

**THE PREVENTION OF POLLUTION (from Ships) ACT, 1999**  
(Act of 1999)

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SCHEDULES

**I M O**

**INTERNATIONAL MARITIME LAW INSTITUTE**

**1998/1999**

**NAME : JULLIET DELORES MAIR**

**STATE : JAMAICA**

**PROJECT : THE PREVENTION OF MARINE POLLUTION(from Ships) ACT, 1999  
(DRAFT)**

**OBJECT : TO IMPLEMENT THE INTERNATIONAL CONVENTION FOR THE  
PREVENTION OF POLLUTION FROM SHIPS 1973, AS MODIFIED  
BY THE PROTOCOL OF 1978 RELATING THERETO, SO  
AS TO PROTECT AND PRESERVE JAMAICA'S MARINE  
ENVIRONMENT.**

**INTRODUCTION**

The mainstay of the Jamaican economy is tourism. To keep the island at the forefront of the thriving Caribbean cruise industry, which now holds 60% of the world's total, constant

investments are been made in cruise facilities and home porting. In the Capital city is the port of Kingston, the seventh largest natural harbour in the world, which due to constant efforts to improve it's facilities, has recently experienced a dramatic surge in traffic levels.<sup>1</sup>

Increased traffic means increased revenue as well as a constant exposure to marine pollution which threatens the sea and its attributes, the tourist sector, and the nationals, by exposing them to health hazards. There is an urgency for the implementation of pollution legislation to regulate shipping activities, since any spill or uncontrolled discharge would prove catastrophic for the little island.

On the international sphere the preservation and protection of the marine environment has long been of the utmost importance as can be seen from the stated constitutional objectives of the International Maritime Organisation (IMO), on its establishment. To date, Jamaica has acceded to the following IMO Conventions relating to marine pollution:

**In 1991** (i) *MARPOL PROT 1978 -*

Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships 1973, as amended, with all the Annexes thereto.

(ii) *INTERVENTION 1969 and INTERVENTION PROT 1973 -*

Intervention Convention Relating to Intervention on the High Seas in cases of Oil Pollution Casualties, 1969. Protocol Relating to Intervention on the High Seas in cases of Pollution by Substances other than Oil, 1973 as amended.

(iii) *LC 1972*

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, 1972 as amended.

**In 1997** (iv) *CLC PROT 1992*

Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969; and

(v) *FUND PROT 1992*

Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

But, an examination of the islands legislative history will reveal that the law in relation to maritime affairs, is quite unfortunately, seriously underdeveloped. The tradition of "reception of laws" from England is increasingly turning up legal lacunas. The social behaviours, practices, ideas and circumstances existing in Jamaica is readily and clearly distinct from that of the United Kingdom, a factor that must necessarily drive the need for localised legislation.

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<sup>1</sup> Port and Shipping Manual (1998) - Jamaica: Trans-shipment Centre to the World  
Port Authority of Jamaica (JAMAICA). p3

Constant pressure from the shipping industry and environmental lobby groups saw the emergence in July of the Shipping Act, 1998. It attempted a wide spread coverage of all areas of maritime law, yet, marine pollution as dictated by MARPOL 73/78 was not addressed. Given Jamaica's Common Law history and the fact that the United Kingdom's Privy Council is its highest Court of Appeal, decisions of the English High Court which serves to further MARPOL's purposes of preservation and protection of the marine environment were incorporated herein.

As such, "oil" as defined in section 2 to be "oil of any description" is in contemplation of the decision of Cosh v. Larsen<sup>2</sup> so that, those oils not listed in MARPOL 73/78 but is capable of causing marine pollution when discharged in certain quantities, would be covered.

In section 5(4) "Navigable waters" was defined to incorporate the decision of Rankin v. De Coster<sup>3</sup> to prevent a ship discharging in any dry dock as the water therein is automatically mixed with that of the sea when the water level is raised again to facilitate the ship's leaving the dry dock and is therefore, ultimately, pollution of navigable waters.

Sections 10 and 11 dealing with the jurisdiction and powers of the Maritime Authority respectively, seeks to capitalise on the utilisation of an authority already established by previous legislation to regulate maritime affairs. The choice to extend its duties rather than create a new authority was taken so as to avoid the complication of the overlapping of roles, and the trappings of harnessing the requisite human skills, promptly.

The bulk of the standards and requirements of MARPOL 73/78 are set out in the Annexes I to V. These cannot be ignored as without them the Convention is but a shell. Placing their stipulations in the body of the Act itself would make the text too cumbersome to analyse. As such, not only is constant reference been made to the different Annexes, but it is done in such a way as to automatically incorporate any relating amendments made and published by the IMO from time to time.

For any law to be enforceable in Jamaica it must first be legislated upon by Parliament. This piece of legislation as drafted will therefore serve to incorporate MARPOL 73/78 into the local law thus, addressing an important area of the maritime law and further making responsible all users of Jamaican waters in the drive to protect and preserve the marine environment.

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<sup>2</sup> [1971] 1 Lloyd's Report 557.

<sup>3</sup> [1975] 2 Lloyd's Report 84.

# JAMAICA

No. --- 1999

Governor General

Date

AN ACT to Make provision for the prevention of deliberate, accidental or negligent discharges of pollutants into navigable Jamaican waters by ships, and for the protection and preservation of the Marine Environment through the regulation and control of these navigable Jamaican waters.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:-

## **PART I. PRELIMINARY**

**Short title and Commencement.** 1. This Act may be cited as the Prevention of Pollution (from Ships) Act, 1999 and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

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**Interpretation.** 2. In this Act unless the context otherwise requires -

“Authority” means the Maritime Authority as established by the Shipping Act, 1998;

“discharge” in relation to marine pollutant means discharge as defined by Article 2(3) of MARPOL subject to any amendments published by the IMO from time to time;

“foreign ship” means a ship which is not a Jamaican ship;

“garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically;

“harmful substance” means any substance however carried at sea which if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;

“IMO” means the International Maritime Organization;

“Jamaican ship” means any ship licensed under the Shipping Act, 1998 or exempted under that Act from being licensed or registered;

“Jamaican waters” means the inland waters, and -

- (a) internal waters;
- (b) archipelagic waters; and
- (c) territorial sea;

as defined in the Maritime Areas Act, and such other waters as may be prescribed under any enactment to be Jamaican waters;

“MARPOL” means the International Convention for the Prevention of Pollution by Ships, 1973 as modified by the Protocol of 1978 relating thereto and the

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amendments and Annexes thereto, and any further such amendments published by the IMO;

“MARPOL Member State” means a State Party to MARPOL;

“Minister” means the person appointed from time to time under the Jamaican Constitution as charged with the responsibility for the subject to which the content of this Act refers;

