		in Bulk
3 Rule 101B.2 Definitions	10	Part 142B amended
4 Rule 101B.3 Application and compliance date		Amendments to Part 142B
Amendments to Part 103		Documents (Record Books and Manuals) — Noxious
Notifications — Oil and Noxious Liquid Substances		Liquid Substances
5 Rule 103.2 Definitions	11	Part 143 amended
6 Rule 103.4 Procedure for notifying transfers		Amendments to Part 143
		Shipboard Marine Pollution Emergency Plans for
		Noxious Liquid Substances

“Part Objective

“The objective of the *Marine Protection Amendment Rules 2008: Control of Pollution by Noxious Liquid Substances in Bulk – MARPOL Revised Annex II* is to provide rules for preventing pollution of the sea by ships carrying noxious liquid substances in bulk as cargo, drawn from revised Annex II of MARPOL.

“The rules regulate the discharge of such substances in accordance with the new more stringent international standards, which came into force internationally on 1 January 2007. These standards incorporate the following new scheme of pollution categories –

- category X: substances that present a major hazard to either the marine environment or human health and justify the prohibition of discharge into the marine environment
- category Y: substances that present a hazard to either marine resources or human health, or cause harm to amenities or other legitimate uses of the sea, and justify a limitation on the quality and quantity of the discharge into the marine environment
- category Z: substances that present a minor hazard to either marine resources or human health and justify less stringent restrictions on the quality and quantity of the discharge into the marine environment.

The amendment rules also require –

- cargo tanks of ships carrying noxious liquid substances to be stripped to lower levels of residue before being washed or ballasted and the residues permitted to be discharged into the sea
- more stringent conditions of carriage for specified noxious liquid substances by ship type, substituting chemical tankers for oil tankers, and chemical tankers with higher standards of intact stability and containment for tankers of lesser specification.

“The rules are made pursuant to sections 386, 387 and 388 of the Maritime Transport Act 1994.

“Rules subject to Regulations (Disallowance) Act 1989

“Marine protection rules are subject to the Regulations (Disallowance) Act 1989.

Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

“Extent of Consultation

“On 14 July 2007, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed marine protection rules. A notice was also published in the Gazette on 12 July 2007. The invitation to comment and draft rules were then made available to the public with electronic and hard copies being sent to 178 interested parties. Maritime New Zealand also made the draft available on its website. Comments on the draft rules were requested by 03 September 2007.

“Two written submissions were made on the proposed rules. Both submissions were considered and the draft rules finalised.

“Following consultation, a number of technical and machinery amendments were made to Parts 140 and 143. These comprised insertion in Part 140 of a definition of “ppm” (parts per million) and an amendment to “liquid substance” to use 0.28 MPa (megapascals) as the metric to define the upper limit of their vapour pressure. Part 143 was amended to update references to regulations dealing with emergency plans to the numbering scheme used in the revised versions of MARPOL Annexes I and II.

General

1 Entry into force

These rules come into force on the 4th August 2008

Amendments to Part 100 – Port Reception Facilities – Oil, Noxious Liquid Substances, and Garbage

2 Rule 100.2 Definitions

Rule 100.2 is amended by substituting for the definition of **noxious liquid substance** the following definition –

- “**noxious liquid substance** means –
- “(a) any category X substance;
 - “(b) any category Y substance;
 - “(c) any category Z substance;
 - “(d) any other substance, except –
 - “(i) clean ballast;
 - “(ii) segregated ballast;
 - “(iii) any category OS substance; and
 - “(e) any mixture containing a noxious liquid substance; and a noxious liquid substance, as defined here, is a harmful substance and a noxious liquid substance for the purposes of section 225 of the Act”

Amendments to Part 101B – Survey and Inspections – Noxious Liquid Substances Carried in Bulk

3 Rule 101B.2 Definitions

Rule 101B.2 is amended by –

- (a) substituting for the definition of **Category A substance(s), Category B substance(s), Category C substance(s), Category D substance(s), an Category III substance(s)** the following definition –

- “**category X, Y, Z or OS substance**” means, respectively, any liquid substance –
- “(a) listed and categorised as a category X, Y, Z or OS substance in the IBC Code; or
 - “(b) otherwise categorised, or provisionally assessed or categorised, as a category X, Y, Z or OS substance –
 - “(i) by the IMO; or

“(ii) by the Director under rule 140.9”

- (b) substituting for the definition of **noxious liquid substance** the following definition —
- “**noxious liquid substance** means —
- “(a) any category X substance;
- “(b) any category Y substance;
- “(c) any category Z substance;
- “(d) any other substance, except —
- “(i) clean ballast;
- “(ii) segregated ballast;
- “(iii) any category OS substance; and
- “(e) any mixture containing a noxious liquid substance; and a noxious liquid substance, as defined here, is a harmful substance and a noxious liquid substance for the purposes of section 225 of the Act”

4 Rule 101B.3 Application and compliance dates

Rule 101B.3(1)(a) and (b) is amended by inserting the words “as cargo” after the words “in bulk”.

Amendments to Part 103 — Notifications — Oil and Noxious Liquid Substances

5 Rule 103.2 Definitions

Rule 103.2 is amended by —

- (1) substituting for the definition of **Category A substance(s), Category B substance(s), Category C substance(s), Category D substance(s), an Category III substance(s)** the following definition —
- “**category X, Y, Z or OS substance**” means, respectively, any liquid substance —
- “(a) listed and categorised as a category X, Y, Z or OS substance in the IBC Code; or
- “(b) otherwise categorised, or provisionally assessed or categorised, as a category X, Y, Z or OS substance —
- “(i) by the IMO; or
- “(ii) by the Director under rule 140.9”
- (2) substituting for the definition of **noxious liquid substance** the following definition —
- “**noxious liquid substance** means —
- “(a) any category X substance;
- “(b) any category Y substance;
- “(c) any category Z substance;
- “(d) any other substance, except —
- “(i) clean ballast;
- “(ii) segregated ballast;
- “(iii) any category OS substance; and

“(e) any mixture containing a noxious liquid substance; and a noxious liquid substance, as defined here, is a harmful substance and a noxious liquid substance for the purposes of section 225 of the Act”.

