



BARBADOS

The Official Gazette Part A

5th May, 2025

Statutory Instrument

S.I. 2025 No. 22

**MERCHANT SHIPPING (OIL POLLUTION PREVENTION)
REGULATIONS, 2025**

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Merchant Shipping Act

(Act 2024–28)

**MERCHANT SHIPPING (OIL POLLUTION PREVENTION)
REGULATIONS, 2025**

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Oil Pollution Prevention) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

“Act ” means the *Merchant Shipping Act, 2024* (Act 2024-28);

“Administration” has the same meaning as in the Act;

“amidships” in relation to a ship, means at the middle of the length of the ship;

“anniversary date” in relation to an International Oil Pollution Prevention Certificate, means the day and month in each year corresponding to the day and month of expiry of the Certificate;

“approved” means approved by the Administration or by a certifying authority;

“area” in relation to a ship, means the area calculated to moulded lines;

“Barbados excepted ship” means an excepted ship that is a Barbados ship;

“Barbados ship” has the same meaning as in the Act;

“Barbados waters” has the same meaning as in the Act;

“breadth” 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 a tank inboard of a longitudinal bulkhead;

“certifying authority” means the Administration or a person authorized by the Administration;

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

“clean ballast” means the ballast in a tank that, since oil was last carried in it, has been so cleaned that the effluent from it, if it were discharged from a stationary ship 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;

“combination carrier” means a ship designed to carry oil or solid cargoes in bulk;

“convention” means the International Convention for the Prevention of Pollution from Ships 1973, including its protocols, Annex I and appendices thereto, as amended by the Protocol of 1978 to that Convention, and includes amendments adopted by the Organization’s Marine Environment Protection Committee;

“Convention country” means a country that is a party to the Convention;

“crude oil” means a 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 have been removed; and

(b) crude oil to which certain distillate fractions have been added;

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

“deadweight” 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 a release, however 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 13th November, 1972;

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

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

“excepted ship” means a hydrofoil boat, air-cushion vehicle, submersible floating craft or other category of ship specified as excepted for the purposes of these Regulations in a merchant shipping notice, but does not include a structure that is a fixed or floating platform;

“existing oil tanker” means an oil tanker that is not new, within the meaning of regulation 24(1);

“existing ship” other than in Part IV, means a ship that is not a new ship;

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

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

“foreign excepted ship” means an excepted ship that is not a Barbados excepted ship;

“government ship” has the same meaning as in section 12(5) of the Act;

“GT” means gross registered tonnage;

“guidelines and specifications” in relation to 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 International Maritime Organization by Resolution A.586(14), the revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers adopted by that Organization by Resolution MEPC.108(49), or any other relevant guidelines or specifications adopted by that Organization;

“harbour master” includes a dock master, pier master and any other person designated as such by the Head of Marine and Ports Services for the purpose of enforcing these Regulations;

“harmful substance” means a substance that, if introduced into the sea, could create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea, and includes any substance subject to control by the Convention;

“instantaneous rate of discharge” in relation to 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;

“International Oil Pollution Prevention Certificate” means an 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;

“lightweight” in relation to a ship, means the displacement of the ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, or passengers and crew and their effects;

“major conversion” means a conversion of an existing ship

- (a) that substantially alters the dimensions or carrying capacity of the ship;
- (b) that changes the type of the ship;
- (c) the intent of which, in the opinion of the Administration, is substantially to prolong its life; or
- (d) that otherwise alters the ship to the extent that, if it were a new ship, it would become subject to provisions of the Protocol not applicable to it as an existing ship;

but does not include the conversion of an existing oil tanker of 20,000 tons deadweight and above to meet the requirements of regulation 25 or of an existing oil tanker to meet the requirements of regulation 38;

“merchant shipping notice” means a notice described as such and issued in accordance with the Act, as amended from time to time;

“mile” means an international nautical mile;

“new” in relation to a ship referred to other than in Part IV, means a ship

- (a) for which the building contract was placed after 31st December, 1975;
- (b) in the absence of a building contract, the keel of which was laid or that was at a similar stage of construction after 30th June, 1976;
- (c) the delivery of which is to be or was after 31st December, 1979; or
- (d) that has undergone a major conversion
 - (i) for which the contract was placed after 31st December, 1975;

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

(iii) that was completed after 31st December, 1979;

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

“oil” means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products, other than petrochemicals that are subject to Annex II of the Convention, and includes the substances listed in Appendix I of Annex I of the Convention;

“oil fuel” means oil used as fuel in connection with the propulsion and auxiliary machinery of a ship in which the oil is carried;

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in her cargo spaces, and includes

(a) a combination carrier or a noxious liquid substances tanker defined in Annex II of the Convention; and

(b) a gas carrier defined in regulation 3.20 of chapter II-1 of the International Convention for the Safety of Life at Sea 74, as amended, when it is carrying a cargo or part cargo of oil in bulk;

“oily mixture” means a mixture with any oil content;

“permeability” in relation to a space, means the ratio of the volume within that space that is assumed to be occupied by water to the total volume of that space;

“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 the Act;

“Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters” means

- (a) 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
- (b) 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 an estuary or arm of the sea;

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

“separating equipment” means separators or filters, or any combination of them, that 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 operating in the marine environment, including waters navigable by sea-going vessels, and includes submersible craft, floating craft and a structure that is a fixed or floating platform but, except in relation to regulations 13 to 23, excludes hovercraft;

“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
- (b) a voyage that does not exceed 1,000 miles in 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 that 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;

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

“Specifications for Oil Tankers with Dedicated Clean Ballast Tanks” means the International Maritime Organization’s Resolution Number A495 (XII);

“Specifications for Oil/Water Interface Detectors” means the International Maritime Organization’s Resolution Number MEPC 5(XIII);

“Specifications for the Design, Operation and Control of Crude Oil Washing Systems” means the International Maritime Organization’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 formed by the permanent structure of a ship that is designed for the carriage of liquid in bulk; and

“wing tank” means a tank adjacent to the side shell plating.

(2) For the purpose of the definition "clean ballast", if 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 of oil.

(3) The gross registered tonnage of a ship having alternative gross registered tonnages shall be taken to be the larger of those tonnages.

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- (4) The length of a vessel shall be calculated as the greater of
- (a) 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; and
 - (b) the length from the foreside of the stem to the axis of the rudder stock on that waterline.
- (5) In ships designed with a rake of keel, the waterline on which length under paragraph (4) is measured shall be parallel to the designed waterline.
- (6) Length shall be measured in metres.
- (7) Measurement of distance from the nearest land shall be measured,
- (a) 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:
 - (i) 11°00'S, 142°08'E; 10°35'S, 141°55'E;
 - (ii) 10°00'S, 142°00'E; 9°10'S, 143°52'E;
 - (iii) 9°00'S, 144°30'E; 13°00'S, 144°00'E; 15°00'S, 146°00'E; and
 - (iv) 18°00'S, 147°00'E; 21°00'S, 153°00'E and 24°42'S, 153°15'E;and
 - (b) in any other case, in accordance with Regulation 1, Annex I of the International Convention for the Safety of Life at Sea, from the nearest base-line from which the territorial sea of a territory is established in accordance with the United Nations Convention on the Law of the Sea.
- (8) For the purpose of the definition "new" in paragraph (1), a ship is considered to have been delivered after 31st December, 1979 if
- (a) the building contract for the ship was placed after 31st December, 1975;
 - (b) in the absence of a building contract, the keel of the ship was laid or was at a similar stage of construction after 30th June, 1976;

- (c) the delivery of the ship was or is to be after 31st December, 1979; or
 - (d) the ship has undergone a major conversion
 - (i) for which the contract was placed after 31st December, 1975;
 - (ii) in the absence of a contract, the construction work of which began after 30th June, 1976; or
 - (iii) that was completed after 31st December, 1979.
- (9) For the purposes of the definition "short international voyage", 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 the master, the owner or charterer of the ship could not have prevented or forestalled.
- (10) The volume of a ship shall be calculated in all cases to moulded lines.