“noxious liquid substance” means the substances in Appendix II of Annex II or provisionally assessed under Regulation 3 thereof including any categorizations adopted and published by the IMO;

“oil” means oil of any description, whether carried on board a ship as cargo or in the bunker of such ship, petroleum in any form including crude oil, fuel oil, sludge, oil residue, and without limiting the generality of the foregoing, includes any categorization adopted and published by the IMO as such;

“oil residue” means any waste consisting of, or arising from oil, or a mixture containing oil;

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

“owner” in relation to a ship includes a demise or bare-boat charterer and managing owner;

“pollutant” means substances capable of causing pollution;

“pollution” means the introduction directly or indirectly, by human activity, of waste into the sea which results or is likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;  
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“sewage” means sewage as defined by Regulation 1 of Annex IV including any amendments thereto published by the IMO;

“ship” means every description of vessels used in navigation and

includes pleasure crafts, fishing vessels, hydrofoil boats, air-cushion vehicles, submersibles, floating crafts and fixed or floating platforms;

“Special Area” means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to its peculiar transportation traffic the adoption of special mandatory methods for the prevention of sea pollution by oil, noxious liquid substance, harmful substance, sewage and garbage is required;

“vessel” means vessel as defined by the Shipping Act, 1998 including any amendments made thereto from time to time;

“waste” means unwanted materials and substances of any kind, form or description;

“waste reception facility” means any facility which is used for receiving wastes of oil, noxious liquid substance, harmful substance, sewage or garbage at a port or terminal.

*Application.*

**3.** (1) This Act shall, except where otherwise provided apply to all Jamaican ships, wherever they may be and to foreign ships in Jamaican waters having on board oil, noxious liquid substance, harmful substance, sewage or garbage.

(2) Except as provided by the Minister pursuant to subsection (3) nothing in this Act applies to -

- (a) Jamaican Government ships operated for non-commercial purposes; and
- (b) ships owned by or in the service of and under the operational control of the Jamaica Defence Force.

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(3) The Minister may make regulations prescribing the manner and extent to which the provisions of this Act apply to Jamaican Government ships operated for non-commercial purposes and those ships owned by, or in the service of and under the operational control of the Jamaican Defence Force.

(4) Subject to any other provision of this Act to the contrary, nothing herein applies to Government owned ships of a foreign State which are operated for non-commercial purposes.

## PART II. CONTROL

*Discharge.*                    4.        The discharge of oil, noxious liquid substance, harmful substance, sewage or garbage into navigable Jamaican waters is prohibited, unless discharged according to the First Schedule or in the circumstances set out in section 6.

*First.*

*Schedule*

*Liability for*                    5.        (1)        If any oil, noxious liquid substance, harmful substance, sewage or garbage is discharged into any Jamaican waters, the following are guilty of an offence, that is to say-

*discharge.*

- (a)        if the discharge is from a ship, the owner and master of that ship, unless they prove that the discharge took place in the course of a transfer of the oil, noxious liquid substance, harmful substance, sewage or garbage to or from another ship or a place on land, and is caused by the act or omission of any person in charge of any apparatus in that other ship or that place; in that case the occupier of that place;
- (b)        if the discharge is the result of any unauthorised operation for the exploration of the seabed and subsoil or the exploitation of their natural resources, the person carrying on the operation.

(2)        The Minister may by regulation make, in relation to the transfer between ships in Jamaican waters, such provisions as he considers appropriate for preventing pollution, hazards to the environment, danger to health, to navigation or to natural resources.

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(3)        Any person in contravention of section 5(1) is guilty of an offence against this Act and is liable on conviction thereof.

(4)        In this section -  
“Occupier” in relation to section 5(1)(a) means the owner thereof if it has no occupier;

“person in charge” means he who is in control of any apparatus at the time of the discharging incident;

“place on land” includes anything resting on the bed or shore of any water included in Jamaican waters, and also includes anything afloat (other than a ship) if it is anchored or attached to the bed or shore of any such waters.

“Navigable waters” include waters in dry dock.

*Defences to discharge.*

6. (1) Where a person is charged under section 4 it is a defence to prove that discharge into the water -
- (a) was necessary for the purpose of securing the safety of a ship;
  - (b) was necessary for saving life;
  - (c) resulted from damage to a ship’s structure, equipment, fitting or arrangement -
    - (i) provided all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing, or minimising the discharge;
    - (ii) except if the owner or master acted either with intent to cause damage or recklessly and with knowledge that damage would probably result;
  - (d) was approved by the Authority or the Minister when being used for the purposes of combatting specific pollution incidents in order to minimize the damage from pollution subject to section 6(2);

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- (e) is in accordance with the requirements imposed under the First Schedule and according to such procedures and systems set out thereunder; or
- (f) is the accidental loss of synthetic fishing nets or synthetic material incidental to the repairs

of such net, provided that reasonable precautions have been taken to prevent such loss, except, the Court is satisfied that the discharge was not necessarily for that purpose or was not a reasonable step to take in the circumstances.

(2) No discharge into Jamaican waters must contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment including chemicals or other substances introduced for the purposes of circumventing the conditions of discharge specified herein.

***Duty to report discharge.***

7. If any oil, noxious liquid substance, harmful substance, sewage or garbage is found to be escaping or to have escaped into any part of Jamaican waters, the owner or master of the ship must forthwith report the occurrence to the Authority, failing which the owner or master is guilty of an offence against this Act and is liable on conviction thereof.

***Special Area.***

8. (1) Subject to section 6 and the First Schedule, any discharge into the sea from any ship of oil, oily mixture, noxious liquid substance, harmful substance, deposits in the sea, sewage or garbage is prohibited within a Special Area.

(2) Nothing in these provisions prohibits a ship on a voyage only part of which is in a Special Area from discharging outside the Special Area in accordance with the First Schedule.

(3) No ship will be permitted to enter the Special Area until it has concluded arrangements to have residues or wastes discharged into a waste reception facility after it has left the Special Area.

(4) The Special Areas are the Antarctic area, the Baltic Sea area, the North Sea area, the Black Sea area, the "Gulf area", the Gulf of Arden area, the Mediterranean Sea area, the Red Sea area, the Wider Caribbean Region  
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the geographical coordinates of which shall be those as is adopted and published by the IMO for the purposes of MARPOL.

***Waste reception facilities.***

9. (1) The Minister may by regulation make such provisions as he considers appropriate in relation to -

(a) the provision at ports and terminals in Jamaica of facilities for the reception of waste from ships;

- (b) the use of waste reception facilities provided at ports and terminals in Jamaica;
- (c) the requiring of the master of a ship to deposit any waste, or any prescribed description of such waste carried by the ship in waste reception facilities provided at the ports and terminals in Jamaica;
- (d) enabling the Authority to levy dues on ships, passengers and goods as charges for the purpose of recovering the whole or a part of the costs of the provision by or on behalf of the Authority of waste reception facilities, at ports and terminals in Jamaica;
- (e) the management of waste; and
- (f) for the reference to arbitration of questions as to whether requirements made by regulations in relation to section 9 (1) were reasonable and, for compensation to be payable by the Minister where a requirement is found to be unreasonable.