6 Rule 103.4 Procedure for notifying transfers

Rule 103.4(d) is amended by substituting for the words “rules 140.29 to 140.32” the words “rules 140.10 to 140.13”.

New Part 140 – Discharge of Noxious Liquid Substances in Bulk

7 New Part 140

For Part 140 made by the Minister of Transport on 20 May 1998 is substituted the following –

“Part Objective

The objective of Part 140 is to provide rules for preventing pollution of the sea by ships carrying noxious liquid substances in bulk as cargo, drawn from revised Annex II of MARPOL.

The Part is concerned with regulating the discharge of such substances in accordance with the new more stringent international standards, which came into force internationally on 1 January 2007. These standards incorporate the following new scheme of pollution categories –

- category X: substances that present a major hazard to either the marine environment or human health and justify the prohibition of discharge into the marine environment
- category Y: substances that present a hazard to either marine resources or human health, or cause harm to amenities or other legitimate uses of the sea, and justify a limitation on the quality and quantity of the discharge into the marine environment
- category Z: substances that present a minor hazard to either marine resources or human health and justify less stringent restrictions on the quality and quantity of the discharge into the marine environment

Part 140 prescribes the conditions under which cargo residues of category Y and Z noxious liquid substances may be discharged into the sea based on –

- the minimum speed of the ship during the discharge
- the minimum distance from the nearest land during the discharge
- the minimum depth of water around and beneath the ship during the discharge
- the need to make the discharge below the waterline.

As well as operational discharges into the sea, Part 140 deals with discharge to reception facilities, and the reporting of non-operational discharges and probable discharges.

The specific MARPOL provisions given effect to by Part 140 are found in –

- regulation 6 of Annex II concerning the categorisation of noxious liquid substances
- regulation 13 of Annex II concerning the control of discharges of residues of noxious liquid substances
- article 8 and Protocol I of MARPOL concerning reports of incidents involving harmful substances.

Part 140 elaborates the marine protection rules referred to in the following sections of the Maritime Transport Act 1994 –

- section 226 concerning the discharge of harmful substances into the sea
- section 227 concerning reporting the discharge or escape of harmful substances
- section 228 concerning reporting the probable discharge or escape of harmful substances.

The rules are made pursuant to sections 386 and 388 of the Maritime Transport Act 1994.

Rules subject to Regulations (Disallowance) Act 1989

Marine protection rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

Extent of Consultation

On 14 July 2007, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed marine protection rules. A notice was also published in the Gazette on 12 July 2007. The invitation to comment and draft rules were then made available to the public with electronic and hard copies being sent to 178 interested parties. Maritime New Zealand also made the draft available on its website. Comments on the draft rules were requested by 03 September 2007.

“Two written submissions were made on the proposed rules. Both submissions were considered and the draft rules finalised.

General

140.1 Entry into force

This Part comes into force on the 4th August 2008

140.2 Definitions

In this Part –

Act means the Maritime Transport Act 1994

approved substance means –

- (a) any substance –
 - (i) gazetted under rule 132.4(c); and
 - (ii) not gazetted under rule 132.7(2)(a); and
- (b) any dispersant named in the Appendix to Part 132

category X, Y, Z or OS substance means, respectively, any liquid substance –

- (a) listed and categorised as a category X, Y, Z or OS substance in the IBC Code; or
- (b) otherwise categorised, or provisionally assessed or categorised, as a category X, Y, Z or OS substance –
 - (i) by the IMO; or
 - (ii) by the Director under rule 140.9

clean ballast means ballast carried in a tank that has been –

- (a) thoroughly cleaned since it was last used to carry cargo containing a noxious liquid substance, and from which the residues resulting therefrom have been discharged; and
- (b) emptied in accordance with the requirements of the marine protection rules

coastal marine area means the foreshore, seabed and coastal water, and the air space above that water, of which –

- (a) the seaward boundary is the outer limits of the territorial sea; and
- (b) the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of –
 - (i) one kilometre upstream from the mouth of the river; or
 - (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5

discharge includes any release, disposal, spilling, leaking, pumping, emitting or emptying; but does not include –

- (a) dumping in accordance with a permit issued by the Director under section 262 of the Act; or
- (b) release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control; and

to discharge and **discharged** shall be construed accordingly

en route means, in respect of a ship, under way at sea

foreign ship means any ship that is not a New Zealand ship, warship or other ship of the New Zealand Defence Force

from the nearest land means –

- (a) from the baseline from which the territorial sea of the territory in question is established in accordance with international law; but
- (b) in relation to the part of the north eastern coast of Australia that lies between the points 11° 00' S, 142° 08' E and 24° 42' S, 153° 15' E, 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;
 - 10° 41' S, 145° 00' E;
 - 13° 00' S, 145° 00' E;
 - 15° 00' S, 146° 00' E;
 - 17° 30' S, 147° 00' E;
 - 21° 00' S, 152° 55' E;
 - 24° 30' S, 154° 00' E;
 - 24° 42' S, 153° 15' E

high-viscosity means, in respect of a category X or Y substance, a viscosity, at the unloading temperature, equal to or greater than 50 mPa·s

IBC Code means *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*, published by the IMO, as amended by that organisation from time to time