Purpose

3. The purpose of these Regulations is to prevent, control and reduce marine pollution by oil from ships.

Application

- 4.(1) Unless expressly provided otherwise, these Regulations apply to
- (a) Barbados ships;
 - (b) other ships while they are within Barbados or its territorial waters; and
 - (c) government ships registered in Barbados.
- (2) These Regulations do not apply to a warship, naval auxiliary or other ship owned or operated by a state that is being used only on government non-commercial service.
- (3) The Administration may exempt a ship of a new type whose constructional features are such as to render the application of regulations 12 to 39 relating to construction and equipment unreasonable or impracticable on the advice of a marine surveyor, if the construction and equipment of that ship provide

equivalent protection against pollution by oil, having regard to the service for which it is intended.

(4) Particulars of an exemption granted by the Administration under paragraph (3) shall be indicated in an International Oil Pollution Prevention Certificate.

(5) In ships, other than oil tankers, that are fitted with cargo spaces and are constructed and used to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of regulations 12, 17, 18, 20(1), (2) and (3), 23, 31, 33 and 35(4) for oil tankers also apply to the construction and operation of these spaces, except that, where that aggregate capacity of the space is less than 1,000 cubic metres, it shall be sufficient to comply with the requirements of regulation 20(4) *in lieu* of those of regulations 20(1), (2) and (3).

(6) The Administration may grant exemptions from all or any of the provisions of these Regulations specified in the exemption, for classes of ships or individual ships, on such terms as it may specify and may, subject to giving notice, alter or cancel any such exemption.

Equivalents

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

PART II

SURVEYS, CERTIFICATES AND OIL RECORD BOOK

Surveys

6.(1) A Barbados oil tanker of 150 GT and above and every other Barbados ship of 400 GT and above shall obtain the following surveys:

- (a) before the ship is put in service, or before an International Oil Pollution Prevention Certificate is first issued in relation to the ship, an initial survey as set out in regulation 4(1)(a) of Annex I of the Convention;
- (b) within 5 years of the first issuance of an International Oil Pollution Prevention Certificate, and subsequently at intervals of, subject to regulations 9(3) and 10(3) to (6), no more than 5 years, a renewal survey set out in regulation 4(1)(b) of Annex I of the Convention; and
- (c) after a repair resulting from investigations required under regulation 7(4), or whenever any emergency repairs or renewals are made, an additional survey set out in regulation 4(1)(e) of Annex I of the Convention.

(2) A Barbados oil tanker of 150 GT and above and every other Barbados ship of 400 GT and above shall also obtain the following surveys:

- (a) within 3 months before or after the second or third anniversary date of an International Oil Pollution Prevention Certificate being issued, an intermediate survey set out in regulation 4(1)(c) of Annex I of the Convention; and
- (b) within 3 months before or after each anniversary date of the issuance of the ship's International Oil Pollution Prevention 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 of the Convention.

Responsibilities of owner and master

7.(1) The owner and master of every ship shall ensure that the condition of the ship and her equipment is maintained to conform

- (a) in the case of a Barbados ship or any ship surveyed pursuant to these Regulations, with these Regulations;
- (b) in the case of any other ship, with the requirements of Annex I of the Convention.

(2) The owner and master of every ship shall ensure that, after a survey of the ship required by these Regulations or by Annex I of the Convention has been completed, no change, except by direct replacement, is 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 that carried out the survey for that ship.

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

- (a) if the ship is a Barbados ship, it is reported at the earliest opportunity to the Administration and to any other appropriate certifying authority;
- (b) if the ship is a Barbados ship in a port outside Barbados, 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 foreign-registered ship in a port in Barbados, it is reported at the earliest opportunity to the Administration.

(4) Whenever an accident or defect is reported

- (a) to the Administration or a certifying authority under paragraph (3)(a);
or
- (b) to the proper officer under paragraph (3)(b);

the Administration, certifying authority or proper officer shall cause an investigation to be initiated to determine whether a survey by a surveyor is necessary and, if a survey is found to be necessary, require that survey to be carried out.

Issuance and endorsement of certificates

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

(2) Where a certifying authority is satisfied after the completion of an intermediate or annual survey in accordance with regulation 6(2)(a) or (b) that the requirements of Annex I of the Convention are being complied with, the certifying authority shall so endorse the International Oil Pollution Prevention Certificate issued to the ship.

(3) If an oil tanker of 150 GT and above and any other ship of 400 GT and above that was previously under the flag of another state becomes a Barbados-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 International Oil Pollution Prevention 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 of the Convention.

(4) If an oil tanker of 150 GT and above and any other ship of 400 GT and above that was previously under the flag of another state becomes a Barbados-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 International Oil Pollution Prevention 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 of the Convention.

(5) The Administration may, through a proper officer or otherwise, request the administration of a state that is a party to the Convention to carry out a survey of a Barbados-registered ship and, if it is satisfied that the requirements of Annex I of the Convention are complied with,

- (a) to issue or authorize the issuance of an International Oil Pollution Prevention Certificate to the ship, or to endorse or authorize 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 Administration; and
- (c) to transmit a copy of the survey report and the Certificate to the Administration as soon as possible.

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

(7) The Administration may, at the request of the administration of a state that is a party to the Convention, carry out a survey of a ship registered in that state and, if it is satisfied that the requirements of Annex I of the Convention are complied with, issue an International Oil Pollution Prevention Certificate to the ship or endorse such a Certificate in accordance with the requirements of that Annex.

(8) The Administration 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) has effect as if it was issued or endorsed by the administration of the state that requested the survey of the ship to be carried out.

(10) An International Oil Pollution Prevention Certificate issued or endorsed in accordance with this regulation shall be drawn up in a form corresponding to the model set out in Appendix II to Annex I of the Convention.

Duration and validity of certificates

9.(1) Subject to paragraphs (2) to (5), an International Oil Pollution Prevention Certificate

- (a) shall be issued on the date of completion of the relevant survey; and
- (b) is valid from the date of its issuance for a period not exceeding 5 years.

(2) Where a renewal survey required under regulation 6(1)(b) has been completed within a period of 3 months before the date of expiry of an International Oil Pollution Prevention Certificate, the new Certificate shall be issued to be valid from the date of expiry of the existing Certificate.

(3) Subject to regulation 10(6), where a renewal survey required under regulation 6(1)(b) has been completed after the expiry of an International Oil Pollution Prevention Certificate, the new Certificate shall be issued as being valid from the date of expiry of the expired Certificate.

(4) Where an annual or intermediate survey is completed before the period prescribed for such a survey in regulation 6(2),

- (a) the anniversary date shown on the International Oil Pollution Prevention Certificate shall be amended by endorsement to a date not more than 3 months later than the date on which the survey was completed;
- (b) subsequent annual or intermediate surveys required under regulation 6(2) shall be completed at the intervals prescribed by that regulation using the new anniversary date; and
- (c) the expiry date may remain unchanged if one or more annual or intermediate surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 6(2) are not exceeded.

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- (5) An International Oil Pollution Prevention Certificate shall cease to be valid
- (a) if its period of validity has been exceeded and the Certificate has not been extended by the appropriate certifying authority in accordance with regulation 10 or the period of any such extension has expired;
 - (b) if the relevant surveys have not been completed within the periods specified in regulation 6 and the Certificate endorsed in accordance with regulation 11; or
 - (c) upon transfer of the ship to the flag of another state.

Extension of validity of certificates

10.(1) Where an International Oil Pollution Prevention Certificate has been issued for a period of validity of less than 5 years and the intermediate and annual surveys required under regulation 6(2) 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 5 years.

(2) Where a renewal survey required under regulation 6(1)(b) has been completed before the expiry of an International Oil Pollution Prevention 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 5 months from the expiry date of the existing Certificate.

