

BARBADOS

An Act to amend the Marine Pollution Prevention Act, Cap 125 by providing for the prevention of pollution by noxious liquid substances

ENACTED by the Parliament of Barbados as follows:

Short title. 1. This Act may be cited as the **Marine Pollution Prevention (Amendment) Act, 1995.**

Amendment of 2. The **Marine Pollution Prevention Act, 1994**, in this Act referred to as the Principal Act, is amended by inserting therein after Part 1V, the following as Part V:

"Definitions. 90. For the purposes of this part

(a) "Baltic Sea area" means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57 degrees 44.8' North.

(b) "Black Sea area " means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41 degrees North.

(c) "Bulk Chemical Code" means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC.20(22), as amended by the IMO.

(d) Category A substance, Category C substance, Category C substance and Category D substance mean respectively any substance so designated under section 5 and listed in the Second Schedule to this Act and includes any substance which is provisionally treated as belonging to any such category.

(e) "chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in section 2 of the Principal Act when carrying a cargo or part cargo of noxious liquid substances in bulk;

(f) "clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Category A, B, C or D, has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the provisions of this part and the regulations made hereunder;

(g) "International Bulk Chemical Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Marine Environment

Protection Committee of the IMO by resolution MEPC.19(22), as amended by the IMO.

(h) "IMO" means the International Maritime Organisation.

(i) "liquid substance" means a substance that has a vapour pressure not exceeding 2.8 kp/cm^2 at a temperature of 37.8°C .

(j) "NLS certificate" means the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances, issued under section 112 or in respect of a ship of another Party, under Regulation 11 of Annex II of the MARPOL Convention.

(k) "noxious liquid substance" means any harmful substance in the Second Schedule to this Act or provisionally assessed in accordance with the

criteria set out in the First Schedule as falling into Category A, B, C or D.

(l) "segregated ballast" means ballast water introduced into a tank permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as defined in this Act and which is completely separated from the cargo and oil fuel system.

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

(i) the ship is constructed

before 1 July 1986; and

(ii) the ship is certified under

th

e

Bu

lk

Ch

em

ic

al

Co
de
to
ca
rr
y

on
ly
th
os
e
pr
od
uc
ts
id
en
ti
fi

ed
by

th
e
Co
de
as
su
bs
ta
nc
es
wi
th

po
ll
ut
io
n
ha
za
rd
s
on
ly
.

(n) "similar stage of construction"

me
ans the

stage

at

which:

(i) construction identifiable with a specific ship begins, and

(ii) assembly of that ship has commenced comprising at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less.

(o) "special area" means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances is required, and includes

(i) the Baltic Sea area, and

(ii) The Black Sea area.

(p) "surveyor" means a pollution surveyor appointed by the Minister or the competent Authority or a Party to the MARPOL convention to discharge the duties imposed under the Convention.

Application

91(1) Unless otherwise expressly provided, the provisions of this Part shall apply to

Act 1994-15

(a) all Barbadian ships as defined in the **Shipping Act, 1994**, and

(b) all other ships within the waters of the Exclusive economic zone of Barbados, as defined in the **Maritime Boundaries and Jurisdiction Act**

cap 387

carrying noxious liquid substances in bulk.

(2) Where a cargo subject to the provisions of Part 1V of the Principal Act is carried in a cargo space of a chemical tanker, the appropriate requirements of the present shall also apply.

(3) Regulation 13 of this Annex shall apply only to ships carrying substances which are categorized for discharge control purposes in Category A, B or C.

Discharge and Washing

Designation 92. The liquid noxious substances shall be designated as Category A, B, C, or D substances as set out in the Second Schedule to this Act.

Discharge of 93(1) The Discharge into the sea of:

Category A

Substance

(a) any category A substance or a substance provisionally assessed as such, or

(b) ballast water, tank washings, or other residues or mixtures containing a substance, referred to in paragraph (a)

is prohibited.

(2) Where tanks containing Category A substances or mixtures are to be washed, the resulting residues shall be discharged into a reception facility until the concentration of the substance in the effluent discharged into the facility is

(a) where the discharge takes place in other than a special area, at or below the residual concentration prescribed for that substance in Column III of the Second Schedule to this Act

(b) where the discharge takes place in a special area at or below the residual concentration is prescribed for that substance in Column IV of the Second Schedule to this Act

and until the tank is empty.