IMO means International Maritime Organisation

in bulk means carried in the cargo or other spaces of a ship without any intermediate form of containment or packaging

liquid substance means a substance having a vapour pressure not exceeding 0.28 MPa absolute at a temperature of 37.8°C

marine operations means any operation(s) for, or connected with the exploration for, or the exploitation or associated processing of, any mineral in the sea or the seabed

master means any person (except a pilot) having command or charge of any ship

New Zealand Defence Force has the meaning given to the term Defence Force in section 2(1) of the Defence Act 1990

New Zealand continental waters means –

- (a) New Zealand marine waters; and
- (b) the waters beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand

New Zealand jurisdiction means –

- (a) the internal waters of New Zealand; and
- (b) the territorial sea of New Zealand; and
- (c) the exclusive economic zone of New Zealand; and
- (d) the waters above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand

New Zealand marine waters means –

- (a) the territorial sea of New Zealand; and
- (c) the waters of the exclusive economic zone of New Zealand

New Zealand ship means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act

noxious liquid substance means –

- (a) any category X substance;
 - (b) any category Y substance;
 - (c) any category Z substance;
 - (d) any other substance, except –
 - (i) clean ballast;
 - (ii) segregated ballast;
 - (iii) any category OS substance; and
 - (e) any mixture containing a noxious liquid substance; and
- a noxious liquid substance, as defined here, is a harmful substance and a noxious liquid substance for the purposes of section 225 of the Act

oil –

- (a) means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals that are noxious liquid substances);
- (b) includes, for the purposes of this Part and section 222 of the Act –
 - (i) any substance declared to be oil in the Appendix to Part 120; and
 - (ii) any oily mixture

offshore installation or installation –

- (a) includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but
- (b) does not include a pipeline

offshore terminal means any place in the sea where cargo is loaded or unloaded

owner, in relation to any ship, includes –

- (a) any person who is the legal or equitable owner, or both, of the ship; and
- (b) any person in possession of the ship, including –
 - (i) any salvor in possession of the ship; and
 - (ii) any servant or agent of any salvor in possession of the ship; and
- (c) any charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship

Part means a group of rules made under the Act

port includes place and harbour

ppm means ml/m³

Procedures and Arrangements Manual means the applicable Procedures and Arrangements Manual required under Part 142B

residue means any harmful substance that remains for disposal

segregated ballast means the ballast water introduced into a tank that is –
(a) completely separated from the cargo and oil fuel system; and
(b) permanently allocated to the carriage of ballast -or cargoes other than oil or noxious liquid substances

special area means the Antarctic area comprising the sea area south of latitude 60° S

uncategorised liquid substance means any liquid substance that is not –
(a) a category X substance;
(b) a category Y substance;
(c) a category Z substance;
(d) clean ballast;
(e) segregated ballast;
(f) a category OS substance

unloading includes the pumping of cargo from a ship to receiver, terminal, or port; and **unload** and **unloaded** shall be construed accordingly.

140.3 Application of Part 140

- (1) This Part applies to every –
 - (a) New Zealand ship, warship or other ship of the New Zealand Defence Force that carries noxious liquid substances in bulk as cargo;
 - (b) foreign ship that carries noxious liquid substances in bulk as cargo in the New Zealand jurisdiction.
- (2) Nothing in this Part applies to the discharge into the sea of an approved substance, to contain or clean up an oil spill, in accordance with Part 132.
- (3) Nothing in this Part affects any defence that a person may have to proceedings for an offence under section 237 of the Act on grounds contained in section 243 of the Act.

Discharges in Special Area Prohibited

140.4 Discharge in special area prohibited

Noxious liquid substances may not be discharged into any special area by any New Zealand ship, warship or other ship of the New Zealand Defence Force to which this Part applies.

Discharge of Category X, Y or Z Substances – Outside Special Area

140.5 Discharge of category X substances

- (1) The owner and the master of any ship must ensure that every tank on the ship from which a category X substance has been unloaded is washed in accordance with sub-rule (2) or (4) before the ship leaves the port or terminal or offshore installation of unloading.
- (2) If a category X substance has been unloaded from a tank –
 - (a) the tank must be prewashed before the ship leaves the port of unloading in accordance with the procedure in the ship's Procedures and Arrangements Manual for that tank and that substance;
 - (b) the effluent from the tank washing operation must be discharged to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken in the presence of the Director or, in the case of a New Zealand ship, warship or other ship of the New Zealand Defence Force outside New Zealand, the port state authority, is at or below 0.1 percent by weight; and
 - (c) when the required concentration has been achieved, the remaining tank washings must be discharged to the reception facility until the tank is empty.
- (3) The owner and the master of any ship must ensure that appropriate records of the operations undertaken under sub-rule (2) are made as required by Part 142B.
- (4) If the Director is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, the Director may accept an alternative procedure as being equivalent to those prescribed in sub-rule (2) provided that –
 - (a) the tank, its pump and piping system have been emptied;
 - (b) the tank is prewashed in accordance with the procedure in the ship's Procedures and Arrangements Manual for that tank and that substance;
 - (c) the tank washings resulting from such prewash have been discharged to a reception facility and the tank is empty; and
 - (d) the appropriate entries required under Part 142B are made in the cargo record book.

- (5) Any water subsequently introduced into a tank, from which tank washings have been discharged in accordance with this rule, may be discharged into the sea outside the special area provided –
- (a) the ship is proceeding en route at a speed of at least –
 - (i) 7 knots, in the case of a self-propelled ship; or
 - (ii) 4 knots, in the case of a ship that is not self-propelled; and
 - (b) the discharge is made below the waterline through the underwater discharge outlet(s) not exceeding the maximum rate for which the underwater discharge outlet(s) are designed; and
 - (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.
- (6) If cargo residues have been removed from a tank that contained noxious liquid substances using the ventilation procedures prescribed by the ship's Procedures and Arrangements Manual, any water subsequently introduced into that tank may be discharged without reference to the discharge controls in this Part.