(3) Where a renewal survey required under regulation 6(1)(b) has not been completed before the expiry of an International Oil Pollution Prevention 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 extend the validity of the Certificate for a period of not more than 3 months, solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(4) Where no other extension has been granted, the appropriate certifying authority may extend the validity of the International Oil Pollution Prevention

Certificate of a ship used solely on short international voyages for a period of not more than one month.

(5) An extension of validity under paragraph (3) or (4) shall be disregarded for the purposes of determining the date of expiry of an existing International Oil Pollution Prevention Certificate under regulation 9(2) or (3).

(6) In circumstances prescribed by the Administration in a merchant shipping notice, where a renewal survey required under regulation 6(1)(b)

- (a) has been completed after the expiry of the International Oil Pollution Prevention Certificate;
- (b) has been completed during the period for which the validity of the International Oil Pollution Prevention Certificate has been extended in accordance with paragraph (3); or
- (c) has been completed during the period for which the validity of the International Oil Pollution Prevention Certificate has been extended in accordance with paragraph (4);

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

When corrective action is necessary

11.(1) Where a certifying authority determines that the condition of a Barbados ship or her equipment does not correspond with the particulars of the International Oil Pollution Prevention 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 that in its opinion is required, and shall give notice of it to the Administration.

(2) If such corrective action is not taken within a reasonable period specified by the certifying authority, the certifying authority shall immediately notify the Administration.

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- (3) The Administration may, on receipt of a notification under paragraph (2), suspend the validity of the International Oil Pollution Prevention Certificate issued to the ship and give notice of the suspension to the owner and to the certifying authority.
- (4) On receipt of notice of such a suspension, the master shall, on demand, deliver up the Certificate to the certifying authority.
- (5) Where the ship is in a port of a Convention country other than Barbados and corrective action in accordance with paragraph (1) has not been taken, the certifying authority shall immediately notify the appropriate authorities of the country in which the port is situated.
- (6) If a ship of a Convention country other than Barbados is in a Barbados port and the surveyor or the certifying authority responsible for issuing the International Oil Pollution Prevention Certificate to the ship determines that it is necessary to withdraw the Certificate, the master of the ship shall report the withdrawal to the Administration, unless a report has already been made by the surveyor or certifying authority.
- (7) On receipt of a report under paragraph (6), the Administration may take steps to ensure that the ship does not sail until she 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

- 12.(1)** Every ship of 400 GT and above, other than an oil tanker, and every oil tanker of 150 GT and above shall maintain an Oil Record Book, Part I (Machinery Space Operations).
- (2) Every oil tanker of 150 GT and above shall also maintain an Oil Record Book, Part II (Cargo/Ballast Operations), in the form prescribed in the Convention.

(3) An oil record book shall be completed on each occasion, on a tank-by-tank basis if appropriate, whenever any of the following operations take place in the ship:

- (a) for machinery space operations in the ship,
 - (i) ballasting or cleaning of oil fuel tanks;
 - (ii) discharging ballast or cleaning water from oil fuel tanks;
 - (iii) disposing of oily residues or sludge; or
 - (iv) discharging overboard bilge water that has accumulated in machinery spaces; and
- (b) for cargo or ballast operations of 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 valves necessary for the isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and
 - (x) disposing of residues.

(4) In the event of a discharge of oil or an oily mixture referred to in regulations 13 to 15, or in the event of an accidental or operational discharge of oil not

excepted by those regulations, a statement shall be made in an oil record book of the circumstances of, and the reasons for, the discharge.

(5) Each operation described in paragraph (2) shall be fully recorded without delay in an oil record book so that all entries in the book appropriate to that operation are completed.

(6) Each completed operation shall be signed by the officer in charge of the operations concerned and each completed page shall be signed by the master.

(7) An 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.

(8) An oil record book shall be preserved for a period of 3 years after the last entry has been made.

(9) The Administration or a person authorized by the certifying authority may inspect an oil record book on board while the ship is in a port or offshore terminal, may make a copy of any entry in the book and may require the master of the ship to certify that the copy is a true copy of such an entry.

(10) Such a copy shall be admissible in any judicial proceedings as evidence of the facts stated in the entry.

(11) The inspection of an oil record book, and the taking of a certified copy by the Administration or by a person authorized by the Administration, under this regulation shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

PART III

OPERATIONAL POLLUTION CONTROL AND CONTROL OF OIL
DISCHARGE**General exceptions**

- 13.** Regulations 17, 18 and 23 do not apply to
- (a) a discharge into the sea of oil or an oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;
 - (b) a discharge, other than a discharge from an excepted ship, into the sea of oil or an oily mixture that results from damage to a ship or her equipment if
 - (i) all reasonable precautions were taken after the damage, or the discovery of the discharge, to prevent or minimize the discharge; and
 - (ii) the owner or the master did not act with intent to cause damage, or recklessly with knowledge that damage would probably result; or
 - (c) an approved discharge into the sea of substances containing oil, for the purpose of combating specific pollution incidents in order to minimize the damage from pollution, done with the approval of the government in whose jurisdiction it is contemplated the discharge will be made.

Exceptions for damage to a ship or her equipment in internal or territorial waters

14. Regulations 17, 18 and 23 do not apply to a discharge of oil or an oily mixture from an excepted ship into a part of the sea within Barbados or its territorial waters that results from damage to a ship or her equipment if

- (a) the damage was not caused by a person connected with the excepted ship's business, acting with intent, recklessly or with serious negligence;
- (b) all reasonable precautions were taken after the damage, or discovery of the discharge, to prevent or minimize the discharge; and
- (c) neither the owner nor the master of the excepted ship acted
 - (i) with intent to cause damage; or
 - (ii) recklessly and with knowledge that damage would probably result.

Exceptions for damage to a ship or her equipment in other waters

15.(1) Regulations 17, 18 and 23 do not apply to a discharge of oil or an oily mixture from a Barbados excepted ship into a part of the sea, other than in Barbados or its territorial waters, that results from damage to a ship or her equipment if

- (a) the damage was not caused by a person connected with the Barbados excepted ship's business, acting with intent, recklessly or with serious negligence;
- (b) all reasonable precautions were taken after the damage or discovery of the discharge, to prevent or minimize the discharge; and
- (c) neither the owner nor the master of the Barbados excepted ship acted
 - (i) with intent to cause damage; or
 - (ii) recklessly and with knowledge that damage would probably result.

(2) Regulations 17, 18 and 23 do not apply to a discharge of oil or an oily mixture from a foreign excepted ship into a part of the sea other than Barbados or its territorial waters that results from damage to a ship or her equipment if

- (a) all reasonable precautions were taken after the damage or discovery of the discharge to prevent or minimize the discharge; and
- (b) neither the owner nor the master of the foreign excepted ship acted
 - (i) with intent to cause damage; or
 - (ii) recklessly and with knowledge that damage would probably result.

Definitions

16. In regulations 13 to 15, a reference to a person connected with a ship's business includes

- (a) a seafarer on the ship;
- (b) the master;
- (c) the owner;
- (d) an owner of cargo carried on the ship; and
- (e) a classification society that has issued a class certificate showing that the ship conforms to the class standards stipulated by that society.

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

17.(1) This regulation applies

- (a) subject to regulations 13 to 15, to
 - (i) Barbados ships other than oil tankers; and
 - (ii) Barbados oil tankers in relation to discharges from their machinery space bilges that are not mixed with oil cargo residue, other than cargo pump room bilges; and

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- (b) subject to regulations 13 to 15 and 46, 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.
 - (2) Subject to paragraph (3), a ship referred to in paragraph (1) shall not discharge oil or an oily mixture into any part of the sea unless
 - (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 15 ppm; and
 - (d) the ship has in operation the filtering equipment and the oil discharge and monitoring and control system required by regulation 22.
 - (3) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations that 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) Oil or an oily mixture that has not been unloaded as cargo and not discharged into the sea in compliance with paragraph (2) or (3) shall be retained on board and discharged into reception facilities.
 - (5) Subject to paragraph (6), this regulation does not apply to discharges that occur landward of the line that is the baseline for measuring the breadth of the territorial waters of Barbados.
 - (6) Paragraphs (2) and (3) do not apply to a discharge from an offshore installation that occurs landward of the line that is the baseline for measuring the breadth of the territorial waters of Barbados.