(3) Where the process prescribed under subsection (2) has been completed, any water subsequently added to the tank may be

discharged into the sea when all the following conditions are satisfied:

(a) the ship is proceeding en route at a speed of at least 7 knots, in the case of self-propelled ships or of at least 4 knots, in the case of ships which are not self-propelled;

(b) the discharge is made below the waterline, taking into account the location of the seawater intakes, and

(c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

Category B

94(1) The discharge into the sea of:

Substance

(a) any Category B substance or any substance provisionally assessed as such, or

(b) ballast water, tank washings, or other residues or mixtures containing a substance referred to in paragraph (a)

in any area other than a special area is prohibited unless all the following conditions are satisfied:

(i) the ship is proceeding en route at a speed of at least 7 knots, in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(ii) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the greater of 1 cubic metre or 1/3000 of the tank capacity in cubic metres;

(iii) the procedures and arrangements for discharge are in accordance with the regulations made under this Part and the concentration and the rate of

discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

(iv) the discharge is made below the waterline, taking into account the location of the seawater intakes, and

(v) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(2) A discharge referred to in subsection (1) within a special area is prohibited unless the conditions specified in Paragraphs (i), (iii), (iv) and (v) of that subsection and the tank has been pre-washed in accordance with the procedure set out in the regulations to this Part have been satisfied and the resulting tank washings have been discharged to a reception facility.

Discharge of
Category C Substance

95(1) The discharge into the sea in an area other than a special area of

(a) a Category C substance or a substance provisionally assessed as such, or

(b) ballast water, tank washings, or other residues or mixtures containing a Category C substance

is prohibited unless the conditions specified in paragraphs (i) (iv) and (v) of subsection (1) of section 94 and the following conditions are satisfied:

(i) the procedures and arrangements for discharge are in accordance with the regulations made under this Part and the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 10 parts per million, and

(ii) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the greater of 3 cubic metres or 1/1,000 of the tank capacity in cubic metres;

(2) A discharge into the sea within a special area of:

(a) a Category C substance or a substance provisionally assessed as such or

(b) ballast water tank washings or

other
residues or
mixtures
containing a
Category C
Substance
shall be

prohibited
unless the
conditions
specified in
paragraphs
(i), (iv) and
(v) of
subsection
(1) of
section 94
and the
following
conditions
are
satisfied.

(i) the procedures and
arrangements for discharge are in
accordance with the regulations
made under this Part or approved
by the concentration and rate of
discharge of the effluent is such
that the concentration of the
substance in the wake astern of

the ship does not exceed 1 part per million, and

(ii) the maximum quantity of
ca
rg
o
di
sc
ha
rg
ed
fr
om
ea
ch
ta
nk
an
d
it
s
as
so
ci

at
ed
pi
pi
ng
sy
st
em
do
es
no
t
ex
ce
ed
th
e
ma
xi
mu
m
qu
an
ti
ty

ap
pr
ov
ed
in
ac
co
rd
an
ce
wi
th
th
e
pr
oc
ed
ur
es
re
fe
rr
ed
to
in

su

b-

pa

ra

gr

ap

h

(i

)

of

th

is

pa

ra

gr

ap

h

wh

ic

h

sh

al

l

in

no
ca
se
ex
ce
ed
th
e
gr
ea
te
r
of
1
cu
bi
c
me
te
r
or
1/
3,
00
0

of
th
e
ta
nk
ca
pa
ci
ty
in
cu
bi
c
me
tr
es
;

Unloaded tank

96(1) Where in any area a tank which

with Category A contained a Category A substance has Substance been unloaded, it shall be washed in accordance with the provisions of this section [before the ship leaves the port of unloading].

(2) The effluent from the tank washing operation shall be discharged into a reception facility until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in and when the required residual concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty.

(3) Appropriate entries of these operations shall be made in the Cargo Record Book referred to in Section 109 and endorsed by the surveyor in accordance with the provisions of Section 110.