140.6 Category Y and Z substances

- (1) If a category Y or Z substance is unloaded from a ship in accordance with the pumping conditions for that tank set out in the ship's Procedures and Arrangements Manual, the cargo residue and tank washings may be discharged to the sea outside the special area provided –
- (a) the ship is proceeding en route at a speed of at least –
 - (i) 7 knots, in the case of a self-propelled ship; or
 - (ii) 4 knots, in the case of a ship that is not self-propelled; and
 - (b) the discharge is made below the waterline through the underwater discharge outlet(s) not exceeding the maximum rate for which the underwater discharge outlet(s) are designed; and
 - (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.
- (2) If a category Y or Z substance is unloaded from a ship but it is not unloaded in accordance with the pumping conditions for that tank set out in the ship's Procedures and Arrangements Manual, the owner and the master of the ship must ensure that –
- (a)
 - (i) the tank is washed before the ship leaves the port, terminal or offshore installation in accordance with the pre-wash procedure set out in the ship's Procedures and Arrangement Manual for that tank and that substance; or
 - (ii) alternative measures are taken to the satisfaction of the Director or, in the case of a New Zealand ship, warship or other ship of the New Zealand Defence Force outside New Zealand, the port state authority, to remove the cargo residues from the ship provided to the quantities specified in rule 141.6; and
 - (b) the tank washings are discharged to a reception facility at –
 - (i) the port or terminal at which the substance was unloaded; or
 - (ii) another port or terminal with a suitable reception facility if the owner or the master has received confirmation in writing from that facility operator that that facility is available and is adequate for such a purpose.

- (3) Notwithstanding sub-rules (1) and (2), if a high viscosity or solidifying category Y substance is unloaded from a ship, the owner and the master must ensure that –
 - (a) the tank is pre-washed in accordance with the procedure specified in Appendix 6 to Annex II of MARPOL; and
 - (b) the tank washings are discharged to a reception facility until the tank is empty.
- (4) Any water subsequently introduced into a tank, from which tank washings have been discharged in accordance with this rule, may be discharged into the sea outside the special area in accordance with the conditions specified in sub-rules (1)(a), (b), and (c), except that a ship constructed before 1 January 2007 need not comply with the condition in sub-rule (1)(b) in the case of residues of a category Z substance.
- (5) Any ballast water subsequently introduced into a tank, from which tank washings have been discharged to the extent that the ballast contains less than 1 ppm of the substance previously carried may be discharged into the sea without regard to the discharge rate, ship's speed and discharge outlet location, provided that the ship is not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.
- (6) If cargo residues have been removed from a tank that contained noxious liquid substances using the ventilation procedures prescribed by the ship's Procedures and Arrangements Manual, any water subsequently introduced into that tank may be discharged without reference to the discharge controls in this Part.

140.7 Controls on discharge of washing agents or additives

- (1) The discharge of any cleaning agent containing a noxious liquid substance used as a medium to wash a cargo tank must be made in accordance with the rules applicable to that substance as if that medium was carried as a cargo.
- (2) The discharge of any cleaning agent containing a mineral oil used as a medium to wash a cargo tank must be made in accordance with the applicable rules under Part 120 as if that medium was carried as a cargo.
- (3) Small amounts of cleaning additives added to water to wash a cargo tank may be discharged under the requirements applicable to that tank and the previous cargo carried provided that in the case of additives containing category X substance components, those components are readily biodegradable and present in a total concentration of less than 10 percent of the cleaning additive.

Uncategorised Liquid Substances

140.8 Carriage of uncategorised liquid substances in bulk

The owner and the master must –

- (a) notify the Director of any proposal to carry any uncategorised liquid substance in bulk from a New Zealand port, offshore terminal, or offshore installation under New Zealand jurisdiction; and
- (b) ensure that no such substance is carried until the owner or master receives notification of a provisional assessment of the liquid substance from the Director.

140.9 Provisional assessment and categorisation of liquid substances

The Director may provisionally assess and categorise any liquid substance that is not already categorised as a noxious liquid substance or a category OS substance by the IMO, as a noxious liquid substance or a category OS substance for the purposes of any rule.

Reporting a Discharge, a Probable Discharge or Damage, Failure or Breakdown of a Ship

140.10 Duty to report a discharge or escape of a noxious liquid substance

- (1) The owner and the master of a ship must, in accordance with section 227 of the Act and rule 140.13, report every discharge or escape of a noxious liquid substance from that ship into the sea within New Zealand jurisdiction that is in breach of this Part or section 15B of the Resource Management Act 1991.
- (2) If a ship is involved with marine operations within New Zealand continental waters, the person in charge of, and the person carrying out, those operations must, in accordance with section 227 of the Act and rule 140.13, report every discharge or escape of a noxious liquid substance into those waters.
- (3) The master of any New Zealand ship, warship or other ship of the New Zealand Defence Force that is outside New Zealand jurisdiction must, in accordance with rule 140.13, report every discharge or escape of a noxious liquid substance into the sea that is in breach of this Part to –
 - (a) the Director; and
 - (b) the nearest coastal state.

140.11 Duty to report a probable discharge or escape of a noxious liquid substance

- (1) The master of a ship must, in accordance with section 228 of the Act and rule 140.13, report every probable discharge or escape of a noxious liquid substance into the sea within New Zealand jurisdiction.
- (2) If a ship is involved with marine operations within New Zealand continental waters, the person in charge of, and the person carrying out, those operations must, in accordance with section 228 of the Act and rule 140.13, report every probable discharge or escape of a noxious liquid substance into those waters.
- (3) The master of any New Zealand ship, warship or other ship of the New Zealand Defence Force that is outside New Zealand jurisdiction must, in accordance with rule 140.13, report every probable discharge or escape of a noxious liquid substance into the sea to –
 - (a) the Director; and
 - (b) the nearest coastal state.