Oil tankers

18.(1) Subject to regulations 13 to 15, this regulation applies to

- (a) every Barbados oil tanker; and
- (b) subject to regulation 46, every other oil tanker.

(2) Subject to paragraph (3), an oil tanker referred to in paragraph (1) shall not discharge oil or an oily mixture, other than in accordance with regulation 17, into any part of the sea unless

- (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 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 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 20.

(3) Paragraph (2) does not apply to the discharge of clean or segregated ballast or an unprocessed oily mixture that without dilution has an oil content not exceeding 15 ppm, that 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 that 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) Oil or an oily mixture that has not been unloaded as cargo and not discharged into the sea in compliance with paragraph (2) shall be retained on board and shall be discharged into reception facilities.

Oil filtering equipment and oil discharge monitoring and control system

19.(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 that complies with paragraph (5).

(2) Any such ship that carries ballast water in its bunker fuel tanks

(a) shall

(i) be provided with an alarm device and the means for automatically stopping the discharge of an oily mixture, that complies with the specifications referred to in paragraph (7), when the oil content in the effluent exceeds 15 ppm and not discharge such ballast water into the sea unless using that equipment; and

(ii) make a record of any such discharge in an oil record book; or

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

(3) Subject to paragraphs (4) and (7), every ship of 10,000 GT and above shall be equipped with

(a) oil filtering equipment that complies with paragraph (6); and

(b) oil content measuring equipment fitted with a 15 ppm alarm device and with arrangements for automatically stopping any discharge of an oily mixture, that complies with the specifications referred to in paragraph (7), when the oil content in the effluent exceeds 15 ppm.

- (4) The Administration may waive the requirements in paragraphs (1) to (3) 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 the oily bilge water in a sufficient number of ports or terminals at which the ship calls;
 - (d) the ship's International Oil Pollution Prevention 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 an oil record book.
- (5) Every ship 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 discharged in accordance with the requirements of regulation 17(2).
- (6) 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.
- (7) Oil content measuring equipment and alarm devices 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 a design approved under those Recommendations.

Retention of oil on board

20.(1) For each oil tanker 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 or, in an existing oil tanker, to a cargo tank 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 comply with regulation 18;
- (c) the slop tank or combination of slop tanks provided shall have a sufficient capacity to retain the slops generated by tank washings, oil residues and dirty ballast residues of 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 25 or a cargo tank cleaning system using crude oil washing is provided in accordance with regulation 28, in which case 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 a combination carrier, the oil cargo is carried in tanks with smooth walls, in which case the total capacity may be reduced to 1 per cent of the oil carrying capacity of the ship;
- (d) slop tanks shall be designed, particularly as regards the position of inlets, outlets, baffles or weirs, where fitted, so as to avoid excessive turbulence and entrainment of oil or emulsion with water; and
- (e) where the oil tanker is a new oil tanker of 70,000 tons deadweight and above, it shall be provided with at least 2 slop tanks.

(2) If the tank washing arrangements are such that, once the slop tank or tanks are charged with washing water, the 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 capacity of 3 per cent in paragraph (1)(c), of 2 per cent in paragraph (1)(c)(i) and 1 per cent in paragraph (1)(c)(ii) are reduced to 2 per cent, 1.5 per cent and 0.8 per cent, respectively.

(3) An oil tanker of 150 GT and above shall be fitted with

- (a) an oil discharge monitoring and control system of a design approved in accordance with the guidelines and specification for oil discharge and control systems for oil tankers, designed and installed in accordance with the guidelines and specification for oil discharge and control systems for oil tankers; and
- (b) a recording device to provide, unless otherwise required by the guidelines and specifications, a continuous record of the discharge of oil in litres per mile and the total quantity of oil discharged or the oil content and rate of discharge of the effluent.

(4) A record referred to in paragraph (3)(b) shall be identifiable as to the time and date and be kept for at least 3 years.

(5) A system referred to in paragraph (3) 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 an oily mixture is, unless otherwise permitted by the guidelines and specifications referred to in paragraph (3)(a), automatically stopped when the instantaneous rate of discharge of oil exceeds 30 litres per mile.

(6) On any failure of the system, the discharge shall be stopped and the failure noted in the oil record book.

(7) 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.

- (8) If a tanker with a defective unit is within Barbados or its territorial waters, the Administration may allow the tanker to undertake one ballast voyage before proceeding to a repair port.
- (9) 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.
- (10) Approved instruction manuals on the operation and maintenance of the various components constituting the oil discharge monitoring and control system shall be provided, and shall contain information on manual as well as automatic operation, to ensure that at no time will oil be discharged except in compliance with the conditions specified in regulation 18.

Retention of oil and contaminated washings on board

- 21.(1)** Oil tankers of less than 150 GT shall retain oil and all contaminated washings on board for subsequent discharge to reception facilities.
- (2) The total quantity of oil and water used for washing and returned to a storage or slop tank in such tankers shall be recorded in the oil record book.
- (3) This quantity shall be discharged to reception facilities unless adequate arrangements are made to ensure that any effluent that is discharged into the sea is effectively monitored to ensure that regulation 18 is complied with.

Exception

- 22.(1)** Regulation 20 does not apply to an oil tanker that is engaged exclusively on voyages of 72 hours or less in duration and within 50 miles of the nearest land, if
- (a) the oil tanker is engaged exclusively in trade between ports or terminals within Barbados;

- (b) the oil tanker retains on board all oily mixtures for subsequent discharge to reception facilities; and
 - (c) the Administration has determined that adequate facilities are available to receive such oily mixtures.
- (2) Regulations 20(1) to (3) do not apply to an oil tanker if
 - (a) the tanker is an existing oil tanker of 40,000 deadweight tons or above, engaged in specific trades, in accordance with regulation 29(1) and complies with the conditions specified in regulation 29(2); and
 - (b) subject to paragraph (3), the tanker is engaged exclusively on voyages
 - (i) within special areas;
 - (ii) within 50 miles from the nearest land outside special areas and is trading between ports and terminals within Barbados; or
 - (iii) on restricted voyages of 72 hours or less in duration.
- (3) A tanker to which paragraph (2)(b) applies shall comply with the following requirements:
 - (a) all oily mixtures shall be retained on board for subsequent discharge to reception facilities;
 - (b) for voyages referred to in paragraph (2)(b), adequate reception facilities shall be available to receive those oily mixtures in those oil loading ports or terminals the tanker calls at;
 - (c) the International Oil Pollution Prevention Certificate is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages referred to in paragraphs (2)(b)(i) and (2)(b)(ii); and
 - (d) the relevant entries are recorded in an oil record book.
- (4) Except as otherwise provided in these Regulations or in a merchant shipping notice, regulation 20 does not apply to oil tankers carrying asphalt or

other products that, through their physical properties, inhibit effective product/water separation and monitoring, in which case regulation 18 is satisfied by the retention of residues on board and the discharge of all contaminated washings to reception facilities.