(4) Where the Director is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, he may accept as being in compliance with this section, an alternative procedure where:

(a) the tank is prewashed in accordance with an approved procedure, and

(b) the surveyor certifies in the Cargo Record Book that:

(i) the tank, its pump and piping systems have been emptied; and

(ii) the prewash has been carried out in accordance with the prewash procedure for that tank and that substance; and

- (iii) the tank washings resulting from such prewash have been discharged to a reception facility and the tank is empty.

Unloaded tank with Category B or C Substance 97. Where a tank that contained a Category B or C substance has been Substance been unloaded at a port outside a special area, the tank shall, before the ship leaves the port of unloading, be pre-washed and the resulting tank washings shall be discharged into a reception facility at the port of unloading:

- (a) the substance unloaded is identified in the regulations made under this part as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under subsection 1 of Section 94 or subsection (1) of Section 95 in the case of Category B or C substance, or

(b) the unloading is not carried out in accordance with the pumping conditions for the tank set out in the regulations made under this Part, unless alternative measures are taken to the satisfaction of the surveyor, to remove the cargo residues from the ship to quantities specified in Section 106 of this Part as applicable.

| | |
|--|--|
| <p>Unloaded tank with Category B Substance in special area</p> | <p>98(1) Subject to subsection (2) where a tank that contained a Category B has been unloaded within a special area, it shall be prewashed before the ship leaves the port of unloading and the resulting tank washings shall be discharged into a reception facility.</p> |
|--|--|

(2) Subsection (1) does not apply when all the following conditions are satisfied:

(a) the Category B substance unloaded is identified as resulting in a residue quantity not exceeding the

maximum quantity which may be discharged into the sea outside special areas under subsection (1) of section 94, and the residues are retained on board for subsequent discharge into the sea outside the special area in compliance with that subsection; and

(b) the unloading is carried out in accordance with the pumping conditions for the tank set out in the regulations made under this Part or where, with the approval of the Director, alternative measures are taken to the satisfaction of the surveyor to remove the cargo residues from the ship to quantities specified in section 106 as applicable.

Unloaded Tank with Category C Substance within special area 99(1) Where a tank which contained a Category C substance has been unloaded within a special area it shall be prewashed and the resulting tank washings shall be discharged into a reception facility, before the ship leaves the port of unloading, whenever:

(a) the Category C substance unloaded is identified in the regulations made under this Act as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under subsection (2) of section 95 of this Part; or

(b) the unloading is not carried out in accordance with the pumping conditions for the tank set out in the regulations made under this Part, unless alternative measures approved by the Director are taken to the satisfaction of the surveyor to remove the cargo residues from the ship to quantities specified in Section 106 of this Part.

(2) Subsection (1) does not apply when all the following conditions are satisfied:

(a) the Category C substance unloaded does not result in a residue quantity exceeding the maximum quantity which may be discharged into the sea outside

special areas under subsection (1) of section 95, and the residues are retained on board for subsequent discharge into the sea outside the special area in compliance with that section, and

(b) the unloading is carried out in accordance with the pumping conditions for the tank set out in the regulations made under this Part in respect of matters referred to in this section or approved by the Director to the satisfaction of the surveyor to remove the cargo residues from the ship to quantities specified in section 106 as applicable.

Exemption from
prewashing

100. The Minister may at the request of the ship's master, exempt a ship in a requirements Barbados Port from the requirements of Sections 96(1), 97(1), 98(1) and 99(1) where he is satisfied that:

(a) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or

(b) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure prescribed by regulations made under this Part; or

(c) the cargo residues will be removed by a ventilation procedure prescribed by regulations made under this Part.

Discharge of Category D substance 101. The discharge into the sea of

(a) a Category D substance or of a substance provisionally assessed as such, or

(b) ballast water, tank washings, or other residues or mixtures containing

any substance referred to in paragraph

(a)

shall be prohibited except when all the following conditions are satisfied:

(i) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

(ii) such mixtures are of a concentration not greater than one part of the substance in ten parts of water, and

(iii) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.

Master's duty

102. The master of a ship carrying noxious liquid substances in bulk shall ensure that the provisions of Sections 94 to 104 are

complied with and that the Cargo Record Book is completed in accordance with Section 109 whenever operations as referred to in that section take place.

Ventilation
procedures

103. Ventilation procedures set out in the regulations made under this Part may be used to remove cargo residues from a tank and where such procedures are used any water subsequently introduced into the tank shall be regarded as clean.