(2) In making the regulations the Minister may take into account the need to give effect to provisions which are contained in any international agreement which has been ratified by Jamaica and which relate to waste reception facilities.

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**PART III. ENFORCEMENT**

*Jurisdiction of Maritime Authority.*

**10.** In relation to section 7 of the Shipping Act, 1998 the principal objectives of the Authority shall include the taking of all necessary measures to ensure the protection and preservation of the Marine Environment from pollution from all ships.

*Power of Maritime*

**11.** Without limiting the generality of the foregoing provision the functions of the Authority as set out in section 8 (1) of the Shipping Act, 1998

*Authority  
extended.*

include-

- (a) acting so as not to transfer directly or indirectly damage or hazards from one area to another or transform one type of pollution into another;
- (b) immediate notification to States it deems likely to be affected as well as the IMO where it becomes aware of cases in which the Marine Environment is in imminent danger of, or has been damaged by pollution;
- (c) preventing a ship from sailing whether by detention or otherwise when it is ascertained that the ship being within a port or off-shore terminal of Jamaica is in violation of any law of Jamaica relating to seaworthiness of ships, or threatens damage to the Marine Environment; but the Authority may, where it deems appropriate permit the vessel to proceed to the nearest ship repair yard;
- (d) institute proceedings against any ship, or person in violation of this Act;
- (e) make enquiries into instances of discharge which is or had taken place, or charges of failing to take reasonable steps in the event of a discharge, leak or escape; and
- (f) appointing any person or persons to carry out inspections, surveys, or to act otherwise on its behalf and with its authority in relation to any ship to which this Act applies.

*Power to  
detain*

**12.** (1) Where the Authority has legitimate reasons to believe that the master or owner of a ship has committed an offence by the discharge  
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*ships.*

from the ship of oil, noxious liquid substance, harmful substance, sewage or garbage into Jamaican waters, the Authority may detain the ship.

(2) Where the Authority so detains a ship other than a Jamaican ship, it must cause immediate notice to be given to the Consul or the

Diplomatic Representative of the State whose flag the ship is entitled to fly or the appropriate Maritime Authority of that State.

(3) Where the Authority so detains a ship that ship must be immediately released -

- (a) if no proceedings for the offence have been instituted within the period of seven days beginning with the day on which the ship is detained;
- (b) if proceedings for the offence having been instituted within that period under paragraph (a) are concluded with the master or owner been convicted;
- (c) where the master or owner is convicted of the offence, if any costs or expenses ordered to be paid by him and any fine imposed on him have been paid; or
- (d) if a sum which in the opinion of the Court is a satisfactory amount by way of security is given by or on behalf of the master or owner until the matter is satisfactorily settled by the Court.

*Prosecution.*

**13.** (1) Proceedings for an offence relating to the discharge of oil, noxious liquid substance, harmful substance, sewage or garbage shall be brought only by or with the consent of the Authority.

(2) Any document required or authorised to be served on a foreign company for the purposes of the institution of, or otherwise in connection with, proceedings of an offence under this Act, is to be treated as duly served on that company if the document is served on the master of the ship.

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(3) Any person authorised to serve any document for the purposes of the institution of, or otherwise in connection with, proceedings for any offence under this Act has the right, for that purpose, to go on board the ship

in question.

**Exemption.**                    **14.**    (1)    Where a person is convicted of an offence of discharging from a ship into Jamaican waters and, the penalty imposed in respect of the offence is a fine then, if it appears to the Court that any person has incurred, or will incur, expenses in removing any pollution or making good any damage which is attributable to the offence, the Court shall order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

**Limitation of action.**                    **15.**    (1)    Unless an action is brought hereunder or a notification has been made within two years from the date when the alleged offence was known, or ought reasonably to have been known to the Authority, all rights of redress accruing shall be extinguished.

(2)    In no case, however, may an action be brought later than ten years from the date of the alleged discharge. Where the incidence of discharge consists of a series of occurrences, that ten-year period runs from the date of the last of such occurrences.

**General Penalty.**                    **16.**    (1)    If any person is guilty of any contravention of, or non-compliance with, any of the provisions of this Act or any regulations made hereunder, he shall for each offence be liable on conviction thereof to a fine exceeding five hundred thousand Dollars or to imprisonment with or without hard labour for a period not exceeding ten years or to both such fine and imprisonment.

(2)    The Minister may by Order make such amendments to subsection (1) as appears to him to be necessary, and any such Order shall be subject to affirmative resolution.

## **PART IV. PREVENTION**

### **SURVEYS**

**Inspection.**                    **17.**    (1)    A ship is subject in any port or off-shore terminal in Jamaica to inspection by a person or persons appointed by the Authority, and the

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person or persons so appointed by the Authority under this provision either generally or in relation to a particular vessel has power to -

(a)    go on board and inspect the vessel or any part of

it, or any of the machinery, boats, equipment or articles on board the vessel for the purpose of ascertaining the circumstances relating to an alleged discharge of oil, noxious liquid substance, harmful substance, sewage and garbage from the ship into Jamaican waters;

- (b) require the production of any oil record book, cargo record book, or garbage record book required to be carried or records required to be kept; and
- (c) copy any entry into any such book or record and require the owner or master to certify the copy as a true copy of the entry.

(2) A person exercising the powers conferred by subsection (1)(a) to (c) above must not unnecessarily detain or delay the vessel from proceeding on any voyage.

***Survey requirements.***

**18.** (1) Every Jamaican ship is required to undergo the following surveys carried out by a surveyor or surveyors appointed by the Authority -

- (a) an initial survey before the appropriate certificate is issued for the first time, which must include a complete examination of its structure, equipment, systems, fittings, arrangements and materials in so far as the ship is covered by the appropriate regulations to ensure that they comply with the appropriate provisions of the appropriate regulations;
- (b) a periodical survey at intervals not exceeding five years which must be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials comply with the applicable provisions of the appropriate regulations;

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- (c) a minimum of one intermediate survey during the the period of validity of the appropriate certificate, in cases where only one such

intermediate survey is carried out in any one certificate validity period it must be held not before six months prior to, nor later than six months after the half-way date of the certificate period of validity. Intermediate surveys must be such as to ensure that the equipment and associated pumps and piping systems comply with the applicable provisions of the appropriate regulations and are in good working order; and must be so endorsed by the surveyor on the appropriate certificate;

- (d) an annual survey within three months before or after the anniversary date of the appropriate certificate which must include a general examination to ensure that the structure, equipment, systems, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended, and must be so endorsed by the surveyor on the appropriate certificate; and
- (e) an additional survey, either general or partial according to the circumstances, must be made when it has been determined to be necessary, or whenever any important repairs or renewals have been effectively made, to ensure that the materials and workmanship of such repairs or renewals are satisfactory and that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment. A record of such survey must be endorsed by the surveyor on the appropriate certificate, stating that on completion of the survey the ship complied with the relevant provisions of the appropriate regulations.

