

Prevention of Pollution of the Sea (Sewage) Regulations 2005

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FIRST SCHEDULE

SECOND SCHEDULE Fees

PREVENTION OF POLLUTION OF THE SEA ACT
(CHAPTER 243)

PREVENTION OF POLLUTION OF THE SEA (SEWAGE) REGULATIONS 2005

In exercise of the powers conferred by sections 6(5) and 34 of the Prevention of Pollution of the Sea Act, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Prevention of Pollution of the Sea (Sewage) Regulations 2005 and shall come into operation on 1st August 2005.

Definitions

2. In these Regulations, unless the context otherwise requires —

“Annex IV” means Annex IV to the Convention which contains regulations for the prevention of pollution by sewage and which is set out in the First Schedule;

“authorised organisation” means an organisation authorised by regulations made under section 116 of the Merchant Shipping Act (Cap. 179) for the purposes of surveying ships and issuing certificates under Part V of that Act;

“Contracting Government” means the government of a country which is a party to the Convention and for which the Convention is in force;

“IMO” means the International Maritime Organisation;

“ISPP Certificate” means an International Sewage Pollution Prevention Certificate issued under regulation 5 of Annex IV by the Administration of any Contracting Government to the Convention.

Application

3.—(1) Annex IV, with the exception of regulation 12 thereof, shall, subject to these Regulations, have the force of law in Singapore.

(2) A provision of Annex IV interpreted or explained by a provision of these Regulations shall be read as having the same meaning attributed by that provision.

(3) For the purposes of regulation 2(1) of Annex IV, a reference to “ships engaged in international voyages” in that regulation shall be read as a reference to —

- (a) Singapore ships engaged in international voyages; and
- (b) other ships engaged in international voyages while they are in Singapore waters,

and these Regulations shall apply to such ships.

Discharge of sewage

4. For the purposes of regulation 11(2) of Annex IV, the discharge of sewage in Singapore waters is prohibited, except when —

- (a) the ship discharges —
 - (i) comminuted and disinfected sewage using a system approved in accordance with regulation 9(1)(b) of Annex IV, at a distance of 3 nautical miles or more from the nearest land; or
 - (ii) sewage which is not comminuted or disinfected at a distance of 12 nautical miles or more from the nearest land, provided that in any case, sewage that has been stored in holding tanks shall be discharged at a rate approved by the Director based on standards developed by the IMO and accepted by the Government when the ship is en route and proceeding at not less than 4 knots; or
- (b) the ship has in operation a sewage treatment plant approved in accordance with regulation 9(1)(a) of Annex IV —
 - (i) where the test results of the plant are laid down in the ship's ISPP Certificate; and
 - (ii) the effluent so discharged shall not produce visible floating solids nor cause discolouration of the surrounding water.

Exemptions

5. The Director may grant exemptions from all or any of these Regulations including Annex IV (as may be specified in the exemption) for classes of cases or individual cases on such terms as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Administration

6.—(1) In these Regulations, except where otherwise provided, a reference to the Administration and to an officer of the Administration shall be read as references to the Director and a surveyor of ships respectively and references to the nominated surveyor or

recognised organisation including its grammatical variations and cognate expressions shall be read as references to an authorised organisation respectively.

(2) For the purposes of regulations 5(2) and 8(4) of Annex IV, references to the Administration shall be read as a reference to the Director and a reference to any persons or organisations duly authorised by the Administration including its grammatical variations and cognate expressions shall be read as a reference to an authorised organisation, respectively.

Specification

7. For the purposes of regulation 9(1)(a) of Annex IV, a sewage treatment plant is of approved type if the sewage treatment plant is in compliance with the standards and test methods developed by the IMO in accordance with the applicable specifications in Resolution MEPC.2 (VI) of the IMO as may be revised or amended by any further IMO resolution which is accepted by the Government.

Powers to inspect

8.—(1) A ship to which these Regulations apply shall be subject, in Singapore waters, to inspection by a surveyor of ships.

(2) Any such inspection shall be limited to verifying that there is on board in relation to that ship a valid ISPP Certificate in the form prescribed by the Convention unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that Certificate.

(3) In the case referred to in paragraph (2), or if the ship does not carry a valid ISPP Certificate, the surveyor of ships shall take such steps as he may consider necessary to ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(4) The Director may in such a case permit the ship to proceed to the nearest appropriate repair yard.

(5) Upon receiving evidence that a particular ship has discharged sewage in contravention of these Regulations, the Director shall cause the matter to be investigated by an inspector and shall inform the Contracting Government which has reported the contravention as well as the IMO, of the action taken.

(6) The Director may also cause a ship other than a Singapore ship to be inspected by an inspector when it enters Singapore waters if a request for an investigation is received from any Contracting Government together with sufficient evidence that the ship has discharged sewage in contravention of these Regulations.

(7) The Director or his authorised representative may send the report of such

investigation to the Contracting Government requesting the investigation and the Contracting Government in which the ship is registered.

Prohibition on proceeding to sea without ISPP Certificate

9.—(1) The master of every ship to which these Regulations apply, in accordance with regulation 2(1) of Annex IV, shall produce to the Port Master, at the time a clearance for the ship is demanded for a voyage from Singapore to a port or place outside Singapore waters, the ISPP Certificate which is in force when the ship proceeds to sea.

(2) A clearance shall not be granted, and the ship may be detained, until the ISPP Certificate is so produced.

Penalties

10. If any ship fails to comply with any requirement of these Regulations, the owner and the master of the ship shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Exemption in certain circumstances

11. For the purposes of section 6(5) of the Act, the ships exempted from the operation of section 6(1) of the Act shall be such ships as are exempted from the prohibition of the discharge into the sea of sewage in accordance with the provisions of Annex IV.

Fees

12. The fees specified in the Second Schedule shall be payable to the Director in respect of the services provided by the Director and specified in that Schedule.

FIRST SCHEDULE

Regulation 2

ANNEX IV OF THE CONVENTION

REGULATIONS FOR THE PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

ARRANGEMENT OF REGULATIONS

CHAPTER 1