Prohibited
discharge of non-

104. The discharge into the sea of substances which have not been categorized, designated provisionally assessed, or evaluated or substances of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

Non-prohibited
discharges

105(1) Nothing in this Part shall prohibit the discharge:

(a) discharge of clean ballast, segregated ballast or any substance

that is not regarded as a harmful substance.

(b) a ship from retaining on board the residues from a Category B or C cargo and discharging such residues into the sea outside a special area in accordance with sections 94 and 95 of this Part, respectively.

(2) Where a ship in any area has on board in a slop tank:

(a) in an area other than a special area any residues, including those from cargo pump-room bilges, which contain a Category A substance, or

(b) within a special area residues including those from cargo pump room bilges which contain either a Category A or a Category B substance,

the contents of the slop tank shall be discharged to a reception facility in

accordance with the provisions of section 93 or 94(2) of this Part, whichever is applicable.

Pumping arrangements 106(1) In every ship constructed on or after July 1986 the pumping and piping

arrangements connected to each tank designated for the carriage of a Category B or Category C substance shall be such that tests conducted under favourable pumping conditions with water demonstrate that the quantity of residue retained in the tanks associated piping and in the immediate vicinity of the tank's suction point does not exceed:

(a) in the case of a tank designated for the carriage of a Category A substance, 0.1 cubic metres, and

(b) in the case of a tank designated for the carriage of a Category B substance, 0.9 cubic metres.

(2) In every ship constructed before 1 July 1986, the pumping and piping arrangements

connected to each tank designated for the carriage of a Category B or Category C substance shall be such that tests conducted under favourable pumping conditions with water demonstrate that the quantity of residue retained in the tank's associated piping and in the immediate vicinity of the tank's suction point does not exceed:

(a) in the case of a tank designated for the carriage of a category B substance, 0.3 cubic metres and,

(b) in the case of a tank designated for the carriage of a Category C substance, 0.9 cubic metres.

Exemption from
pumping

107(1) The Minister may exempt from the provisions of this Section, a ship whose requirements constructional and operational features that ballasting of cargo tanks is not required and cargo tank washing is only required for repair or dry-docking, where the following conditions are satisfied:

(a) the design, construction and equipment of the ship are approved by the Director having regard to the service for which it is intended;

(b) any effluent from tank washings which may be carried out before a repair or dry-docking, is discharged into a reception facility, the adequacy of which is ascertained by the Director;

(c) the certificate required under

section
indicates
that each
cargo tank is
certified for
the carriage
of only one
named
substance;

and the
particulars
of the
exemption;
and

(d) the ship carries a suitable
operational manual approved by the
Director.

(2) An exemption in accordance with
Regulation 5A(7) of Annex II of the MARPOL
Convention by a State Party to the
Convention, to a ship registered in that
State shall be regarded as having the same
effect as an exemption granted under
subsection (1).

Exceptions 108. The provisions of Sections 93 to 95 and
101 shall not apply to:

(a) the discharge into the sea of
noxious liquid substances or mixtures
containing such substances necessary

for the purpose of securing the safety of a ship or saving life at sea; or

(b) the discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment:

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) the discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the Minister, when being used for the purpose of combating specific pollution

incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

Cargo Record Book 109(1) Every ship to which this Part applies shall be provided with a Cargo Record Book, whether as part of the ship's official log-book or as a separate book, in the form specified in Schedule III to this Act.

(2) The Cargo Record Book shall be completed, in relation to each tank affected by any of the following operations with respect to a noxious liquid substance that takes place in the ship:

- (a) loading of cargo;
- (b) internal transfer of cargo;
- (c) unloading of cargo;
- (d) cleaning of cargo tanks;
- (e) ballasting of cargo tanks;

(f) discharge of ballast from cargo tanks;

(g) disposal of residues to reception facilities;

(h) discharge into the sea or removal

by ventilation of residues in

accordance with this Part or

regulation 5 of Annex II of the

MARPOL Convention.

(3) In the event of any discharge of the kind referred to in Section (60) of the Principal Act or Section 108 of this Part or in Annex II of the MARPOL Convention, of any noxious liquid substance or mixture containing such substance, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(4) When a surveyor appointed or authorized by the Minister or by the Government of the Party to the Convention to supervise any operations under this Part or Annex II of the MARPOL Convention, has inspected a ship, then that surveyor shall make an appropriate entry in the Cargo Record Book.