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- (2) In this part -

“Appropriate certificate” includes

- (a) the International Oil Pollution Prevention Certificate (IOPP Certificate),
- (b) the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substance in Bulk (NLS Certificate),
- (c) the International Sewage Pollution Prevention Certificate (SPP Certificate);

“Appropriate regulations” means the regulations made by the Minister to identify those ships which are required to comply with subsection (1), in order to ensure that the appropriate provisions of sections 24 to 29 are complied with;

“IBC 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 may be amended and adopted by the IMO and brought into force in accordance with the amendment procedures in MARPOL;

“IMDG Code” means the International Maritime Dangerous Goods Code adopted by the IMO, by Resolution A. 716 (17) as amended from time to time by the Maritime Safety Committee of the IMO.

*Corrective  
Action.*

19. When an appointed surveyor carries out a survey as directed under section 18 and thereafter determines that:

- (a) the condition of the ship or its equipment, systems, fittings, arrangements and materials does not correspond substantially with the particulars in the IOPP Certificate, or the NLS Certificate or the SPP Certificate: or

(b) the ship is not fit to proceed to sea without presenting a threat of harm to the marine environment; such surveyor shall immediately notify the Authority which shall ensure that immediate corrective action is taken.

*Cargo packing.* **20.** Packaging shall be adequate to prevent a hazard to the marine environment having regard to their specific contents.

*Cargo marking, labelling.* **21.** (1) Packages containing oil, or oily mixture shall be durably marked or labelled stating the type of oil, or listing the components of the mixture, with a labelling of the correct technical name, and shall be durably labelled to indicate that the substance is a marine pollutant.

(2) Packages containing noxious liquid substance or harmful substance shall be durably marked or labelled with the correct technical name and shall be durably labelled to indicate that the substance is a marine pollutant.

(3) In considering suitable marking and labelling, account shall be taken of the durability of the materials used and of the surface of the package.

(4) The marking or labelling shall be such that the information so affixed to the package will still be identifiable after at least three months immersion in water.

(5) Packages containing small quantities of harmful substances may be exempted from the marking requirements in accordance with the specific exemptions provided for in the IMDG Code.

*Stowage.* **22.** (1) Harmful substances shall be properly stowed and secured so as minimise their hazards to the marine environment without impairing the safety of the ship and persons on board.

(2) Prohibition may be placed on the quantity of harmful substances carried based on the size, construction and equipment of the ship as well as the packaging and the inherent nature of the substances.

*Offence.* **23.** (1) Any owner, master or agent of a ship accepting goods for carriage by sea in contravention of sections 20 to 22 shall be guilty of an offence against this Act and each shall be jointly liable on conviction thereof,



(2) An IOPP Certificate like the NLS Certificate and the SPP Certificate ceases to be valid -

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- (a) if, without the approval of the Authority significant alterations have been made to the required construction, equipment, systems, fittings, arrangements or materials, other than the direct replacement of such equipment or fittings;
- (b) where intermediate, annual or additional surveys as specified under section 18 in relation to each certificate has not been carried out as per the request of the Authority; or
- (c) upon transfer of such ship to the flag of another State, except as provided in section 27.

(3) For the purposes of subsection (2) (a), an alteration shall be deemed “significant” where the construction, equipment, systems, fittings, arrangements or materials of the ship have been altered to the extent that the ship no longer meet the requirements of section 18.

*Transfer of flag.*

**27.** (1) Upon the transfer of a ship from the Jamaican flag to the flag of another MARPOL Member State, the SPP Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Authority or the MARPOL Member State’s Authority, as the case may be issue a replacement certificate, whichever is earlier.

(2) Following the transfer of a Jamaican ship to the flag of another MARPOL Member State, the Authority shall, without undue delay, transmit to the Government of the State concerned, a copy of the SPP Certificate carried by the ship before the transfer and a copy of the relevant survey report.

(3) Following the transfer of a Jamaican ship to the flag of another MARPOL Member State, the Authority shall, without undue delay, transmit to the Government of the state concerned, where such state so request within 90 days after the transfer has taken place, a copy of the IOPP Certificate carried by the ship before the transfer and, a copy of the relevant survey report.

(4) Where a ship is transferred to the Jamaican flag, a new IOPP Certificate where needed shall be issued when the Authority is fully

satisfied that the ship is in full compliance with the requirements of section 18.

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*Suspension,  
revocation,  
non-renewal.*

**28.** The Authority may revoke, suspend or refuse to renew a certificate which it has issued, if it appears to the Authority -

- (a) that there has been a breach of the specified requirements;
- (b) that there is a change in circumstances relating to the marine environment, the living resources which it supports or human health; or
- (c) that there are other reasons which in its view is relevant to warrant a revocation, suspension or refusal to renew the certificate.

*Responsibility  
of owner,  
master.*

**29.** The owner and master of every ship shall each ensure that-

- (a) appropriate certificates are kept on board the ship and shall be available for inspection at all reasonable times; and
- (b) that the appropriate certificates are valid.

*Offence.*

**29A** Where the owner or master of any ship fails to comply with subsection (1), the owner and master of the ship shall each be guilty of an offence against this Act and shall be jointly liable on conviction thereof.

**RECORD**

*Oil  
Record  
Book.*

**30.** (1) Every oil tanker, subject to notification 1 in the Fifth Schedule shall be provided with an Oil Record Book Part I of which shall contain entries on Machinery Space Operations and Part II shall contain entries on Cargo and Ballast Operations in accordance with the Fifth Schedule.

(2) Every ship other than oil tankers shall, subject to notification 2 in the Fifth Schedule, be provided with an Oil Record Book which shall contain entries on cargo and ballast operations as required in Part II of the Oil Record Book referred to in subsection (1) above.

*Fifth  
Schedule.*

(3) The Oil Record Book whether maintained as part of the ship's official log book or otherwise shall be in the form prescribed herein as the Fifth Schedule.

(4) The Oil Record Book shall be completed on each

occasion, on a tank to tank basis if appropriate, whenever any of the following operation takes place in the ship-

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

(5) In the event of an accidental or other exceptional discharge of oil or oily mixture prohibited under the First Schedule, a statement shall be made in the Oil Record Book of the circumstances of, and the reason or reasons for the discharge.