140.12 Duty to report damage, failure or breakdown of a ship

- (1) The master of a ship of 15 metres in length and more must, in accordance with section 228 of the Act and rule 140.13, report any damage, failure or breakdown that –
 - (a) affects the safety of the ship;¹ or
 - (b) results in impairment of the safety of navigation.²
- (2) If a ship of 15 metres in length and more is involved with marine operations within New Zealand continental waters, the person in charge of, and the person carrying out, those operations must report any damage, failure or breakdown that –
 - (a) affects the safety of the ship;¹ or
 - (b) results in impairment of the safety of navigation.²
- (3) The master of any New Zealand ship, warship or other ship of the New Zealand Defence Force that is outside New Zealand jurisdiction must, in accordance with rule 140.13, report any damage, failure or breakdown that affects the safety of the ship or results in impairment of the safety of navigation to –
 - (a) the Director; and
 - (b) the nearest coastal state.

¹ Including collision, grounding, fire, explosion, structural failure, flooding, and cargo shifting.

² Including failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential shipborne navigational aids.

140.13 Reporting procedure

Every report required in accordance with rule 140.10, 140.11 or 140.12 must –

- (a) be made by the fastest telecommunications channels available and with the highest possible priority to the appropriate authority in the nearest coastal state; and
- (b) be made in accordance with the Annex and Appendix to the IMO Assembly Resolution A.851(20)³ as revised by the IMO from time to time; and
- (c) include –
 - (i) the identity of the ships involved;
 - (ii) the time, type and location of the incident;
 - (iii) the quantity and type of noxious liquid substance involved; and
 - (iv) any assistance and salvage measures proposed or underway; and
- (d) be supplemented as necessary and when possible, and information concerning further developments must be provided; and
- (e) requests from affected states for additional information must be complied with as fully as possible.

140.14 Rendering assistance or undertaking salvage of a ship

If any ship is engaged in, or requested to engage in, an operation to render assistance to or undertake salvage of another ship that –

- (a) is involved in a discharge or escape or a probable discharge or escape of a noxious liquid substance into New Zealand jurisdiction; or
- (b) sustains damage, failure or breakdown that affects the safety of the ship or results in impairment of the safety of navigation, the master must –
 - (i) report particulars of action(s) undertaken or planned to the nearest coastal state; and
 - (ii) keep the coastal state informed of developments.”

³ General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants.

New Part 141 – Ship Design, Construction, Equipment and Operation – Noxious Liquid Substances in Bulk

8 New Part 141

For Part 141 made by the Minister of Transport on 20 May 1998 is substituted the following—

“Part Objective

The objective of Part 141 is to provide rules for preventing pollution of the sea by ships carrying noxious liquid substances in bulk as cargo, drawn from revised Annex II of MARPOL.

The Part is concerned with regulating the design, construction, equipment and operation of ships in accordance with the new more stringent international standards, which came into force internationally on 1 January 2007.

Part 141 incorporates by reference, and applies to relevant types of ship, the extensive requirements set out in the following International Maritime Organisation publications and guidelines—

- *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*
- *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*
- *Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels*
- *Revised Guidelines for the Transport of Vegetable Oils in Deep Tanks or Independent Tanks Specially Designed for the Carriage of Such Vegetable Oils in General Dry Cargo Ships.*

The specific MARPOL provisions given effect to by Part 141 are found in—

- regulation 11 of Annex II concerning design, construction and operations categorisation of noxious liquid substances
- regulation 12 of Annex II concerning pumping, piping and unloading arrangements.

The rules are made pursuant to sections 386 and 388 of the Maritime Transport Act 1994.

Rules subject to Regulations (Disallowance) Act 1989

Marine protection rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.”

Extent of Consultation

On 14 July 2007, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed marine protection rules. A notice was also published in the Gazette on 12 July 2007. The invitation to comment and draft rules were then made available to the public with electronic and hard copies being sent to 178 interested parties. Maritime New Zealand also made the draft available on its website. Comments on the draft rules were requested by 03 September 2007.

Two written submissions were made on the proposed rules. Both submissions were considered and the draft rules finalised.

General

141.1 Entry into force

This Part comes into force on the 4th August 2008

141.2 Definitions

In this Part —

Act means the Maritime Transport Act 1994

BCH Code means the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* published by the IMO, as amended by that organisation from time to time

category X, Y, Z or OS substance means, respectively, any liquid substance —

- (a) listed and categorised as a category X, Y, Z or OS substance in the IBC Code; or
- (b) otherwise categorised, or provisionally assessed or categorised, as a category X, Y, Z or OS substance —
 - (i) by the IMO; or
 - (ii) by the Director under rule 140.9

Chemical tanker means a ship constructed or adapted for the carriage in bulk of any liquid product listed in chapter 17 of the IBC Code

Director means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994

Foreign ship means any ship that is not a New Zealand ship

IBC Code means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* published by the IMO, as amended by that organisation from time to time

IMO means International Maritime Organisation

Liquid substances are those having a vapour pressure not exceeding 0.28 MPa absolute at a temperature of 37.8°C

MARPOL means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and includes any subsequent protocol, amendment or revision of that convention accepted or ratified by New Zealand

New Zealand Defence Force has the same meaning as the term “Defence Force” in section 2(1) of the Defence Act 1990

New Zealand jurisdiction means —

- (a) the internal waters of New Zealand; and
- (b) the territorial sea of New Zealand; and
- (c) the exclusive economic zone of New Zealand; and
- (d) those areas on or under or above or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources

New Zealand ship means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act

Noxious liquid substance or substances of category x, y or z means —

- (a) any category X substance; and
- (b) any category Y substance; and
- (c) any category Z substance; and
- (d) any uncategorised substance, except —
 - (i) clean ballast;
 - (ii) segregated ballast;
 - (iii) any category OS substance; and
- (e) any mixture containing a noxious liquid substance; and a noxious liquid substance, as defined here, is a harmful substance and a noxious liquid substance for the purposes of section 225 of the Act

Offshore installation or installation includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but does not include a pipeline

Offshore terminal means any place in the sea where cargo is loaded or unloaded

Owner includes —

- (a) any person who is the legal or equitable owner, or both, of the ship; and
- (b) any person in possession of the ship; and
- (c) any charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship

Part means a group of rules made under the Maritime Transport Act 1994

Residue means any noxious liquid substance which remains for disposal

Rules includes maritime rules and marine protection rules

Ship constructed means a ship the keel of which was laid or which is at a similar stage of construction. A ship converted to a chemical tanker, irrespective of the date of construction, shall be treated as a chemical tanker constructed on the date on which such conversion commenced. This conversion provision shall not apply to the modification of a ship which complies with all of the following conditions —

- (a) the ship is constructed before 1 July 1986; and
- (b) the ship is certified under the BCH Code to carry only those products identified by the Code as substances with pollution hazards only

Ship other than a chemical tanker means a ship constructed or adapted to carry a cargo of noxious liquid substances in bulk and includes an oil tanker as defined in Annex I of MARPOL when certified to carry a cargo or part cargo of noxious liquid substances in bulk

Similar stage of construction means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less.

141.3 Application

- (1) Part 141 applies to every New Zealand ship, warship or other ship of the New Zealand Defence Force that carries noxious liquid substances in bulk as cargo.
- (2) Rules 141.7 and 141.8 apply to every foreign ship carrying noxious liquid substances in bulk as cargo while operating under New Zealand jurisdiction.

Ship design, construction, and equipment

141.4 Chemical tankers

- (1) The owner of every chemical tanker to which this rule applies which is carrying noxious liquid substances in bulk as cargo must ensure that the design, construction, and equipment of the ship is such as to minimise the uncontrolled discharge into the sea of such substances.
- (2) The owner of every chemical tanker to which this rule applies, constructed on or after 1 July 1986 must ensure its design, construction, and equipment complies with the requirements of the IBC Code.
- (3) The owner of every chemical tanker to which this rule applies —

- (a) constructed before 1 July 1986 and for which the building contract is placed on or after 2 November 1973 and which is engaged on voyages to ports or offshore terminals or offshore installations under the jurisdiction of other States parties to MARPOL; or
 - (b) constructed before 1 July 1986 but on or after 1 July 1983 and which is engaged solely on voyages between ports or offshore terminals or offshore installations under New Zealand jurisdiction; must ensure that the tanker's design, construction, and equipment complies with the requirements of the BCH Code as applicable to ships referred to in sub-paragraph 1.7.2 of that Code.
- (4) The owner of every chemical tanker to which this rule applies —
- (a) constructed before 1 July 1986 and for which the building contract is placed before 2 November 1973 and which is engaged on voyages to ports or offshore terminals or offshore installations under the jurisdiction of other States parties to MARPOL; or
 - (b) constructed before 1 July 1983 which is engaged on voyages between ports or to offshore terminals or offshore installations under New Zealand jurisdiction; must ensure that the tanker's design, construction, and equipment complies with the requirements of the BCH Code as applicable to ships referred to in sub-paragraph 1.7.3 of that Code.

141.5 Ships other than chemical tankers

- (1) The owner of a ship to which this rule applies, which is carrying noxious liquid substances in bulk, but which is not a chemical tanker, must ensure that the design, construction, and equipment of the ship is such as to minimise the uncontrolled discharge into the sea of such substances.
- (2) In order to ensure that the provisions of rule 141.5(1) are complied with, the owner of a ship which is carrying noxious liquid substances in bulk, but which is not a chemical tanker, must ensure that the design, construction, and equipment of the ship is in accordance with —
 - (a) the applicable requirements of the IBC Code or BCH Code; or
 - (b) if the ship is an offshore support vessel or a general dry cargo ship, the guidelines developed by the IMO for such ships as amended from time to time.⁴

⁴ Assembly resolution A.673(16) Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels; and Marine Environment Protection Committee resolution MEPC.148(54) Revised Guidelines for the Transport of Vegetable Oils in Deep Tanks or Independent Tanks Specially Designed for the Carriage of Such Vegetable Oils in General Dry Cargo Ships.

141.6 Pumping, piping and unloading arrangements

- (1) Except as provided in sub-rules (2) and (11), the owner of every ship, to which this rule applies, that carries any category X, Y or Z substance in bulk as cargo must ensure that the ship is provided with pumping and piping arrangements that ensure that every tank, which is designated for the carriage of the substance, and its associated piping does not contain any residue in excess of the quantities specified in table 1.