(5) Where an operation referred to in subsections (2) or (3) takes place:

(a) A full report shall be made without delay in the Cargo Record Book so that all the entries in the book appropriate to that operation are completed.

(b) Each entry shall be signed by the officer in charge of the operation concerned and each page shall be signed by the master of the ship.

(6) The entries in the Cargo Record Book shall be:

(a) in the case of a Barbadian ship,
the English and

(b) in the case of a ship entitled to
fly the flag of a Party to the MARPOL
Convention, English or French.

(7) The Cargo Record Book shall:

(a) be kept in such a place as to be
readily available for inspection and,
except in the case of unmanned ships
under tow, shall be kept on board the
ship.

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

Surveys

110(1) Ships to which this Part applies,
carrying noxious liquid substances in bulk
shall be subject to the surveys specified
below:

(a) An initial survey before the ship is put in service or before an NLS is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Part.

(b) A periodical survey at intervals not exceeding five years, which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the provisions of this Part.

(c) A minimum of one intermediate survey during the period of validity of the NLS certificate which shall be such as to ensure that the equipment and

associated pump and piping systems fully comply with the provisions of this Part and are in good working order, and in cases where only one such intermediate survey is carried out in any one period of validity of the certificate, it shall be held not before six months prior to, nor later than six months after the half-way date of the certificate's period of validity. Such intermediate surveys shall be endorsed by the surveyor on the NLS certificate.

(d) An annual survey within three months before or after the day and the month of the date of issue of the certificate and which shall include a general examination to ensure that the structure, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed by the surveyor on the NLS certificate.

(e) A survey following any occurrence giving use to any doubt as to the fitness of the ship or its equipment.

(2) A survey referred to in subsection (1) shall be carried out by any surveyor appointed or serving with a classification society nominated in accordance with the provisions of section 52 of the Principal Act.

Power of
Surveyor

111(1) A surveyor is authorised:

(a) to require repairs to a ship; and

(b) to carry out surveys and inspections if requested by the appropriate authorities of a port State.

(c) Where he determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, or is such that the ship is not fit to

proceed to sea without presenting an unreasonable threat of harm to the marine environment, he shall immediately ensure that corrective action is taken and shall in due course notify the Director.

(2) Where the condition of the ship and its equipment does not conform with the provisions of this Part with the result that the ship is not in all respects fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, the NLS certificate shall be withdrawn.

(3) After any survey of the ship under section 110 has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the written approval of the Director unless the change extends only to a direct replacement of such equipment and fittings.

(4) Where an accident occurs to a ship or a defect which substantially affects the integrity of the ship or the efficiency or completeness of its equipment is discovered, the master or owner of the ship shall report the incident at the earliest opportunity to the Director who shall cause investigations to be made to determine whether a survey as required by subsection (1) of section 110 is necessary.

(5) Where the ship is in a port of another Party to the Convention, the master or owner shall in addition to making a report to the Director, also report immediately to the appropriate authority of the port State.

Issue of

112(1) Where a satisfactory initial or Certificate periodical survey provided for in section 110 has been completed, NLS Certificate shall be issued to any ship carrying noxious liquid substances in bulk and which is engaged in voyages to ports or terminals under the

jurisdiction of other Parties to the Convention.

(2) An NLS certificate shall be issued by the Minister.

(3) The Minister may request the Government of a Party to the Convention to cause a ship to be surveyed and, where it is satisfied that the provisions of this part are complied with, to issue an NLS certificate to the ship in accordance with this Part.

(4) Where a certificate is issued in accordance with subsection (3), a copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the Minister.

(5) The certificate shall contain a statement to the effect that it has been issued at the request of the Minister and it shall have the same force and receive the same recognition as the certificate issued under subsection (1).

(6) An NLS certificate issued under this section shall be valid for a period of five years from the date of issue.

(7) An NLS certificate shall cease to be valid and shall be delivered up to the Minister where:

(a) alterations have been made to a ship in contravention of subsection [3] of section 111.

(b) surveys required by subsection [1] of section 110 are not carried out within the period specified in the regulations.