- (6) Each operation described in sub-section (4) shall-
  - (a) be fully recorded without delay in the Oil Record

Book so that all entries in the book appropriate to that operation are completed; and

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- (b) be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of the ship.
- (7) The Oil Record Book shall be -
  - (a) kept in such a place as to be readily available for inspection at all reasonable times and except in the case of unmanned ships under tow, shall be kept on board the ship; and
  - (b) preserved for a period of three years after the last entry has been made.
- (8)
  - (a) The Authority may inspect the Oil Record Book on board any Jamaican ship or other ship while that ship is in a Jamaican port or offshore terminal of Jamaica, and may make a copy of any entry in the Oil Record Book, and may require the master of the ship to certify that the copy is a true copy of such entry;
  - (b) the competent authority of the Government of a MARPOL Member State may inspect the Oil Record Book on board any Jamaican ship while that ship is in any port or offshore terminal of that State, and may make a copy of any entry in the Oil Record Book, and may require the master of the ship to certify that the copy is a true copy of such entry;
  - (c) any copy which has been so made and certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book as per paragraph (a) shall be admissible in any judicial proceedings in Jamaica as evidence of the facts stated in the entry; and

- (d) the inspection of the Oil Record Book and the taking of a certified copy as provided for in this

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subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

*Cargo  
Record  
Book.  
Sixth  
Schedule.*

**31.** (1) Every ship carrying noxious liquid substance or harmful substance shall be provided with a Cargo Record Book whether as part of the ship's official log book or otherwise, in the form specified in the Sixth Schedule

(2) The Cargo Record Book shall be completed on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance or a harmful substance takes place in the ship:

- (a) the loading or unloading of cargo;
- (b) internal transfer of cargo;
- (c) cleaning of cargo tanks;
- (d) ballasting of cargo tanks;
- (e) discharge of ballast from cargo tanks;
- (f) disposal of residues to reception facilities; and
- (g) discharge into the sea or removal by ventilation of residues in accordance with the First Schedule.

(3) Each operations under subsection (2), shall be fully recorded without delay in the Cargo Record Book, and each entry shall be signed by the officer or officers in charge of the operation concerned, and each page shall be signed by the master of the ship.

(4) In the event that any noxious liquid substance, harmful substance, or mixture containing such substances is discharged whether intentionally or accidentally, an entry shall be made in the Cargo Record Book without undue delay, stating the circumstances of, and the reason or reasons for,

the discharge.

- (5) The Cargo Record Book shall be -  
(a) kept in such a place as to be readily available for

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inspection at all reasonable times, and except in the case of unmanned ships under tow, shall be kept on board the ship; and

- (b) preserved for a period of three years after the last entry has been made.
- (6) (a) The Authority may inspect the Cargo Record Book on board any Jamaican ship or any other ship while that ship is in a Jamaican port or offshore terminal, and may make a copy of an entry in the Cargo Record Book, and may require the master of the ship to certify that the copy is a true copy of such entry;
- (b) the competent authority of the Government of a MARPOL Member State may inspect the Cargo Record Book on board any Jamaican ship while that ship is in a port or offshore terminal of that State, and may make a copy of any entry in the Cargo Record Book, and may require the master of the ship to certify that the copy is a true copy of such entry;
- (c) any copy which has been so made and has been certified by the master of the ship as a true entry in the ship's Cargo Record Book as per paragraph(a) shall be admissible in any judicial proceedings in Jamaica as evidence of the facts stated in the entry; and
- (d) the inspection of a Cargo Record Book and the taking of a certified copy as provided for in this subsection shall be performed as expeditiously as possible without causing the ship to be unduly

delayed.

**Garbage Record Book.** 32. (1) Every ship which is certified to carry persons or is engaged in voyages to ports or offshore terminals of MARPOL Member States, shall be provided with a Garbage Record Book.

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**Seventh Schedule.** (2) The Garbage Record Book whether maintained as part of ship's official log book or otherwise shall be in the form prescribed herein as the Seventh Schedule.

(3) Each discharge operation or completed incineration shall be -

- (a) fully recorded without delay in the Garbage Record Book to include the date and time, position of the ship, description of the garbage and the estimated amount incinerated or discharged so that all entries in the book appropriate to that operation are completed; and
- (b) signed for on the date of the incineration or discharge by the officer in charge, and each completed page of the Garbage Record Book shall be signed by the master of the ship.

(4) In the event of discharge, escape or accidental loss as referred to in section 7, an entry shall be made in the Garbage Record Book without undue delay, stating the circumstances of, and the reason or reasons for the discharge, escape or loss.

(5) The Garbage Record Book shall be -

- (a) kept on board the ship and in such a place as to be readily available for inspection at all reasonable times; and
- (b) preserved for a period of two years after the last entry has been made.

(6) (a) The Authority may inspect the Garbage Record Book on board any Jamaican ship or other ship while that ship is in a Jamaican port or offshore terminal, and may make a copy of any entry in

the Garbage Record Book, and may require the master of the ship to certify that the copy is a true copy of such entry;

- (b) the competent authority of the Government of a MARPOL Member State may inspect the

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Garbage Record Book on board any Jamaican ship while that ship is in any port or offshore terminal of that State, and may make a copy of any entry in the Garbage Record Book, and may require the master of the ship to certify that the copy is a true copy of such entry;

- (c) any copy which has been so made and certified by the master of the ship as a true copy of an entry in the ship's Garbage Record Book as per paragraph (a) shall be admissible in any judicial proceedings in Jamaica as evidence of the facts stated in the entry; and
- (d) the inspection of a Garbage Record Book and the taking of a certified copy as provided for in this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

*Procedure  
and  
Arrangement  
Manual.*

**33.** (1) Every ship that comes into a Jamaican port or offshore terminal carrying noxious liquid substance or harmful substance must have a Procedures and Arrangement Manual complying with IMO's standards.

(2) In the case of a Jamaican ship, such a manual must be approved by the Minister.

(3) In the case of a ship registered in a MARPOL Member State, such a manual must be approved by or on behalf of the Government of that State.

- (4) The Procedures and Arrangement Manual shall be -
  - (a) kept on board the ship and in such a place as to be readily available for inspection at all reasonable times; and

- (b) written in English for all Jamaican ships, and for any other ship shall include either an English or a French translation where the national language is neither French nor English.