Prevention of oil pollution from ships operating in special areas

- 23.(1)** Subject to regulations 13 to 15 and paragraph (3), no person shall
- (a) in the Antarctic area, discharge into the sea oil or an oily mixture from a Barbados ship; and
 - (b) in a special area other than the Antarctic area,
 - (i) discharge into the sea oil or an oily mixture from a Barbados oil tanker or from a Barbados ship of 400 GT or above, other than an oil tanker; and
 - (ii) discharge into the sea oil or an oily mixture from a Barbados 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;
 - (c) after July 1st, 2024, in the Arctic Area, discharge oil or an oily mixture into the sea from a Barbados ship.
- (2) Paragraph (1) does not apply to the discharge of clean or segregated ballast.
- (3) Paragraphs (1)(a) and (b)(i) do not apply to the discharge of processed bilge water from machinery spaces if
- (a) the bilge water does not originate from cargo pump room bilges;
 - (b) the bilge water is not mixed with cargo oil residues;
 - (c) the ship is proceeding on a voyage;
 - (d) the oil content of the effluent, without dilution, does not exceed 15 ppm of mixture;

- (e) the ship has in operation an oil filtering system complying with regulation 19(6) and equipment complying with regulation 19(7); and
 - (f) the oil filtering system is equipped with a stopping device that will ensure that the discharge is automatically stopped if the oil content of the effluent exceeds 15 ppm.
- (4) In Antarctica, the Arctic and any other special area,
 - (a) no discharge into the sea shall contain chemicals or other substances in quantities or concentrations that 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 an oily mixture are not to be discharged into the sea in compliance with paragraph (1) or (2), they shall be retained on board and shall be discharged only into reception facilities.
- (5) Nothing in this regulation prohibits a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with regulations 17 and 18.
- (6) A Barbados ship shall not enter the Antarctic or the Arctic unless
 - (a) it is fitted with 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) arrangements have been made in respect of the ship to have such oily residues and mixtures discharged into a reception facility after it has left the area.
- (7) Subject to regulation 46, this regulation, other than paragraph (6), applies to ships that are not Barbados ships in the same manner as it applies to Barbados ships.

PART IV

REQUIREMENTS FOR CARGO SEGREGATION

Interpretation

24.(1) For the purposes of this Part other than regulation 25(1), "new", in relation to an oil tanker, means an oil tanker

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

(2) For the purpose of paragraph (1)(c), an oil tanker is considered to have been delivered after 1st June, 1982 if

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

(iii) that was completed after 1st June, 1982.

New tankers of 20,000 tonnes deadweight and above

25.(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) to (7).

(2) The capacity of the segregated ballast tanks shall be sufficient for the ship to operate safely on ballast voyages without recourse to the use of cargo tanks for water ballast, except as provided for in paragraph (5) or (6).

(3) 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, where "L" is the length of the ship:

- (a) the moulded draught amidships 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 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 necessary to obtain full immersion of the propeller.

(4) For the purpose of paragraph (3)(b), forward and after perpendiculars shall be taken at the forward and after ends of the length, and the forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.

(5) Ballast water shall not be carried in cargo tanks, except

- (a) on 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; or

- (b) where the character of the operation of an oil tanker renders it necessary to carry ballast water in excess of the quantity that may be carried in segregated ballast tanks under paragraph (2), if the 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 18 and 20 and an entry of the discharge shall be made in an oil record book.

(6) In a new crude oil tanker, the additional ballast permitted by paragraph (3) shall be carried only in cargo tanks that have been crude oil washed in accordance with regulation 28 before departure from an oil unloading port or terminal.

(7) Notwithstanding paragraph (2), the capacity of the segregated ballast tanks for new oil tankers less than 150 metres in length shall be as determined by the Administration.

(8) Every new crude oil tanker of 20,000 tons deadweight and above shall be fitted, 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, with a cargo tank cleaning system using crude oil washing that complies with regulation 28, unless the oil tanker carries crude oil that is not suitable for crude oil washing, in which case it shall operate the system in accordance with regulation 28.

(9) Subject to paragraphs (10) and (11) and regulations 29 and 30, 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) to (5).

(10) Subject to regulations 29 and 30, 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 28, unless the crude oil tanker is intended to carry crude oil that is not suitable for crude oil washing.

(11) Subject to regulation 29, every existing product carrier of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with paragraphs (2) and (3) or operate with dedicated clean ballast tanks in accordance with regulation 27.

(12) An oil tanker that is not required to be provided with segregated ballast tanks in accordance with paragraphs (1), (9) or (11) may be described in an International Oil Pollution Prevention Certificate as a segregated ballast tanker if it complies with the requirements of paragraphs (2) to (5) or paragraph (7).

Protective location of segregated ballast spaces

26. Subject to regulation 37(3), 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 25 that are located within the cargo tank length shall be arranged in a manner to provide a measure of protection against oil outflow in the event of grounding or a collision.

Oil tankers with dedicated clean ballast tanks

27.(1) An oil tanker operating with dedicated clean ballast tanks in accordance with regulation 25(9) shall have adequate tank capacity dedicated solely to the carriage of clean ballast to meet the requirements of regulations 25(2) and (3), in the same manner as those regulations 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, that is approved by the Administration and that contains all the information set out in the specifications referred to in paragraph (2).

(5) If an alteration affecting the dedicated clean ballast tank system is made, the operation manual shall be revised and the revision shall be approved by the Administration.

Crude oil washing

28.(1) A crude oil washing system required to be provided in accordance with regulation 25(6) and (8) shall comply with this regulation.

(2) The crude oil washing installation and associated equipment and arrangements, including the 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) 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 that 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, that is approved by the certifying authority and that contains all the information set out in the specifications referred to in paragraph (2).

(5) If any alteration is made affecting the crude oil washing system, the operations and equipment manual shall be revised, and the revision shall be approved by the certifying authority.

Existing oil tankers engaged in specific trades

29.(1) Subject to paragraph (2), regulations 25(9) to (11) do 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 described in regulation 23(1); or
 - (ii) the voyage is entirely within other limits designated by the Administration.

(2) Paragraph (1) applies only if 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 if

- (a) subject to regulations 13 to 15, all ballast water, including clean ballast water, and tank washing residues are be retained on board until they are transferred to those reception facilities, and the entry relating to the transfer in an oil record book is endorsed by a competent authority appointed by the Convention country;
- (b) an agreement has been reached between the Administration and the government of a Convention country referred to in paragraph (1)(a) or (b) on the use of an existing oil tanker for such a trade;
- (c) the reception facilities at the ports or terminals comply with any regulations relating to reception facilities and are approved by the governments of the Convention countries within which those ports or terminals are situated; and
- (d) the International Oil Pollution Prevention Certificate has been endorsed to the effect that the oil tanker is solely engaged in that specific trade.

Existing oil tankers having special ballast arrangements

30.(1) Where an existing oil tanker of 40,000 deadweight tons and above is constructed or operates in a manner that complies with the draught and trim requirements set out in regulation 25(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 25(7) if

- (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 Administration and the governments of the Convention countries concerned; and
- (c) the International Oil Pollution Prevention Certificate has been endorsed to the effect that the oil tanker is operating with special ballast arrangements.

(2) Ballast shall not be carried in cargo oil tanks except on 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, in which case the additional ballast water shall be discharged in compliance with regulations 18 and 20 to 22 and the discharge of that water shall be entered in an oil record book.

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

31.(1) Subject to paragraph (3), 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) All other ships shall comply with paragraph (1) so far as it is reasonable and practicable to do so.

(3) 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 that is not clean ballast water in a oil fuel tank, the ballast water shall be discharged to reception facilities or into the sea in compliance with regulation 17 using the equipment specified in regulation 19(3), and the discharge shall be entered in an oil record book.

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

(5) All other ships shall comply with paragraph (4) so far as it is reasonable and practicable to do so.

Tanks for oil residue or sludge

32.(1) Every ship of 400 GT and above shall be provided with tanks of adequate capacity, having regard to the type of machinery installed and length of its voyage, to receive any oily residues or sludge that 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.

(3) Existing ships shall comply with paragraph (2) so far as it is reasonable and practicable to do so.

(4) Ships referred to in paragraphs (1) and (2) shall be provided with piping to enable residues from machinery spaces and machinery space bilges to be pumped to a reception facility.

(5) Piping referred to in paragraph (4) shall be led to the open deck and there fitted with a flange.

- (6) The dimensions for the flange may be specified in a merchant shipping notice.
- (7) Piping to and from sludge tanks shall have no direct connection overboard other than the discharge connection required by paragraph (4).