(c) the ship is transferred to the flag of another State.

(8) In the case of a transfer between Parties to the MARPOL Convention, a new certificate for a period not exceeding the unexpired period may be issued where:

(a) an application has been made within 3 months after the transfer has taken place.

(b) the Minister is satisfied that the ship has complied fully with the provisions of this Part.

(c) The ship has been maintained in conformity with the provisions of this Part; and

(d) since completion of the surveys referred to in section 110 no change has been made in the structure, equipment, fittings, and arrangements except a direct replacement without the approval of the Government of that other State.

Chemical Tankers 113(1) Chemical tankers which have been surveyed and certified by States Parties to the MARPOL Convention in accordance with the provisions of the International Bulk

Chemical Code or the Bulk Chemical Code, as applicable, shall be deemed to have complied with the provisions of Sections 110 and 111, and the certificate issued under that Code shall have the same force and receive the same recognition as the certificate issued under section 111.

(2) A chemical tanker referred to in subsection (1) that was constructed on or after 1 July 1986 shall comply with the requirements of the International Bulk Chemical Code.

Carriage by
Oil Tankers

114(1) Noxious liquid substances designated in the Second Schedule of this Part as falling under Category C or D may be carried on an oil tanker defined in Section 2 of the Principal Act and discharged in accordance with the provisions of Part III of that Act, provided that all of the following conditions are complied with:

(a) the ship complies with the provisions of Part III of the Principal

Act as applicable to product carriers as defined in that Part;

(b) that the international Oil Pollution Prevention Certificate and its Supplement B that what the ship carries are endorsed to indicate that the ship may carry oil-like substances in conformity with this Part and the endorsement includes a list of oil-like substances the ship is allowed to carry;

(c) where the substance to be carried is a category C substance, the ship complies with type 3 damage stability requirements of:

(i) the International Bulk Chemical Code in the case of a ship constructed on or after 1 July 1986; or

(ii) the Bulk Chemical Code in the case of a ship constructed before 1 July 1986; and

(d) the oil content meter in the oil discharge monitoring and control system of the ship is approved by the Director for use in monitoring the oil-like substances to be carried.

Insertion of 116. The Principal Act is amended by Schedules inserting after the Third Schedule thereto, the First and Second Schedules to this Act as the Sixth and Seventh Schedules respectively.

Exemption for government ships 117. This Part and any regulations made here shall not apply to any ship forming a part of the Barbados Defence Force or any ship owned by the Government that is not used exclusively for commercial purposes.

Equivalents 118. The Minister may, where this Part requires a particular fitting, material

appliance or apparatus in a ship, allow any other fitting, material, appliance or apparatus to be used that is at least as effective as that required by this Part.

Amendment of

119. The Minister may by order amend the Schedules schedules to this Part.

Offences

120.(1) No ship shall load or carry in bulk any liquid noxious substance unless there is in force in respect of that ship, a valid NLS Certificate or BCH Code Certificate as is applicable, and where the substance is an oil-like substance,

(a) an International Oil Pollution Prevention Certificate and its supplements and

(b) an endorsement in accordance with section 114

(2) No ship shall discharge any liquid noxious substance except in accordance with the provisions of this Part.

(3) No person shall operate a ship unless all the requirements in respect of the operation including construction, equipment, fittings, cargo safety record are satisfied.

A master, owner or any person in charge of a ship who contravenes any provision of this Part is liable on summary conviction to a term of imprisonment for five years or to a fine of \$ 20,000 or both and in addition the court may order the detention of the ship.

It shall be a defence for a charge brought under this Part for the person so charged to prove that he took all reasonable steps to comply with the provisions of this Part.

Regulations

121. The Minister may make regulations prescribing:

- (a) the procedures and arrangements in discharge of harmful substance, tank washing and unloading;
- (b) procedures for the ventilation, pumping and pre-washing of tanks;
- (c) procedures for testing fittings and equipment and pumping efficiency;
- (d) procedures for the conduct of inspections and issue of certificates;
- (e) standards for the design, construction, equipment and operation of ships carrying noxious liquid substances;
- (f) any other procedure or standard or thing in respect of any matter necessary to give effect to this Part.

Commencement

122. This Act shall come into operation on the 2nd January, 1996.