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*Offence.* **34.** If any ship, or the master or owner thereof, fails to comply with any requirements of sections 30 to 33, or the Schedules related thereto, the owner and master of the ship shall each be guilty of an offence against this Act and each shall be jointly liable on conviction thereof, unless he can show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

**DESIGN, CONSTRUCTION, EQUIPMENT AND OPERATION OF VESSEL**

*Oil.* **35.** Noxious liquid substances under Category C or D identified as oil-like substances under the IMO's criteria, may be carried in an oil tanker and be discharged in accordance with the First Schedule provided all the following provisions are complied with -

- (a) the ship carries an IOPP Certificate and its Supplement B, and the certificate is endorsed to indicate that the ship may carry oil-like substances in conformity with this section, and the endorsement includes a list of oil-like substances the ship is allowed to carry;
- (b) in the case of Category C substances, the ship complies with the ship type 3 damage stability requirements of the IBC Code;
- (c) the oil content metre in the oil discharge monitoring and control system of the ship is approved by the Authority for use in monitoring the oil-like substances to be carried.

*Noxious or harmful substances.* **36.** (1) The design, construction, equipment and operation of Jamaican ships carrying in bulk noxious or harmful substances shall be such as to minimize the uncontrolled discharge into the sea of such substances.

(2) The construction of chemical tankers shall comply with the requirements of the IBC Code.

(3) In respect of ships other than Chemical Tankers carrying Category A, B or C substances in bulk, the Authority shall establish appropriate measures based on the Guidelines developed by the IMO in order to ensure that subsection (1) is complied with.

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- Sewage.*           **37.**    When the ship is fitted or equipped with -
- (a)    a sewage treatment plant, the plant shall meet operational requirements based on standards and test methods developed by the IMO;
  - (b)    a holding tank the capacity of such tank shall be to the satisfaction of the Authority for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors, and such holding tank shall have a means to indicate usually the amount of its contents;
  - (c)    a comminuter and disinfecting system, such system shall be of a type approved by the Authority; and
  - (d)    a pipeline leading to the exterior convenient for the discharge of sewage to a waste reception facility, such a pipeline must be fitted with a standard shore connection in compliance with the regulations made by the Minister prescribing requirements on board ships in respect of (a) to (d) hereunder.

- Maintenance requirements.*           **38.**    The owner and master of every ship shall ensure that -
- (a)    the condition of the ship and its equipment is maintained so as to minimise uncontrolled discharges and to ensure that the ship in all respects remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and
  - (b)    after any survey of the ship has been completed as stipulated in section 18, no material change is

made in the structure, equipment, systems, fittings, arrangements or materials subject to such survey without the Authority's approval, except the direct and exact replacement of such equipment and fittings.

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*Offence.*                    **39.**    (1)    Where any owner or master fails to comply with sections 35 to 38 hereof, each shall be guilty of an offence against this Act and each shall be jointly liable on conviction thereof, unless he can show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

**PART V. ACCIDENT**

*Emergency*                    **40.**    Every Jamaican ship shall carry on board a pollution emergency

*Plan.*                         plan as prescribed by regulations made by the Minister, except such ship is exempted by the said regulations from carrying such a plan.

*Duty of immediate reporting.*                    **41.**    (1)    Whenever any accident occurs with a ship or a defect is discovered either of which affects the integrity of the ship or the efficiency or completeness of its equipment, fittings, structures, arrangements or materials as required under section 18 -

(a)    where the ship is in a Jamaican port or terminal the master or owner shall report such accident or defect at the earliest opportunity to the Authority or the nominated surveyor either of whom shall cause investigations to be made to determine whether a survey would be necessary;

(b)    where the Jamaican ship is in a foreign port or terminal, the owner or master shall also report the incident or defect immediately to the appropriate authorities of that State and the authorities shall ascertain that such report has been made.

(2)    Where it is determined from an investigation made pursuant to subsection (1)(a) that a survey is necessary, it shall be carried out

and where the survey reveals that the ship is no longer in conformity with section 18 or that it is not fit to proceed to sea without presenting an unreasonable threat of harm to the Marine Environment, the Authority shall require corrective action to be taken by the ship, and if necessary, may cause the ship to be detained until the corrective action has been taken.

***Rendering  
Assistance.***

**42.** (1) The master of a Jamaican vessel, while at sea and so far as he can do so without damage or injury to his own vessel, crew or passengers if any, shall -

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- (a) render such assistance to the master, crew or passengers of a ship in danger as may be practicable and may be necessary to save them from any damage caused by a discharge howsoever resulting; and
- (b) send information of the situation by any means of communication at his disposal to the Authority as soon as possible.

(2) Any master of a Jamaican ship who fails to comply with subsection (1) is guilty of an offence against this Act and shall be liable on conviction thereof.

***Compulsory  
Insurance.***

**43.** (1) Any ship carrying in bulk a cargo of more than 2000 tons of oil or oily mixture shall not enter or leave the port or offshore terminal of Jamaica or use Jamaican waters unless there is in force with respect to the ship, a contract of insurance or other security satisfying the requirements specified in the International Convention on Civil Liability for Oil Pollution Damage, 1969.

(2) No Jamaican ship carrying in bulk a cargo of more than 2000 tons of oil or oily mixture shall leave the port of any MARPOL Member State unless there is in force with respect to that ship a contract of insurance or other security satisfying the requirements specified in the International Convention on Civil Liability For Oil Pollution Damage, 1969.

(3) Any certificate required under this section shall be carried on board the ship and shall be presented by the master to any officer of customs and excise or to any surveyor or other person duly identifiable as appointed by

the Authority requesting to inspect such certificate.

(4) Where a ship contravenes any provision of this section the master or owner of that ship is guilty of an offence against this Act and shall be jointly liable on conviction thereof.

(5) Where a ship attempts to leave a port in Jamaica in contravention of this section the ship shall be detained in accordance with section 12.

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**PART VI. MISCELLANEOUS**

*International  
Marine  
Pollution  
Modifications.*

**44.** For the purposes of giving effect to any international agreement or other international treaty instrument relating to shipping or the prevention of pollution of the Marine Environment to which Jamaica is a party, the Minister may -

(a) by Order make such amendments to any provision of this Act; and

(b) make such Regulations

as appears to him to be necessary and any such Order or Regulation, as the case may be, shall be subject to affirmative resolution.

## FIRST SCHEDULE

### Control of Discharge

- Oil**
1. (1) Subject to section (2) of this Schedule -
- (a) discharge of oil and oily mixtures are permitted from an oil tanker providing all of the following conditions are satisfied:
- (i) the tanker is not within a special area;
  - (ii) the tanker is not more than 50 nautical miles from the nearest land;
  - (iii) the tanker is proceeding *en route*;
  - (iv) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical miles;
  - (v) the total quantity of oil discharged into the sea does not exceed, for new tankers, 1/30,000 of the total quantity of the particular cargo of which the residue formed a part, and for other tankers 1/15,000 of the total quantity of the particular cargo of which the residue

- formed a part; and
- (iv) the tanker has in operation a oil discharge monitoring and control system and a slop tank arrangement as required by the regulations made by the Minister.