Pumping, piping and discharge arrangements of oil tankers

33.(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) Subject to paragraph (3), in every oil tanker, pipelines for a discharge to the sea of ballast or oil contaminated water from cargo tank areas permitted under regulations 17, 18 or 23 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 Administration, below the waterline, to enable discharges below the waterline permitted by paragraph (8) to be made.

(3) A discharge outlet may be located above the departure ballast waterline but not above the waterline in the deepest ballast condition, if it was so located before 1st January, 1981.

(4) In new oil tankers, a means shall be provided for stopping the discharge into the sea of ballast water or oil contaminated water from cargo tank areas, other than discharges below the waterline permitted under paragraph (8), from a position on the upper deck or above, and located so that the manifold referred to in paragraph (1) and the discharge to the sea from the pipelines referred to in paragraph (2) may be visually observed.

(5) The means for stopping the discharge referred to in paragraph (4) 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.

(6) Every new oil tanker required to be provided with segregated ballast tanks or fitted with a crude oil washing system shall

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

(7) Every existing crude oil tanker required to be provided with segregated ballast tanks, to be fitted with a crude oil washing system, or to operate with dedicated clean ballast tanks shall comply with paragraph (6)(b).

(8) Ballast water or oil contaminated water from the cargo tank areas of an 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, if the surface of the ballast water is examined immediately before the discharge to ensure that no contamination with oil has taken place;
- (b) existing oil tankers that are not capable without modification of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline at sea, if the surface of the ballast water is examined immediately before the discharge to ensure that no contamination with oil has taken place;

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- (c) existing oil tankers operating with dedicated clean ballast tanks that 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, if the discharge of the ballast water is supervised with the aid of an oil content meter as provided for in regulation 27(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 if sufficient time has elapsed in order to allow oil/water separation to have taken place and the ballast water is examined immediately before the discharge with an oil/water interface detector of the kind referred to in regulation 20(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; and
 - (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), if
 - (i) a part of the flow of the 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) the part flow arrangements comply with applicable international standards for such arrangements.

PART V

MINIMIZING OIL POLLUTION FROM OIL TANKERS DUE TO SIDE AND
BOTTOM DAMAGE

Interpretation

34. 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" shall be determined by reference to International Association for Classification Society Rules and any applicable International Organization for Standardization standards shall be considered.

Limitation of size and arrangement of cargo tanks

- 35.**(1) Every new oil tanker shall comply with this regulation.
- (2) Every existing oil tanker shall comply with this regulation if
- (a) it was delivered to its first owner after 1st January, 1977; or
 - (b) it was delivered to its first owner on or before
 - (i) 1st January, 1977; and
 - (ii) the building contract for the tanker was placed after 1st January, 1974 or, where there was no building contract, the keel was laid or the tanker was at a similar stage of construction after 30th June, 1974.
- (3) Cargo tanks of an oil tanker shall be of such a size and arrangement that the hypothetical outflow O_c or O_s , 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.

(4) 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 O_c or O_s referred to in paragraph (3).

(5) Subject to paragraph (6), the volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres.

(6) In segregated ballast oil tankers referred to in regulation 25, the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each of which exceeds longitudinal extent in length, may be increased to the maximum limit of hypothetical oil outflow, if the width of the wing tanks exceeds transverse extent.

(7) The length of each cargo tank shall not exceed 10 metres or the greater of the following values:

- (a) where no longitudinal bulkhead is provided inside the cargo tanks, the lesser of
 - (i) $(0.5 b_i/B + 0.1)L$; and
 - (ii) $0.2L$;
- (b) where a centre-line longitudinal bulkhead is provided inside the cargo tanks, $(0.25 b_i/B + 0.15)L$; and
- (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 b_i/B is equal to or greater than one fifth, $0.2L$;
 - (B) if b_i/B is less than one fifth and no centre-line longitudinal bulkhead is provided, $(0.5 b_i/B + 0.1)L$; and
 - (C) if b_i/B is less than one fifth and a centre-line longitudinal bulkhead is provided, $(0.25 b_i/B + 0.15)L$.

(8) In paragraph (7),

- (a) "bi" means 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 centre-line at the level corresponding to the assigned summer freeboard; and
- (b) "L" means the length of the ship.

(9) In order not to exceed the volume limits established by paragraphs (3) to (5) 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 and shall be closed when the tanker is at sea.

(10) Lines of piping that run through cargo tanks in a position less than transverse extent from the ship's side or less than vertical extent from the ship's bottom shall be fitted with valves or similar closing devices at the point at which they open into any cargo tank, and shall be kept closed at sea at any time when the tanks contain cargo oil, other than for cargo transfer needed for the purpose of trimming of the ship.

Subdivision and stability

36.(1) Every oil tanker referred to in paragraph (3) shall comply with the subdivision and damage stability criteria specified in the International Convention for the Safety of Life at Sea and the Intact Stability Code.

(2) The master of every oil tanker referred to in paragraph (3) and the person in charge of a non-self-propelled oil tanker referred to in paragraph (3) shall be supplied, in an approved form, by the owner with

- (a) information relating to loading and distribution of cargo necessary to ensure compliance with 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 Administration.

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

- (a) for which the building contract was placed on or after 1st February, 1999;
- (b) in the absence of a building contract, the keel of which was laid or was at a similar stage of construction on or after 1st August, 1999;
- (c) the delivery of which was on or after 1st February, 2002; or
- (d) that has undergone a major conversion
 - (i) for which the contract was placed after 1st February, 1999;
 - (ii) in the absence of a contract, the construction work of which began after 1st August, 1999; or
 - (iii) that was completed after 1st February, 2002.

(4) For the purpose of paragraph (3)(c), an oil tanker is considered to have been delivered on or after 1st February, 2002 if

- (a) the building contract for the tanker was placed on or after 1st February, 1999;
- (b) in the absence of a building contract, the keel of the tanker was laid or was at a similar stage of construction on or after 1st August, 1999;
- (c) the delivery of the tanker was or is to be on or after 1st February, 2002; or
- (d) the tanker has undergone a major conversion
 - (i) for which the contract was placed on or after 1st February, 1999;
 - (ii) in the absence of a contract, the construction work of which began on or after 1st August, 1999; or
 - (iii) that was completed on or after 1st February, 2002.

PART VI

DESIGN AND CONSTRUCTION OF OIL TANKERS AGAINST
OIL POLLUTION IN THE EVENT OF COLLISION OR STRANDING**New oil tankers**

37.(1) This Regulation applies to oil tankers of 600 tons deadweight and above

- (a) for which the building contract was or is to be placed on or after 6th July, 1993;
- (b) in the absence of a building contract, the keel of which was or is to be laid or was or is at a similar stage of construction on or after 6th January, 1994;
- (c) the delivery of which was or is to be on or after 6th July, 1996; or
- (d) that has undergone a major conversion
 - (i) for which the contract was placed after 6th July, 1993;
 - (ii) in the absence of a contract, the construction work of which began after 6th January, 1994; or
 - (iii) that was completed after 6th July, 1996.

(2) For the purpose of paragraph (1)(c), and oil tanker is considered to have been delivered on or after 6th July, 1996 if

- (a) building contract for the tanker was placed on or after 6th July, 1993;
- (b) in the absence of a building contract, the keel of the tanker was laid or was at a similar stage of construction on or after 6th January, 1994;
- (c) the delivery of the tanker was or is to be on or after 6th July, 1996; or
- (d) the tanker has undergone a major conversion
 - (i) for which the contract was placed on or after 6th July, 1993;

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- (ii) in the absence of a contract, the construction work of which began on or after 6th January, 1994; or
 - (iii) that was completed on or after 6th July, 1996.
 - (3) Regulation 26 does not apply to an oil tanker of 5,000 tons deadweight and above.
 - (4) Subject to paragraphs (6) and (7), in an oil tanker of 5,000 tons deadweight and above, the entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel oil tanks.
 - (5) Double bottom tanks or spaces required by paragraph (4) may be dispensed with if the design of the tanker meets the conditions set out in the International Convention for the Safety of Life at Sea or any relevant International Association of Classification Societies Rules.
 - (6) Notwithstanding paragraphs (3) and (4), an oil tanker referred to in paragraph (4) may conform to other methods of design and construction, if such methods
 - (a) ensure at least the same level of protection against oil pollution in the event of a collision or stranding; and
 - (b) have the approval of the Administration based on guidelines developed by the International Maritime Organization.
 - (7) Oil shall not be carried in an oil tanker in any space extending forward of a collision bulkhead provided in accordance with Regulation 11 of Chapter II-1 of the International Convention for the Safety of Life at Sea.
 - (8) An oil tanker that is not required to have a collision bulkhead in accordance with regulation 13 shall not carry oil in any space extending forward of the transverse plane perpendicular to the centre-line that is located as if it were a collision bulkhead provided in accordance with that regulation.
 - (9) In approving the design and construction of an oil tanker, the certifying authority shall have due regard to general safety considerations, including the

need for the maintenance and inspections of wing and double bottom tanks or spaces.