Table 1

	category X	category Y	category Z
Ship constructed before 1 July 1986	300 litres	300 litres	900 litres
Ship constructed on or after 1 July 1986 but before 1 January 2007	100 litres	100 litres	300 litres
Ship constructed on or after 1 January 2007	75 litres	75 litres	75 litres

- (2) If the owner of a ship, other than a chemical tanker, constructed before 1 January 2007 cannot comply with sub-rule (1) in respect of a category Z substance, the owner shall be deemed to have complied with that sub-rule if the tank is emptied as far as is practicable.
- (3) The owner of a ship to which this rule applies must ensure that before the ship carries a category X, Y or Z substance, a test of the performance of the pumping and piping arrangements –
- (a) is carried out using a test procedure approved by the Director; and
 - (b) which complies with the procedure for the assessment of residue quantities in cargo tanks, pumps and associated piping, prescribed in Appendix 5 of Annex II of MARPOL.
- (4) Except as provided for in sub-rule (5), the owner of a ship certified to carry substances of category X, Y or Z must ensure that the ship has an underwater discharge outlet (or outlets) complying with sub-rules (6) to (8).
- (5) For ships constructed before 1 January 2007 and certified to carry substances in category Z an underwater discharge outlet is not required.
- (6) The underwater discharge outlet (or outlets) shall be located within the cargo area in the vicinity of the turn of the bilge and shall be so arranged as to avoid the re-intake of residue/water mixtures by the ship's seawater intakes.
- (7) The underwater discharge outlet arrangement shall be such that the residue/water mixture discharged into the sea will not pass through the ship's

boundary layer. To this end, when the discharge is made normal to the ship's shell plating, the minimum diameter of the discharge outlet is governed by the following equation:

$$d = \frac{Q_d}{5L_d}$$

where:

- d = minimum diameter of the discharge outlet (m)
- L_d = distance from the forward perpendicular to the discharge outlet (m)
- Q_d = the maximum rate selected at which the ship may discharge a residue/water mixture through the outlet (m³/h).

- (8) When the discharge is directed at an angle to the ship's shell plating, the above relationship shall be modified by substituting for Q_d the component of Q_d which is normal to the ship's shell plating.
- (9) Subject to sub-rule (10), the provisions of sub-rule (1) do not apply to a ship constructed before 1 July 1986 which is engaged only in voyages within New Zealand jurisdiction if —
 - (a) each time a tank containing category X, Y or Z substances or mixtures is to be washed or ballasted, the tank is washed in accordance with a prewash procedure approved by the Director in compliance with appendix 6 to Annex II of MARPOL and the tank washings are discharged to a reception facility; and
 - (b) subsequent washings or ballast water are discharged to a reception facility or at sea in accordance with the provisions of Part 140; and
 - (c) the adequacy of any reception facilities to be used for the purpose of this paragraph is approved by the Director; and
 - (d) the certificate required by Part 142A is endorsed to the effect that the ship is solely engaged in voyages within New Zealand jurisdiction.
- (10) The Director may approve in writing the reception facilities within New Zealand jurisdiction for the purposes of sub-rules (9)(b) and (11)(a).
- (11) The provisions of sub-rule (1) shall not apply to a ship whose constructional and operational features are such that ballasting of cargo tanks is not required and cargo tank washing is only required for repair or dry-docking, if —
 - (a) any effluent from tank washings which may be carried before a repair or dry-docking is discharged to a reception facility approved by the Director; and
 - (b) the certificate required under Part 142A indicates—
 - (i) that each cargo tank is certified for the carriage of a restricted number of substances which are comparable and can be carried alternately in the same tank without intermediate cleaning; and
 - (ii) that the ship does not comply with sub-rule (1); and
 - (c) the ship's Procedures and Arrangements Manual required by Part 142B contains procedures for carrying out the requirement in sub-rule (11)(a).

Operations

141.7 Chemical tankers

- (1) The owner and the master of every chemical tanker to which this rule applies, carrying noxious liquid substances in bulk as cargo, must ensure that the operation of the ship is such as to minimise the uncontrolled discharge into the sea of such substances.
- (2) The owner and the master of every chemical tanker to which this rule applies, constructed on or after 1 July 1986 must ensure that the operation of the ship complies with the operational requirements of the IBC Code.
- (3) The owner and the master of every chemical tanker to which this rule applies, constructed before 1 July 1986 must ensure that the operation of the ship complies with the operational requirements of the BCH Code.

141.8 Ships other than chemical tankers

- (1) The owner and the master of a ship to which this rule applies, which is carrying noxious liquid substances in bulk as cargo, but which is not a chemical tanker, must ensure the operation of the ship is such as to minimise the uncontrolled discharge into the sea of such substances.
- (2) In order to ensure that the provisions of sub-rule (1) are complied with, the owner and the master of a ship which is carrying noxious liquid substances in bulk as cargo, but which is not a chemical tanker, must ensure the operation of the ship is in accordance with —
 - (a) the applicable requirements of the IBC Code or BCH Code; or
 - (b) if the ship is an offshore support vessel or a general dry cargo ship, the guidelines developed by the IMO for such ships as amended from time to time.⁵

⁵ Assembly resolution A.673(16) Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels; and Marine Environment Protection Committee resolution MEPC.148(54) Revised Guidelines for the Transport of Vegetable Oils in Deep Tanks or Independent Tanks Specially Designed for the Carriage of Such Vegetable Oils in General Dry Cargo Ships.”

Amendments to Part 142A – Documents (Certificates) – Noxious Liquid Substances in Bulk

9 Part 142A amended

Part 142A is amended by substituting –

- (1) for the words “neither English nor French” where they appear in rules 142A.7(1)(b), 142A.7(3), 142A.9(1)(b), and 142A.9(3), the words “neither English, French, nor Spanish”
- (2) for the Appendix the following –

“Appendix

FORM OF INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (hereinafter referred to as “the Convention”) under the authority of the Government of:

.....
(full designation of the country)

by.....
“(full designation of the competent person or organization authorized under “the provisions of the Convention)

Particulars of ship

Name of ship

Distinctive number or letters.....

IMO
Number.....

Port of
registry.....

Gross
tonnage.....

Marine Protection Rules

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with regulation 8 of Annex II of the Convention.
- 2 That the survey showed that the structure, equipment, systems, fitting, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex II of the Convention.
- 3 That the ship has been provided with a Procedures and Arrangements Manual as required by regulation 14 of Annex II of the Convention, and that the arrangements and equipment of the ship prescribed in the Manual are in all respects satisfactory.
- 4 That the ship complies with the requirements of Annex II to MARPOL 73/78 for the carriage in bulk of the following Noxious Liquid Substances, provided that all relevant provisions of Annex II are observed.

Noxious Liquid Substances	Conditions of carriage (tank numbers etc.)	Pollution category
Continued on additional signed and dated sheets		

This certificate is valid until (dd/mm/yyyy): subject to surveys in accordance with regulation 8 of Annex II of the Convention.

Completion date of the survey on which this certificate is based (dd/mm/yyyy):.....

Issued at:.....

(Place of issue of certificate)

(dd/mm/yyyy):.....

(Date of issue)

.....

(Signature of authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that, at a survey required by regulation 8 of Annex II of the Convention, the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed:.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed:.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed:.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

* Delete as appropriate.

ANNUAL/INTERMEDIATE SURVEY IN ACCORDANCE WITH REGULATION 10.8.3

THIS IS TO CERTIFY that, at an annual/intermediate survey in accordance with regulation 10.8.3 of Annex II of the Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed:.....
(Signature of duly authorized official)
Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID
FOR LESS THAN 5 YEARS WHERE REGULATION 10.3 APPLIES**

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 10.3 of Annex II of the Convention, be accepted as valid until (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN
COMPLETED AND REGULATION 10.4 APPLIES**

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 10.4 of Annex II of the Convention, be accepted as valid until (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE
UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD
OF GRACE WHERE REGULATION 10.5 OR 10.6 APPLIES**

This Certificate shall, in accordance with regulation 10.5 or 10.6 of Annex II of the Convention, be accepted as valid until (dd/mm/yyyy):.....

Signed:.....
(Signature of authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE WHERE
REGULATION 10.8 APPLIES**

In accordance with regulation 10.8 of Annex II of the Convention, the new anniversary date is (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)

In accordance with regulation 10.8 of Annex II of the Convention, the new anniversary date is (dd/mm/yyyy):.....

Signed:.....
(Signature of duly authorized official)

Place:.....

Date (dd/mm/yyyy):.....

(Seal or stamp of the authority, as appropriate)"

Amendments to Part 142B – Documents (Record Books and Manuals) – Noxious Liquid Substances

10 Part 142B amended

Part 142B is amended by –

- (a) substituting for the words “in English or French” in rule 142B.8(5)(b), the words “in English, French or Spanish”
- (b) in the Form of Cargo Record Book in the Appendix –
 - (i) inserting between the line “Distinctive number or letters” and “Gross tonnage”, a new line with the text –
“IMO Number.....”:
 - (ii) substituting in the introduction, for the words “paragraph 2 of regulation 9” the words “regulation 15.2”:
 - (iii) deleting in the introduction the words “Entries in the Cargo Record Book are required only for operations involving Categories A, B, C and D substances.”:
 - (iv) deleting in the list of items to be recorded in section (E) 15 paragraph .3, and renumbering paragraph .4, to read .3:
 - (v) inserting, in each case, a footnote to section (D) 14.1 and section (H)23.2 the words “Ship’s masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate specifying the quantity of tank washings transferred, together with the time and date of the transfer. The receipt or certificate should be kept together with the Cargo Record Book.”:
 - (vi) inserting at the end of section (k) after “Distinctive number or letters” a new line with the text –
“IMO Number.....”.

Amendments to Part 143 – Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances

11 Part 143 amended

Part 143 is amended by substituting for the words –

- (a) “Regulation 16” in the fifth paragraph of the Part objective, the words “Regulation 17”
- (b) “Regulation 16” in rule 143.10(2)(a)(ii), the words “Regulation 17”; and
- (c) “Regulation 26” in rule 143.10(2)(b), the words “Regulation 37”.

Marine Protection Rules

MARINE PROTECTION AMENDMENT RULES 2008

Consultation Details

(This text does not form part of the rules contained in the Marine Protection Amendment Rules 2008: Prevention of Pollution by Noxious Liquid Substances in Bulk – MARPOL Revised Annex II. It provides details of the consultation undertaken before making the rules.)

Summary of Consultation

An invitation to comment on the rules was issued on 14 July 2007 with a closing date for submissions of 03 September 2007.

Two organisations commented on the draft rules: the Petroleum Exploration & Production Association of New Zealand, and Sanford Ltd.

The Petroleum Exploration & Production Association of New Zealand

welcomed the re-categorisation of noxious liquid substances and identified a number of possible implications for the E&P industry, including incorporating the new categories in assessments used in developing discharge management plans for offshore installations. It was noted that the proposed amendments are unlikely to result in significant costs for the offshore E&P industry.

Maritime New Zealand noted these comments.

Sanford Ltd inquired into the application of the rules to those fishing ships which produce fish oil in the course of on board processing during fishing operations, noting that fish oil is a category Y noxious liquid substance and that the produced oil is stored in bulk tanks.

If the Annex II requirements were considered to apply, Sanford proposed consideration be given to exempting fishing ships. In this respect, the company submitted that fish oil, as a transformation product of shipboard operations, did not qualify as a cargo, as that term is generally used to refer to goods owned by another party and carried for hire and reward. The company also noted this usage was supported by the definition of cargo in Part 47 of the maritime rules.

Maritime New Zealand agrees that fish oil should not be considered to be cargo in these circumstances.

It is Maritime New Zealand's view that it was never intended that Annex II should apply to the carriage of a good that is produced by an on board industrial process on restricted voyages which involve calls only at ports within a state party. Other maritime administrations would appear to agree, as a Maritime New Zealand request to various flag states, including large fishing states, has failed to find any instances in which fishing ships carrying fish oil derived from on board processing operations are surveyed and certified as NLS tankers. Accordingly, the rules have been amended to restrict their application to ships carrying noxious liquid substances in bulk as cargo.