(2) Discharges of oil and oil mixtures are permitted from a ship of 400 gross tonnage and above, and from machinery space bilges of an oil tanker other than as referred to in subsection (1)(a), provided all of the following conditions are satisfied-

- (a) the ship is not within a special area;
- (b) the ship is proceeding *en route*;
- (c) the oil content of the effluent without dilution does not exceed 15 parts per million; and
- (d) the ship has in operation equipment as required by the regulations made by the Minister.

(3) Subsections (1) and (2) shall not apply to the discharge of  
clean or segregated ballast or unprocessed oily mixtures which without dilution have an oil content not exceeding 15 parts per million, and which do not originate from cargo pump-room bilges and are not mixed with oil cargo residues.

- (4) (a) until the applicable date referred to in the paragraph (a), any discharge of oil or oily-mixtures into the sea from machinery space bilges shall be prohibited except when all the following conditions are satisfied:
  - (i) the oily mixture does not originate from the cargo pump-room bilge;
  - (ii) the oily mixture is not mixed with oil cargo residues;
  - (iii) the ship is not within a Special Area;
  - (iv) the ship is more than 12 nautical miles from the nearest land;
  - (v) the ship is proceeding *en route*;
  - (vi) the ship has in operation oily-water separating equipment of a design

approved by the Authority, taking into account the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Metres adopted by the IMO.

(5) In this Schedule-

“*en route*” means that the ship is under way at sea on a course, or courses which, so far as practicable for navigation purposes, will cause any discharge to be spread over as great an area of the sea as is reasonably practicable;

“Nearest land” means land the location of which is based on the geographical coordinates set out in Regulation 1 of Annex IV and V as amended by the IMO from time to time.

2. In the case of a ship of less than 400 gross tonnage, other than oil tankers, whilst outside Special Areas, the Authority shall ensure that such ship is equipped as far as practicable and reasonable with installations to ensure the storage of oil residues on board, and their discharge into waste reception facilities or into the sea in compliance with the conditions provided for in section 1 of this Schedule.

3. (1) Subject to section 6 of this Act and subsections (2) and (3) below -

- (a) any oil tanker that is not 400 gross tonnage and above and any other ship of 400 gross tonnage and above; and
- (b) a ship of less than 400 gross tonnage, other than an oil tanker, except when the oil content of its effluent without dilution does not exceed 15 parts per million;

may only discharge clean or segregated ballast within a Special Area.

(2) Paragraph (a) of subsection (1) shall not apply to the discharge of processed bilge water from the machinery spaces, provided all of the following conditions are satisfied;

- (i) the bilge water does not originate from cargo pump-room bilge;
- (ii) the bilge water is not mixed with oil residues;

- (iii) the ship is proceeding *en route*;
- (iv) the oil content of the effluent without dilution does not exceed 15 parts per million;
- (v) the ship has in operation oil filtering equipment complying with the regulations made by the Minister; and
- (vi) the filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.

## **NOXIOUS LIQUID SUBSTANCE**

**Category A Substances Outside and Within Special Areas.**                      **4.**        (1)        Subject to subsection 3, the discharge into the sea of Category A substances, ballast water, tank washing, or other residues or mixtures containing such substances shall be prohibited outside and within Special Areas.

- (2)        (a)        Where tanks containing substances or mixtures referred to in subsection (1) are to be washed, the resulting residues shall be discharged into a waste reception facility until the concentration of the substance in the facility is-
  - (i)        for those outside Special Areas, at or below 0.1 percent by weight and until the tank is empty, with the exception of phosphorous, yellow or white, for which the residual concentration shall be 0.01 percent by weight,
  - (ii)       for those within Special Areas, at or below 0.05 percent by weight and until the tank is empty, with the exception of phosphorous, yellow or white, for which the residual concentration shall be 0.005 percent by weight;
- (b)        where the resulting residues referred to in paragraph (a) are in a ship within a Special Area, the residues shall be discharged into a waste reception facility of the MARPOL Member State bordering the Special Area.

(3) Any water subsequently added to the tank after discharge into a waste reception facility as provided for in subsection (2), may be discharged into the sea within or outside Special Areas when all of the following conditions are satisfied -

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and
- (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres,

**Category B  
Substances  
Outside and  
Within Special  
Areas.**

**5.** (1) The discharge into the sea of Category B substances, ballast water, tank washing, or other residues or mixtures containing such substances shall be prohibited outside and within Special Areas, except when all of the following conditions are satisfied -

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) the procedure and arrangements for discharge are approved by the Authority and are based upon standards developed by the IMO to ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;
- (c) outside Special Areas the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in paragraph (b) which shall in each case exceed the greater of 1 cubic metre or 1/3,000 of the tank capacity in cubic metres;
- (d) the discharge is made below the water line, taking into account the location of the seawater

intakes; and

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

**Category C  
Substances  
Outside and  
Within Special  
Areas.**

6. (1) The discharge into the sea of category C substances, ballast water, tank washing, or other residues or mixtures containing such substances will be prohibited outside and within Special Areas, except when all the following conditions are satisfied -

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) the procedures and arrangements for discharge are approved by the Authority and are based upon standards developed by the IMO to ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 10 parts per million outside the Special Area and does not exceed 1 part per million within the Special Area;
- (c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in paragraph (b) which shall in no case exceed the greater of 3 cubic metres or 1/1,000 of the tank capacity in cubic metres outside the Special Area and in no case exceed the greater of 1 cubic metre or 1/3,000 of the tank capacity in cubic metres;
- (d) the discharge is made below the water line, taking into account the location of the seawater intakes; and
- (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

**Category D  
Substances  
in all Areas.**

7. (1) The discharge of Category D substances, ballast water, tank washing, or other residues or mixtures containing such substances shall be prohibited in all areas, except when all the following conditions are satisfied -

- (a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;
- (b) such mixtures are of a concentration not greater than one part of the substance in 10 parts of water; and
- (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.

8. Any residue retained on board in a slop tank, including those from cargo pump-room bilges, which contain a Category A or a Category B substance, shall be discharged into a waste reception facility in accordance with sections 4, 5(1) and 6(1) hereof, whichever is applicable.

#### **Sewage**

9. (1) The discharge of sewage into the sea is prohibited unless-
- (a) the discharge has been comminuted and disinfected using a system approved by the Authority in accordance with the regulations made by the Minister at a distance of more than 4 nautical miles from the nearest land;
  - (b) the sewage has not been comminuted and disinfected but is discharged periodically into the sea at a distance of more than 12 nautical miles from the nearest land while the ship is *en route* at a rate as prescribed, and proceeding at not less than 4 knots; or
  - (c) the ship has in operation an approved sewage treatment plant which has been certified by the Authority as meeting the operational requirements referred to in section 18(2), and
    - (i) the test result of the plant are set out in the ship's SPP Certificate,
    - (ii) the ship is discharging sewage in waters under the jurisdiction of another State in accordance with less stringent requirements imposed by that State.