Existing oil tankers

38.(1) 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, or an oil tanker of 30,000 tons deadweight and above carrying oil, that 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

- (a) an oil tanker of 20,000 tons deadweight and above that carries as cargo crude oil, fuel oil, heavy diesel oil or lubricating oil; or
- (b) an oil tanker of 30,000 tons deadweight and above that carries as cargo oil other than oil mentioned in subparagraph (a);

that 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;

“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 that 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

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- (ii) 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 that
 - (i) is fitted with double bottom tanks or spaces complying with 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 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 Organization;

“heavy diesel oil” means marine diesel oil, other than 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 Organization;

“heavy grades of oil” means

- (a) crude oils having a density at 15°C that is higher than 900 kg/m³, corresponding to an API grade of less than 25.7;
- (b) fuel oils having a density at 15°C that is higher than 900 kg/m³ or a kinematic viscosity at 50°C that is higher than 180 mm²/s, corresponding to a kinematic viscosity of over 189 cSt; or
- (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; and

“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.

(2) Subject to paragraph (5), this regulation applies to an oil tanker of 5,000 tons deadweight and above

- (a) for which the building contract was placed before 6th July, 1993;
- (b) in the absence of a building contract, the keel of which was laid or was at a similar stage of construction before 6th January, 1994;
- (c) the delivery of which was before 6th July, 1996; or
- (d) that underwent a major conversion
 - (i) for which the contract was placed before 6th July, 1993;
 - (ii) in the absence of a contract, the construction work of which began on or before 6th January, 1994; or
 - (iii) that was completed on or before 6th July, 1996.

(3) For the purpose of paragraph (2)(c), an oil tanker is considered to have been delivered before 6th July, 1996 if

- (a) the building contract for the tanker was placed before 6th July, 1993;
- (b) in the absence of a building contract, the keel of the tanker was laid or was at a similar stage of construction before 6th January, 1994; or
- (c) the delivery of the tanker was before 6th July, 1996; or
- (d) the tanker has undergone a major conversion
 - (i) for which the contract was placed before 6th July, 1993;
 - (ii) in the absence of a contract, the construction work of which began before 6th January, 1994; or
 - (iii) that was completed before 6th July, 1996.

(4) This regulation does not apply to an oil tanker that conforms to other methods of design and construction that ensure at least the same level of protection against oil pollution in the event of a collision or stranding and have the approval of the Administration based on guidelines developed by the International Maritime Organization.

(5) For the purposes of paragraphs (6) and (7), an oil tanker that does not meet in all respects the requirements of paragraph (3) regarding minimum distances between the cargo tank boundaries of the ship side and bottom plating shall be treated as meeting those requirements if

- (a) the side protection distance is nowhere less than 760 mm from the shell plating; and
- (b) the bottom protection distance is not less than the lesser of $B/15$ or 2 metres.

(6) A category 1 oil tanker that is a Barbados-registered oil tanker shall not operate.

(7) A category 1 oil tanker that is a not Barbados-registered oil tanker shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of Barbados.

(8) A category 2 or 3 oil tanker that is a Barbados-registered oil tanker shall not operate.

(9) A category 2 or 3 oil tanker that is not a Barbados-registered oil tanker shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of

(10) Paragraphs (8) and (9) do not apply to a category 2 or 3 oil tanker

- (a) if, on or before 4th August, 2005, the ship was subject to a renewal or intermediate survey following the fifteenth anniversary of the day and month of the ship's delivery;

- (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; and
 - (c) if it complies with the Condition Assessment Scheme adopted by Resolution 94(46) of 27th April, 2001 of the Marine Environment Protection Committee of the International Maritime Organization and amended by Resolution 99(48) of 11th October, 2002 and Resolution 112(50) of 4th December, 2003 of that Committee.
- (11) No oil tanker of 600 tons deadweight and above carrying heavy grades of oil shall enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of Barbados unless
 - (a) it is a double hull oil tanker; or
 - (b) it is an oil tanker operating exclusively in ports and inland navigation and duly certified under the inland waterway legislation applicable to the ship.
- (12) The Administration may grant an exemption from any of paragraphs (6) to (11) under regulation 4(5) only if that exemption
 - (a) allows an oil tanker to enter a port or offshore terminal under the jurisdiction of Barbados; and
 - (b) 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.

PART VII

OFFSHORE INSTALLATIONS

Requirements for offshore installations

39.(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 that are not 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 19 and 32(1) and (2); and
 - (b) they shall keep a record, in an approved form, of all operations involving oil or oily mixture discharges.
- (2) An offshore installation when so engaged shall not discharge into the sea oil or an oily mixture with an oil content of 15 ppm or more, unless the discharge is one specified in regulation 13.
- (3) In this regulation, a reference to oil or an oily mixture in relation to a discharge associated with machinery space drainage, does not include a production or displacement water discharge.

PART VIII

POWERS TO INSPECT, DENY ENTRY OR DETAIN AND PENALTIES

Power to inspect

- 40.(1)** A ship in a Barbados port or at an offshore terminal shall be subject to inspections by persons appointed by the Administration.
- (2) Any such inspection shall be limited to verifying that there is on board a valid International Oil Pollution Prevention Certificate in the form prescribed by the Convention, unless there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of that Certificate.
- (3) If there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of its

International Oil Pollution Prevention Certificate, or if the ship does not carry a valid Certificate, an inspector shall take such steps as he may consider necessary to ensure that the ship does not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment, in which case the Administration may permit the ship to leave the port or offshore terminal for the purposes of proceeding to the nearest appropriate repair yard.

(4) Notwithstanding paragraph (2), and without prejudice to any control over operational procedures provided for in these Regulations, an 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 shipboard procedures for preventing pollution by oil.

(5) If an inspection reveals deficiencies, the inspector shall ensure that the ship does not sail until the situation has been rectified in accordance with the requirements of these Regulations.

(6) Upon receiving evidence that a ship has discharged oil or an oily mixture contrary to these Regulations, the Administration shall cause the matter to be investigated and shall inform the state that has reported the contravention, as well as the International Maritime Organization, of the action taken.

(7) For the purposes of this Regulation, a person appointed as an inspector may exercise the powers of an inspector set out under Part XXXI of the Act.

Power to deny entry or detain

41.(1) If a harbour master has reason to believe that a ship that does not comply with the requirements of these Regulations proposes to enter or leave the harbour, he shall immediately report the matter to the Administration.

(2) If the Administration is satisfied that the ship presents an unreasonable threat of harm to the marine environment, it may deny the entry or exit of the ship to or from Barbados ports or offshore terminals.