(2) When the discharge is mixed with wastes or other waste water having different discharge requirements, the more stringent requirements shall apply.

#### **Garbage**

*Garbage Disposal outside Special Areas.* **10.** Subject to sections 11, 12, 13 -

(a) the disposal into the sea of all plastics, including but not limited to, synthetic ropes, synthetic fishing nets and plastic garbage bags shall be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal bottles, crockery and similar refuse;

(b) disposal into the sea of garbage specified in subparagraph (a)(ii) may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land, but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles.

*Disposal from fixed or floating Platforms.* **11.** (1) Subject to subsection (2), disposal of food wastes from fixed or floating platforms engaged in the exploration, exploitation, and associated offshore processing of sea bed minerals or from ships when alongside or within 500 metres of such platforms is permitted provided :

(a) food waste are first passed through a comminuter or grinder and discharged from fixed or floating platforms mor than 12 nautical miles from land, and for all other ships when alongside or within 500 metre of such platforms;

(b) such comminuted or ground food wastes referred to in a paragraph (a) shall be capable of passing through a screen with openings no greater than 25 millimetres.

*Disposal within Special Areas.* **12.** Within Special Areas, except as provided for in section 13, disposal into the sea of food wastes shall be made as far as practicable as land, but in any case not less than 12 nautical miles from the nearest land.

*Special Provision for Wider* **13.** (1) Subject to section 6 of this Act, disposal into the Wider Caribbean Region of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case, subject

*Caribbean  
Region.*

to section 11 not less than 3 nautical miles from the nearest land.

(2) Such comminuted or ground garbage as is referred to in subsection (1) shall be capable of passing through a screen with openings no greater than 25 millimetres.

(3) Disposal into the sea within the Wider Caribbean Region of contaminated waste is prohibited or limited to the same extent that importation of the relevant foods or agricultural product is prohibited or limited under the laws of Jamaica.

## SECOND SCHEDULE

### INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto and under the authority of the Government of JAMAICA by:

.....

(full designation of the competent Authority)

<b>Name of ship</b>	<b>Distinctive number of Letters</b>	<b>Port of registry</b>	<b>Gross tonnage</b>
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Type of ship.....

THIS IS TO CERTIFY:

That the ship has been surveyed and the survey showed that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with

section 18 of this Act.

This certificate is valid until .....subject to further surveys in accordance with section 18 of this Act.

Issued at .....(place of issue of certificate)

.....  
(Date of issue)

.....  
(Signature of duly authorized official and the stamp of the Authority).

### **THIRD SCHEDULE**

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

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto as amended, and under the authority of the Government of JAMAICA by:

.....  
(full designation of the competent Authority)

<b>Name of ship</b>	<b>Distinctive number of letters</b>	<b>Port of registry</b>	<b>Gross tonnage</b>
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THIS IS TO CERTIFY:

1) That the ship has been surveyed and the survey showed that the structure, equipment, systems, fitting, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with section 18 of this Act.

2) That the ship has been provided with a manual in accordance with section 33 of this Act and that the arrangements and equipment of the ship is in all respects satisfactorily complying with the applicable requirements the Standards and Procedures Arrangement.

3) That the ship is suitable for the carriage in bulk of the following noxious liquid substances:

**Noxious liquid  
substance**

**Conditions of carriage  
(tank numbers etc.)**

This certificate is valid until .....subject to further surveys in accordance with section 18 of this Act.

Issued at .....  
(Place of issue of certificate)

.....  
(Date of issue)

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

.....  
(Stamp of the Authority)

**FOURTH SCHEDULE**

**INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE**

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973 and under the authority of the Government of JAMAICA by:

.....  
(full designation of the competent Authority)

<b>Name of ship</b>	<b>Distinctive number or letters</b>	<b>Port of registry</b>	<b>GrossNo. of persons tonnage</b>	<b>which the ship is certified to ca rr y</b>
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New/Existing ship

Date of building contract .....

Date on which keel was laid or ship  
was at a similar stage of construction.....

Date of delivery.....

THIS IS TO CERTIFY THAT:

1) The ship is equipped with a sewage treatment plant/comminuter/holding tank\* and a discharge pipeline in compliance with section 37 of this Act as follows:

(a) Description of the sewage treatment plant including :  
Type of sewage treatment plant.....

Name of manufacturer .....

(b)\* Description of comminuter :  
Type of comminuter .....

Name of manufacturer .....

Standard of sewage after disinfection.....

(c)\* Description of holding tank equipment:  
Total capacity in the holding tank .....m

Location .....

(d) A pipeline for the discharge of sewage to a waste reception facility, fitted with a standard shore connection.

2) The ship has been surveyed in accordance with section 18 of this Act and the surveyed showed that the equipment of the ship and the condition thereof are in all respects satisfactory and the ship complies with the applicable requirements.

This certificate is valid until .....

Issued at .....

.....

(Date of issue)

.....

(Signature of duly authorized official)

Under the provisions of section 26 of this Act the validity of this certificate is extended until .....

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

Place .....

Date .....

Authority's Seal .....

\*Delete as appropriate

## SIXTH SCHEDULE

### CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK

Name of ship .....

Distinctive number  
or letters .....

Gross tonnage .....

Period from ..... to .....

### CARGO/BALLAST OPERATIONS

<b>Date</b>	<b>Code (letter)</b>	<b>Item (number)</b>	<b>Record of operations/signature of officer in charge/name of and signature of authorized Surveyor.</b>
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Signature of master .....

**SEVENTH SCHEDULE**

**GARBAGE RECORD BOOK**

Name of ship .....

Distinctive number or letters .....

IMO Number .....

Period from ..... to .....

Description of the garbage.....

.....

Position of the ship .....

Estimated amount discharge into the sea .....m

Estimated amount discharge into reception facilities.....m

Estimated amount incinerated .....m

Note:

- 1) Every ship of 400 gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports or off-shore terminals of MARPOL Member States, shall be provided with a Garbage Record Book.

.....  
(Master's Signature)

.....  
(Date)

**FIFTH SCHEDULE**

**OIL RECORD BOOK**

**PART II - CARGO/BALLAST OPERATIONS (OIL TANKERS)**

Name of ship .....

Distinctive number or letters .....

IMO Number .....

Gross Tonnage .....

Period from ..... to .....

**Notification 1:**

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

.....

(Master's Signature)

.....

(Date)