(3) A ship may be detained in accordance with the Act if

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

- (b) the steps to be taken by an inspector under regulation 40(2) or (3) involve detention of the ship;
 - (c) an accident occurs to a foreign-registered ship, or a defect is discovered in a foreign-registered ship, that substantially affects the integrity of the ship or the efficiency or completeness of her 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 30 days of a report being made of an accident to, or defect in, a foreign-registered ship, the Administration is not satisfied that the action taken is sufficient to restore the integrity of the ship or the efficiency or completeness of her equipment.
- (4) Where a ship other than a Barbados ship is
 - (a) denied entry pursuant to paragraph (2);
 - (b) detained pursuant to paragraph (3); or
 - (c) detained pursuant to regulation 45(3);

the Administration 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.

Powers of harbour masters

42.(1) Where a ship is liable to be detained under regulation 41(3) in relation to a suspected contravention occurring in the waters over which a harbour master exercises jurisdiction, the harbour master may also detain that ship.

(2) In such a case sections 1057(1) to (5) and (8) of the Act apply in relation to that ship as if the reference to a competent authority in section 1057(1) includes a reference to the harbour authority, the harbour master and any person acting on behalf of the harbour master.

(3) Where a ship, other than a Barbados ship, is detained under paragraph (1), the harbour master shall immediately notify the Administration.

(4) On receipt of a notification under paragraph (3), the Administration 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.

(5) Regulations 45(3) to (10) apply in relation to a detention under paragraph (1), as if for "the Administration", wherever it occurs, there were substituted "the harbour master".

Penalties

43.(1) If a ship fails to comply with a requirement of these Regulations other than regulations 17, 18 and 23, the owner and the master of the ship each commit an offence and are liable on summary conviction to a fine of \$20 000 or, on conviction on indictment, to a fine of \$70 000.

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

(3) Where an offence under this regulation is committed, or would have been committed save for the operation of paragraph (2), by a person due to the act or default of another person, that other person commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.

Penalties for contravening regulations 17, 18 and 23

44.(1) Subject to paragraph (3), if a ship fails to comply with a requirement of regulation 17, 18 or 23,

- (a) Division 2 of Part XXV of the Act applies in the same manner as it applies to an offence under that Division; and
- (b) the owner and the master of the ship each commit an offence and are liable on summary conviction to a fine of \$500 000 or, on conviction on indictment, to a fine of \$775 000.

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- (2) Subject to paragraph (3), if oil or an oily mixture is discharged from a ship in contravention of regulation 17, 18 or 23,
- (a) Division 2 of Part XXV of the Act applies in the same manner as it applies to an offence under that Division; and
 - (b) a person who causes or contributes to that discharge commits an offence is liable on summary conviction to a fine of \$500 000 or, on conviction on indictment, to a fine of \$1 000 000.
- (3) Where a Barbados excepted ship fails to comply with a requirement of regulation 17, 18 or 23 because of a discharge into a part of the sea other than Barbados or its territorial waters of oil or an oily mixture that results from damage to a ship or her equipment, the owner, the master or a crew member acting under the master's responsibility do not commit an offence under this regulation in respect of that failure if
- (a) all reasonable precautions were taken after the damage or discovery of the discharge to prevent or minimize the discharge; and
 - (b) neither the owner nor the master acted
 - (i) with intent to cause damage; or
 - (ii) recklessly and with knowledge that damage would probably result.

Enforcement and application of fines

45.(1) A document required or authorized, by virtue of any statutory provision, to be served on a foreign company for the institution of, or otherwise in connection with, proceedings for an offence of contravening regulation 17, 18 or 23 that is 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.

(2) A person authorized to serve a document for the institution of, or otherwise in connection with, proceedings for an offence under these Regulations may go on board the ship in question for that purpose.

(3) In paragraph (1), "foreign company" means a company or body that is not registered in Barbados.

(4) A person exercising a power of detention conferred by regulation 41(3) (a) in respect of an alleged contravention of regulation 17, 18 or 23 shall immediately release the ship if

- (a) no proceedings for the offence are instituted within 7 days after the day on which the vessel was detained;
- (b) proceedings that were instituted within that period are concluded without the defendant being convicted;
- (c) either
 - (i) the sum of \$500 000 is paid to the Administration by way of security; or
 - (ii) security that, in the opinion of the Administration, is satisfactory and is for an amount not less than \$500 000 is given to the Administration;
- (d) the defendant is convicted of the offence, and 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 the court or tribunal is posted.

(5) The Administration shall repay any sum paid under paragraph (4)(c) or release any security given

- (a) if no proceedings for the offence are instituted within 7 days after the day on which the sum is paid; or
- (b) if proceedings that have been instituted within that period are concluded without the defendant being convicted.

(6) Where a sum has been paid, or security has been given, by a person under paragraph (4)(c) and the defendant is convicted of the offence in question, the sum 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 defendant;
- (b) next, in payment of any fine imposed by the court; and
- (c) then in repayment of any balance to the person who paid the sum or gave the security.

(7) For the purposes of this regulation in its application to Barbados

- (a) proceedings for an offence are instituted
 - (i) when a Magistrate issues a summons or warrant in respect of the offence;
 - (ii) when a person is charged with the offence after being taken into custody without a warrant; or
 - (iii) when a bill of indictment is preferred,

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 defendant being convicted on the occurrence of one of the following events:
 - (i) the discontinuance of the proceedings;
 - (ii) the acquittal of the defendant;
 - (iii) the quashing of the defendant's conviction for the offence; or
 - (iv) the grant of Her Majesty's pardon in respect of the defendant's conviction for the offence.

(8) Where a fine imposed by a court in proceedings against the defendant of a ship for an offence under regulation 17, 18 or 23 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 may, in addition to any other powers for enforcing payment, direct the amount remaining unpaid to be levied by distress or arrestment and sale of the ship and her tackle, furniture and apparel.

(9) Where a person is convicted of an offence under regulation 17, 18 or 23, and the court imposes a fine in respect of the offence, if it appears to the court that any other person has incurred, or will incur, expenses in removing any pollution, or making good any damage, that is attributable to the offence, the court may order the whole or part of the fine to be paid to the other person for, or towards defraying, those expenses.

PART IX

PROCEEDINGS FOR POLLUTION OFFENCES COMMITTED OUTSIDE BARBADOS WATERS

Jurisdiction over offences outside Barbados limits

46.(1) No proceedings for an offence of contravening regulation 17, 18 or 23 by a ship that is not a Barbados ship and that 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 Barbados' waters.

(2) Where proceedings for an offence of contravening regulation 17, 18 or 23 by a ship that is not a Barbados ship that relate 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 a suspension of the proceedings,

- (a) the proceedings shall be suspended; and
 - (b) the Administration 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 45(4)(c), to that state.
- (3) It shall be a defence to a person charged with contravening regulation 17, 18 or 23 for the defendant to show that
 - (a) the ship is not a Barbados ship;
 - (b) the discharge took place outside Barbados waters; and
 - (c) the ship was in a port in Barbados at the time of institution of proceedings by reason only of stress of weather or another reason beyond the control of the master or owner or charterer.

Suspension of proceedings at flag state request

47.(1) This regulation applies to an alleged offence of contravening regulation 17, 18 or 23 by a ship that is not a Barbados ship, in relation to a discharge outside Barbados or its territorial waters.

- (2) Any proceedings in respect of an alleged offence referred to in paragraph (1) shall be stayed if the court is satisfied that the flag state has instituted proceedings corresponding to the proceedings in Barbados in respect of the discharge within 6 months of the institution of proceedings in Barbados.
- (3) Paragraph (2) does not apply
 - (a) where the discharge resulted in major damage to Barbados; or
 - (b) the Administration certifies that the flag state has repeatedly disregarded its obligation to effectively enforce the requirements of the Convention in respect of its ships.

(4) Where proceedings instituted by the flag state referred to in paragraph (2) have been brought to a conclusion, the suspended proceedings shall be terminated.

(5) Where the costs of the Administration incurred in respect of proceedings suspended under paragraph (2) have been paid, any money paid or security given under regulation 45(4)(c) shall be released.

Supplementary

48. For the purposes of regulations 46 and 47, proceedings for an offence are to be treated as being instituted in Barbados in the circumstances set out in regulations 45(7), (8) and (9).

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping