



**Bangladesh Merchant  
Shipping (MARPOL)  
Regulation 2020**

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# Bangladesh Merchant Shipping (MARPOL) Regulation 2020

In exercise of the power conferred by section 283 of the Bangladesh Merchant Shipping Act 2020, the Director General hereby make the following Regulations.

## PART 1

### Preliminary

#### 1. Short title and commencement

These Regulations may be cited as the Marine Pollution Prevention Regulations 2020 and shall come into force on a date of signing.

#### 2. Purpose

- (1) These Regulations:
- (a) give effect to the Convention; and
  - (b) implement Bangladesh's obligations under the Convention.

#### 3. Interpretation

(1) In these Regulations, unless the context otherwise requires –

“**Act**” means the Bangladesh Merchant Shipping Act 2020;

a reference in Annex I or the Condition Assessment Scheme to “**the Administration**” means the Department of Shipping as established under section 6 of the Act;

“**Annex I**” means Annex I to the Convention;

“**Annex II**” means Annex II to the Convention;

“**Annex III**” means Annex III to the Convention;

“**Annex IV**” means Annex IV to the Convention;

“**Annex V**” means Annex V to the Convention;

“**Annex VI**” means Annex VI to the Convention;

“**approved**” in relation to a Procedures and Arrangements Manual or Marine Pollution Emergency Plan means—

(a) in the case of a Bangladesh NLS ship, approved by a Issuing Body with respect to that ship; and

(b) in the case of any other NLS ship, approved by or on behalf of the government of the Contracting State in which the ship is registered;

“**appropriate certificate**” means— an IAPP Certificate, in relation to—

(a) a platform which is or will be engaged in voyages to waters under the sovereignty or jurisdiction of a Contracting Government other than the Bangladesh, and

(b) any other Bangladesh ship of 400 GT or above which is or will be engaged in voyages to a port or offshore terminal under the jurisdiction of a Contracting Government other than Bangladesh,

“**BCH Code**” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the IMO, and amended by IMO Resolutions MEPC.249(66) and MSC.376(93);

“**Cargo Record Book**” has the meaning given in regulation 29(1) of Annex II;

“**Harmful substances**” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code) or which meet the criteria in the appendix of Annex III;

“**IMO**” means the International Maritime Organization;

“**IAPP Certificate**” means an International Air Pollution Prevention Certificate issued in accordance with Regulation 6 of Annex VI;

“**IOPP Certificate**” means an International Oil Pollution Prevention Certificate issued in accordance with Regulation 7 of Annex I;

“**IPP certificate**” means:

- (a) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk required under Regulation 9 of Annex II; and
- (b) in the form of the International Pollution Prevention Certificate set out in Appendix III of Annex II.

“**Issuing Body**” means the Director General or any person authorised by the Director General in accordance with Regulation 10;

“**MARPOL 73/78**” means the International Convention for the Prevention of Pollution from Ships (1973) as modified by the Protocol of 1978 relating thereto, and as further amended from time to time (other than an amendment not accepted by Bangladesh) in accordance with Article 16 of the Convention and Article VI of the Protocol;

“**Packaged form**” is defined as the forms of containment specified for harmful substances in the IMDG Code

“**Passenger ship**” means a ship which carries more than twelve passengers.

“**RO Code**” means the Code for Recognised Organizations adopted by IMO Resolution MEPC. 237(65) and incorporate by way of Resolution MEPC.238(65);

“**NLS ship**” means a ship intended for, or engaged in, the carriage of noxious liquid substances in bulk and which is engaged in voyages to ports or terminals under the jurisdiction of other Parties to the Convention;

“**noxious liquid substance**” means—

- (a) any substance which has been categorised in accordance with the provisions of Regulation 6 of Annex II and which is indicated in the Pollution Category column of chapter 17 or 18 of the IBC Code as falling within category X, Y or Z;
- (b) any mixture containing a substance referred to in sub-paragraph (a);
- (c) any substance which has been provisionally assessed as falling within category X, Y or Z in accordance with the provisions of Regulation 6.3 of Annex II, and which is either—
  - (i) listed in MEPC.2/Circ. on the Provisional Categorisation of Liquid Substances in Accordance with Annex II and the IBC Code, issued on 1st December each year; or

(ii) in the case of any substance provisionally assessed after the publication of MEPC.2/Circ. in any given year but in advance of the publication of the next MEPC.2/Circ., published by the IMO, as such; and

(d) any mixture containing a substance referred to in sub-paragraph (c);

“**offshore installation**” means fixed or floating platforms including drilling rigs, floating production, storage and offloading facilities used for the offshore production and storage of oil or noxious liquid substances, and floating storage units used for the offshore storage of produced oil;

“**OSV Guidelines**” means the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels (OSV) published by the IMO (IMO Resolution A.673(16), as amended);

“**Procedures and Arrangements Manual**” has the meaning given in Regulation 28 of Annex II;

“**relevant platform**” means a fixed or floating platform which is used in connection with the exploration, exploitation or associated offshore processing of seabed mineral resources;

“**ship**” means a vessel of any type whatsoever, including a hydrofoil boat, an air-cushion vehicle, a submersible, a floating craft and a fixed or floating platform, which is operating in the marine environment;

“**the Convention**” means the International Convention for the Prevention of Pollution from Ships, 1973, and amended by the Protocols of 1978 and 1979;

(2) Unless the context otherwise requires, all words and phrases used in this Regulation have the same meaning as is given to them in any applicable convention referred to in Regulation 4, and any amended definition under such a convention is to be considered as the applicable definition under this Regulation from the time that the amendment takes effect under the Convention.

(3) Any reference in these Regulations to an IMO Guideline is a reference to the current Guideline with operative amendments to it.

#### 4. Convention incorporated by reference

(1) The Convention is incorporated into and forms part of these Regulations.

(2) the Unified Interpretations of the Convention, published by IMO, are to be taken into account in complying with the Convention.

(3) A term used in this Part but not defined under Regulation 3 has the same meaning as in Annex II.

#### 5. Application

(1) Unless expressly provided otherwise and subject to paragraph (2) and (3), these Regulations apply to all ships to which Part V of the Act applies

(2) These Regulations and the Convention do not apply to any—

(a) warship;

(b) naval auxiliary; or

(c) other ship owned or operated by the State and used, for the time being, only on government non-commercial service

## 6. Authorisation of Issuing Body

(1) A person authorised by the Director General as an Issuing Body must be authorised in accordance with —

- (a) the Convention; and
- (b) the RO Code .

## PART 2

### Prevention of Pollution by Oil (Annex I)

## 7. Application

This Part applies to ships to which Annex I apply.

## 8. Convention requirements

- (1) A vessel must comply with the requirements of Annex I that apply to the vessel.
- (2) A term used in this Part but not defined under Regulation 3 has the same meaning as in Annex I.

## 9. Compliance with Survey and Certification Requirements

- (1) Subject to any exemption conferred by or under these Regulations, a ship must not be enabled to—
  - (a) Proceed, or to attempt to proceed to sea; or
  - (b) (if it is already at sea) remain at sea, unless the requirements in paragraph (2) are met.
- (2) The requirements are that the ship—
  - (a) has been surveyed in accordance with the requirements of these Regulations which apply to that ship; and
  - (b) holds a valid IOPP Certificate.

## 10. Exemptions

- (1) The Director General may exempt a ship which has constructional features which render the application of any of the provisions of—
  - (a) Chapters 3 and 4 of Annex I; or
  - (b) Section 1.2 of part II-A of the Polar Code,relating to construction or equipment unreasonable or impractical, provided the Director General is satisfied that the construction and equipment of any such ship provides equivalent protection from pollution by oil, having regard to the service for which that ship is intended. The particulars of any exemption granted under paragraph.
- (2) must be indicated in the IOPP certificate issued under Regulation 12.
- (3) Subject to paragraph (5) the Director General may exempt any ship or any description of ship from any of the provisions of these Regulations.

- (4) An exemption by the Director General is valid only if given in writing and may be—
  - (a) given subject to such conditions and limitations as the Director General may specify; and
  - (b) altered or cancelled by a notice given in writing by the Director General.
- (5) An exemption under paragraph (3) may be granted only if the exemption is compatible with requirements under Annex I.
- (6) In this Regulation “in writing” includes the provision of such communication by electronic mail, facsimile or similar means which are capable of producing a document containing the text of any communication.

## 11. Equivalents

- (1) Subject to paragraph (2), any fitting, material, appliance or apparatus may be fitted in a ship as an alternative to one that complies with Annex I if it has been approved by the Director General and—
  - (a) the owner or master of the ship has made an application to the Director General for permission to fit the fitting, material, appliance or apparatus to the ship;
  - (b) a surveyor—
    - (i) is satisfied that the fitting, material, appliance or apparatus is at least as effective as that required by Annex I; and
    - (ii) has endorsed the application to the Director General to that effect; and
  - (c) the fitting, material, appliance or apparatus is fitted to the ship in accordance with any conditions or limitations set out in the approval and is used and operated in accordance with any such conditions or limitations.
- (2) Paragraph (1) does not permit the substitution of operational methods to control the discharge of oil as being equivalent to the design and construction features prescribed by Annex I.
- (3) For the purposes of these Regulations a fitting, material, appliance or apparatus fitted to a ship as an alternative to any of the requirements in Annex I meets the requirements of Annex I providing it has been approved in accordance with the procedure specified in paragraph (1).

## 12. Surveys and issue or endorsement of IOPP certificate

- (1) This Regulation applies to—
  - (a) a Bangladesh oil tanker of 150 GT and above; and
  - (b) a Bangladesh ship of 400 GT and above which is not an oil tanker.
- (2) A ship to which this Regulation applies which is engaged in international voyages must be subjected to the surveys described in Regulation 6 of Annex I.
- (3) An Issuing Body shall issue an IOPP Certificate after initial or renewal survey as described in Regulation 7 of Annex I.
- (4) An IOPP certificate issued in accordance with this Regulation must be in the form prescribed in Appendix II to Annex I, including the Supplements.

## 13. Duration and validity of certificates

- (1) Subject to paragraph (2), an IOPP Certificate must be issued for a period specified by the Issuing Body which must not exceed five years.

- (2) The duration, validity and extension of an IOPP Certificate must be in accordance with Regulation 10 of Annex I.
- (3) A ship in respect of which a certificate has been extended under paragraph (3) must not following its arrival in the port in which it is to be surveyed, be enabled by virtue of that extension to leave that port before a new certificate is issued.

#### 14. Port State Control on operational requirements

- (1) A foreign flag ship, when in a port or an offshore terminal in Bangladesh, is subject to inspection by officers duly authorised by the Director General concerning operational requirements under Annex I.
- (2) Inspection mentioned in paragraph (1) must be conducted in accordance with Regulation 11 of Annex I.

#### 15. Compliance with Survey and Certification Requirements

- (1) Subject to any exemption conferred by or under these Regulations, a ship must not be enabled to—
  - (a) proceed, or to attempt to proceed, to sea; or
  - (b) (if it is already at sea) remain at sea, unless the requirements in paragraph (2) are met.
- (2) The requirements are that the ship—
  - (a) has been surveyed in accordance with the requirements of these Regulations which apply to that ship; and
  - (b) is the subject of a valid IOPP Certificate.

#### 16. Responsibilities of owner and master

- (1) The owner and master of a ship must ensure the condition of the ship and its equipment is maintained to conform—
  - (a) in the case of a Bangladesh ship, or any ship surveyed in accordance with these Regulations, with the provisions of these Regulations; or
  - (b) in the case of any other ship, with the requirements of Annex I, so as to ensure that the ship, in all respects, will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) After completion of any survey described in Regulation 12 the owner and master of a ship must ensure that no change is made in the structure, equipment, systems, fittings, arrangements or material subject to that survey, except by direct replacement, without the approval of—
  - (a) the Issuing Body; or
  - (b) the Administration of the Convention Country which carried out the survey in respect of that ship.
- (3) Whenever—
  - (a) an accident occurs to a ship; or
  - (b) a defect is discovered in a ship, which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under these Regulations, the owner and master of the ship must comply with the requirements in paragraph (4).

- (4) The requirements are that—
  - (a) the accident or defect is reported at the earliest opportunity to the Issuing Body that issued the IOPP certificate in respect of that ship;
  - (b) in the case of a Bangladesh ship which is in a port outside Bangladesh the accident or defect is also reported at the earliest opportunity to the appropriate maritime authorities in the country in which the port is situated; and
  - (c) if the ship is a non-Bangladesh ship in a port in Bangladesh, the accident or defect is reported to the Director General.
- (5) Whenever an accident or defect is reported to a Issuing Body in accordance with paragraph (4)(a), that Issuing Body must—
  - (a) cause an investigation to be initiated to determine whether or not an additional survey and any repair is necessary; and
  - (b) if it considers that an additional survey or repair is necessary, cause that survey or repair to be carried out.
- (6) Whenever an accident or defect is reported to a Issuing Body in accordance with paragraph (4)(a) and the ship in question is in a port outside Bangladesh, the Issuing Body must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.
- (7) In paragraph (2) “direct replacement” means direct replacement of equipment and fittings with equipment and fittings that conform with the requirements under Annex I which apply to that ship.

#### 17. Prohibition on non-Bangladesh ships proceeding to sea

- (1) A ship which is not a Bangladesh ship and which, by virtue of Regulation 7 of Annex I, is required to be issued with an IOPP certificate must not be enabled to proceed to sea from a port in Bangladesh unless—
  - (a) a Contracting State has issued, and where appropriate endorsed, an IOPP certificate in respect of that ship and that certificate (and, where appropriate, that endorsement) is still valid;
  - (b) the Government of a State which is not a Contracting State has issued, and where appropriate endorsed, an IOPP certificate in respect of that ship which is deemed by the Issuing Body to have the same force as a certificate issued in accordance with the requirements of Annex I and that certificate (and, where appropriate, that endorsement) is still valid;
  - (c) a surveyor of ships—
    - (i) has carried out a survey of the ship as if Regulation 6 of Annex I applied to that ship; and
    - (ii) is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
  - (d) a person having power to detain the ship—
    - (i) is satisfied that the ship can proceed to sea for the purpose of proceeding to the nearest appropriate repair yard without presenting an unreasonable threat of harm to the marine environment; and
    - (ii) has permitted the ship to proceed.

#### 18. Requirements for machinery spaces of all ships

- (1) Every ship of 400 gross tonnage and above shall be provided with oil residue (sludge) tank(s) in accordance with Regulation 12 of Annex I and Unified Interpretations (UI)

- (2) related to that Regulation.
- (3) Fuel oil tanks on a ship to which Regulation 12A of Annex I applies must be located in such locations as to meet the requirements of Regulation 12A of Annex I.
- (4) Every ship of 400 gross tonnage and above shall be fitted with a standard discharge connection in accordance with Regulation 13 of Annex I, to enable pipes of reception facilities to be connected with the ship's discharge pipeline for residues from machinery bilges and from oil residue (sludge) tanks.
- (5) Every ship of 400 gross tonnage and above shall be fitted with oil filtering equipment in accordance with Regulation 14 of Annex I.
- (6) Ships of less than 400 GT must—
  - (a) be equipped, so far as practicable, to retain on board oil or oily mixtures for subsequent discharge into reception facilities; or
  - (b) discharge such oil or oily mixtures in accordance with Regulation 15.6 of Annex I.
- (6) A ship to which Regulation 16 of Annex I applies must meet the segregation of oil and water ballast and carriage of oil in forepeak tanks requirements stipulated in that Regulation.
- (7) The Director General may waive the requirements specified in Regulation 14.1 and 14.2 of Annex I for—
  - (a) any ship engaged exclusively on voyages within special areas or Arctic waters; and
  - (b) any ship on a scheduled service with a turn-around time not exceeding 24 hours, including non-passenger or cargo carrying relocation voyages for these ships, provided the conditions in Regulation 14.5.3 of Annex I are satisfied.

#### 19. Prescribed matters for the purpose of subsection 287(2) of the Act

- (1) For the purpose of subsection 287(2)(b) of the Act, subsection 287(1) does not apply in the following circumstances:
  - (a) any discharge into the sea of oil or oily mixtures from **ships** shall be prohibited except when such conditions as stipulated in Regulations 15 and 34 of Annex I are satisfied; or
  - (b) in exceptional circumstances as described in Regulation 4 of Annex I.

#### 20. Oil Record Book

- (1) Every oil tanker of 150 GT and above, and every ship of 400 GT and above other than an oil tanker, must be provided with an Oil Record Book Part I (Machinery Space Operations).
- (2) Every oil tanker of 150 GT and above must be provided with an Oil Record Book Part II (Cargo/ Ballast Operations).
- (3) The Oil Record Books referred to in paragraphs (1) and (2) must be in the form specified in Appendix III to Annex I.
- (4) Part I of the Oil Record Book must be completed in accordance with the requirements stipulated in Regulation 17 of Annex I.
- (5) Part II of the Oil Record Book must be completed, on a tank-to-tank basis if appropriate, whenever any of the cargo/ ballast operations listed in Regulation 36.2 or 3 of Annex I take place in the ship.
- (6) In the event of a discharge of oil or oily mixture as referred to in Regulation 17.3 or 36.4 of Annex I, or in the event of accidental or other exceptional discharge of oil not

excepted by those Regulations, a record must be made in that part of the Oil Record Book which is relevant to the source of the discharge about the circumstances of, and the reasons for, the discharge.

- (7) Each operation referred to in paragraphs (4) and (5) must be fully recorded without delay in the Oil Record Book and all entries in the book appropriate to that operation must be completed.
- (8) Once an operation recorded under paragraph (7) is complete, the entry in the Oil Record Book for that operation must be signed-off by the officer or officers in charge of that operation, and each completed page must be signed by the master.
- (9) Any failure of the—
  - (a) oil filtering equipment must be recorded in the Oil Record Book Part I; and
  - (b) oil discharge monitoring and control system must be recorded in the Oil Record Book Part II.
- (10) The Oil Record Book must be kept in such a place as to be readily available for inspection at all reasonable times and, other than in the case of unmanned ships under tow, must be kept onboard the ship.
- (11) The Oil Record Book must be preserved for a period of three years after the last entry has been made.
- (12) The Director General, or a person authorised by the Issuing Body, may—
  - (a) inspect the Oil Record Book on board a ship which is in a port or offshore terminal;
  - (b) make a copy of any entry in the Oil Record Book; and
  - (c) require the master of the ship to certify that the copy is a true copy of any such entry.
- (13) A copy of an entry described in paragraph (12)(c) is admissible in any judicial proceedings as evidence of the facts stated in that entry.
- (14) The inspection of an Oil Record Book and the taking of a certified copy of any entry as described in paragraph (12) must be performed as expeditiously as possible without causing the ship to be unduly delayed.
- (15) In this Regulation “filtering equipment” means filters or any combination of separators and filters which are designed to produce effluent containing not more than 15 ppm of oil.

## 21. Shipboard Oil Pollution Emergency Plan

- (1) Every—
  - (a) oil tanker of 150 GT and above; and
  - (b) ship (other than an oil tanker) of 400 GT and above,must carry on board a shipboard oil pollution emergency plan approved by the Director General.
- (2) The plan referred to in paragraph (1) must be prepared in accordance with the guidelines for the Development of Shipboard Oil Pollution Emergency Plans adopted by the Marine Environment Protection Committee of the IMO by Resolution MEPC.54(32) adopted on 6 March 1992, as amended by Resolution MEPC.86(44) adopted on 13 March 2000.
- (3) The plan must include—
  - (a) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident;
  - (b) the list of persons (including national and local authorities) to be contacted in the event of an oil pollution incident;

- (c) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and
  - (d) the procedures and point of contact on the ship for co-ordinating shipboard action with national and local authorities in combating the pollution.
- (4) In the case of ships to which Regulation 17 of Annex II of the Convention also applies, such a plan may be combined with the shipboard marine pollution emergency plan for noxious liquid substances required under that Regulation.
  - (5) Where paragraph (4) applies the title of the combined plan must be the “Shipboard Marine Pollution Emergency Plan”.
  - (6) The owner and master of an oil tanker of 5,000 tonnes deadweight or more must ensure the ship has prompt access to computerised, shore-based damage stability and residual structural strength calculation programmes.
  - (7) In this Regulation “noxious liquid substance” has the meaning given in Regulation 1 of Annex II of the Convention.

## 22. Requirements for fixed or floating platforms

- (1) Subject to paragraph (2), fixed or floating platforms including drilling rigs, floating production, storage and offloading facilities (FPSOs) used for the offshore production and storage of oil, and floating storage units (FSUs) used for the offshore storage of produced oil, when engaged in the exploration, exploitation or associated offshore processing of sea-bed mineral resources must comply with such requirements of these Regulations and Annex I as are applicable to ships (other than oil tankers) of 400 GT and above except that—
  - (a) such installations must be equipped, so far as practicable, with the systems and tanks required by Regulations 12 and 14 of Annex I;
  - (b) the master must ensure that a record is kept, in a form approved by the Director General of all operations involving oil or oily mixture discharges; and
  - (c) subject to the provisions of Regulation 4 of Annex I, the discharge into the sea of oil or oily mixture is prohibited except when the oil content of the discharge without dilution does not exceed 15 ppm.
- (2) In verifying compliance with Annex I in relation to platforms configured as FPSOs or FSUs, in addition to the requirements of paragraph 1, the Issuing Body shall take account of the Guidelines for the application of the revised MARPOL Annex I requirements to FPSOs and FSUs adopted by IMO by resolution MEPC.139(53), and amended by resolution MEPC.142(54).

## 23. Prevention of pollution during transfer of oil cargo between oil tankers at sea

- (1) Subject to subsections (2), (3) and (4), this section applies to oil tankers of 150 gross tonnage and above engaged in the transfer of oil cargo between –
  - (a) a Bangladesh oil tanker and any other oil tanker at sea;
  - (b) Bangladesh oil tankers at sea; and
  - (c) any oil tankers in Bangladesh waters.
- (2) This section must not apply to oil transfer operations associated with fixed or floating platforms including drilling rigs; floating production, storage and offloading facilities (FPSOs) used for the offshore production and storage of oil; and floating storage units (FSUs) used for the offshore storage of produced oil.
- (3) This section must not apply to bunkering operations.

- (4) This section must not apply to STS operations where either of the ships involved is a warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.
- (5) Any oil taker involved in STS operations must carry on board a STS operation plan in accordance with Regulation 41 of Annex I.

#### 24. Notifying alterations

The owner or master of a vessel must inform the Issuing Body of any alteration to a vessel within 7 days after the alteration is made.

#### 25. Application of the Polar Code

- (1) This Regulation applies to all ships operating in polar waters.
- (2) The owner or master of a ship to which this Regulation applies must ensure the ship complies with—
  - (a) the environment-related provisions of the Introduction; and
  - (b) Chapter 1 of part II-A, of the Polar Code.
- (3) In ensuring compliance with paragraph (2)(b) consideration must be given to the guidance in part II-B of the Polar Code.
- (4) For the purposes of this Regulation “polar waters” means the Antarctic area or Arctic waters

#### 26. Special requirements for the use or carriage of oils in the Antarctic Area

- (1) With the exception of vessels engaged in ensuring the safety of ships, or in a search and rescue operation, the—
  - (a) carriage in bulk as cargo;
  - (b) use as ballast; or
  - (c) carriage and use as fuel,of any of the substances listed in Regulation 43.1 of Annex I is prohibited in the Antarctic Area.
- (2) When prior operations have included the carriage or use of substances referred to in paragraph (1), the cleaning or flushing of tanks or pipelines is not required.

#### 27. Requirements for Cargo Areas of Oil Tankers

- (1) Subject to paragraphs (3) and (4) the—
  - (a) construction;
  - (b) provision of equipment; and
  - (c) cargo operation,of any oil tanker to which these Regulations apply must comply with such of the requirements referred to in paragraph (2) as apply in relation to the cargo area of an oil tanker of its size and description.
- (2) The requirements are those prescribed in the following Regulations, or paragraphs of Regulations, of Annex I—
  - (a) Regulation 18 (segregated ballast tanks);

- (b) Regulation 19 (double hull and double bottom requirements for oil tankers delivered on or after 6 July 1996);
  - (c) Regulation 20, paragraphs 1 to 4 and 6 (double hull and double bottom requirements for oil tankers delivered before 6 July 1996);
  - (d) Regulation 21, paragraphs 1 to 4 (prevention of oil pollution from oil tankers carrying heavy grade oil as cargo);
  - (e) Regulations 22 to 28 (various requirements for the cargo areas of oil tankers);
  - (f) Regulation 30 (pumping, piping and discharge arrangement); and
  - (g) Regulation 33 (crude oil washing requirements).
- (3) Regulation 18.6 to 18.8 of Annex I does not apply to an oil tanker delivered on or before 1<sup>st</sup> June 1982 in the circumstances described in Regulation 2.5 of Annex I, subject to the conditions in Regulation 2.6 of that Annex.
- (4) The Director General may waive the requirements of Regulation 28.6 of Annex I for oil tankers listed in Regulation 3.6 of that Annex provided such tankers are loaded in accordance with conditions approved by the Director General, taking into account guidelines developed by the IMO..
- (5) The entry into a port or offshore terminal within the territorial waters of Bangladesh prohibited in respect of a ship operating in accordance with the following provisions in Annex I—
- (a) Regulation 20, paragraph 5; or
  - (b) Regulation 21, paragraph 5 or 6.
- (6) The ship-to-ship transfer of heavy grade oil within the territorial waters of Bangladesh involving a ship operating in accordance with the provisions referred to in in paragraph(5)(b) is prohibited unless it is necessary to secure the safety of a ship or to save life at sea.

## 28. Retention of oil on board

- (1) Subject to paragraphs (2) to (4), oil tankers of 150 GT and above must comply with the requirements of Regulations 29, 31 and 32 of Annex I.
- (2) Regulations 29, 31 and 32 of Annex I do not apply to any oil tanker referred to in paragraph (1) which is engaged exclusively on voyages of 72 hours or less in duration and within 50 nautical miles of the nearest land provided that—
- (a) the oil tanker is engaged exclusively in trade between ports or terminals Bangladesh;
  - (b) all oily mixtures are retained on board the oil tanker for subsequent discharge into reception facilities; and
  - (c) the Director General has determined that adequate facilities are available to receive such oily mixtures.
- (3) Regulations 31 and 32 of Annex I do not apply to an oil tanker referred to in paragraph (1) which—
- (a) is an oil tanker delivered on or before 1st June 1982 of 40,000 tonnes deadweight or above solely engaged in specified trades as described in Regulation 2.5 of Annex I, provided the conditions specified in Regulation 2.6 of that Annex are satisfied;
  - (b) is engaged exclusively on voyages—
    - (i) within special areas;
    - (ii) within Arctic waters; or

- (iii) within 50 nautical miles from the nearest land outside special areas or Arctic waters and is engaged in—
  - aa trading between ports or terminals within Bangladesh; or
  - bb restricted voyages of 72 hours or less in duration as determined by the Director General.
- (4) Tankers to which paragraph (3)(b)(iii) apply must comply with the following conditions—
  - (a) all oily mixtures must be retained on board for subsequent discharge to reception facilities;
  - (b) in the case of voyages referred to in paragraph (3)(b)(iii)(bb), the Director General has determined that adequate reception facilities are available to receive such oily mixtures in the oil loading ports or terminals at which the tanker calls;
  - (c) the IOPP Certificate is endorsed to the effect that the ship is engaged exclusively on one or more of the categories of voyage described in paragraph (3)(b); and
  - (d) the quantity, time and port of discharge are recorded in the Oil Record Book.
- (5) In the case of oil tankers of less than 150 GT—
  - (a) oil must be retained on board the ship with subsequent discharge of all contaminated washings to reception facilities; and
  - (b) the total quantity of oil and water used for washing and returned to a storage tank must be—
  - (c) recorded in the Oil Record Book Part II developed by the Director General for tankers operating in accordance with Regulation 34.6 of Annex I; and
  - (d) discharged into reception facilities unless adequate arrangements are made to ensure that any effluent which is allowed to be discharged into the sea is effectively monitored to ensure that the provisions of Regulation 34 of Annex I are complied with.
- (6) Subject to paragraph (7) Regulations 29, 31 and 32 of Annex I do not apply to oil tankers carrying asphalt or other products subject to the provisions of these Regulations and Annex I which through their physical properties, inhibit effective product/water separation and monitoring.
- (7) Where paragraph (6) applies oil residues must be retained on board with subsequent discharge of all contaminated washings to reception facilities in order to satisfy the requirements of Regulation 34 of Annex I.
- (8) In this Regulation “nearest land” has the meaning given in Regulation 1 of Annex I.

## 29. Crude oil washing operations

- (1) Every oil tanker operating with crude oil washing systems as required by Regulation 33 of Annex I must be provided with an Operations and Equipment Manual describing the system and equipment in detail and specifying the operational procedures to be followed.
- (2) The Operations and Equipment Manual must—
  - (a) be approved by the Issuing Body; and
  - (b) contain all the information set out in the specifications referred to in Regulation 33.2 of Annex 1.
- (3) If any alteration is made to the crude oil washing system the Operations and Equipment Manual must be revised accordingly, and the revision approved by the Issuing Body.

- (4) Sufficient cargo tanks must be crude oil washed prior to each ballast voyage to ensure that, taking into account the tanker's trading pattern and expected weather conditions, ballast water is put only into cargo tanks which have been crude oil washed.
- (5) Except where an oil tanker to which this Regulation applies carries crude oil which is not suitable for crude oil washing, the crude oil washing system of a tanker must be operated in accordance with the Operations and Equipment Manual.

### 30. Cancellation of certificates

- (1) The Director General may cancel an IOPP certificate issued in respect of a Bangladesh ship where the Director General has reason to believe that—
  - (a) the certificate was issued on false or erroneous information; or
  - (b) since the completion of any survey required by these Regulations, the equipment or machinery of the ship has sustained damage or is otherwise deficient.
- (2) The Director General may require that an IOPP certificate issued in respect of a Bangladesh ship, and which has expired, or which has been cancelled, is to be surrendered to the Director General.
- (3) In relation to a Bangladesh ship, a person must not—
  - (a) intentionally alter an IOPP;
  - (b) intentionally make a false IOPP certificate;
  - (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
  - (d) with intent to deceive, use, lend, or allow to be used by another, an IOPP certificate;
  - (e) fail to surrender an IOPP certificate where required to do so under paragraph (2);
- (4) The owner and the master of a Bangladesh ship in respect of which an IOPP certificate has been issued must ensure that the certificate is readily available on board the ship for inspection at all times.

### 31. Investigation of alleged violations by Bangladesh ships

Upon receiving evidence that a substance has been discharged from a Bangladesh ship in violation of these Regulations the Director General must—

- (a) cause the matter to be investigated;
- (b) inform the IMO of the action taken; and
- (c) where another State has reported the violation, inform that State of the action taken.

### 32. Inspection of ships

- (1) In so far as sections 9, 157, and 160 of the Merchant Shipping Act (surveys, inspection and monitoring) apply in relation to a ship to which any of these Regulations apply, for the purposes of checking compliance with these Regulations those sections have effect subject to the following additions.
- (2) The powers referred to in paragraph (1) to inspect a ship and its equipment, any part of the ship, any articles on board and any documentation carried in the ship is limited to:
  - (a) verifying that there is on board a valid IOPP certificate in the form prescribed in Appendix II to Annex I;
  - (b) verifying whether documentation referred to in Regulation 17, where applicable, has been issued in respect of the ship and is still valid;

- (c) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures for preventing pollution by oil;
  - (d) verifying whether oil, oily mixture or oil residue (sludge) has been discharged from the ship in violation of these Regulations;
  - (e) inspecting the Oil Record Book; and
  - (f) inspecting the Shipboard Oil Pollution Emergency Plan,
- except where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the appropriate certificate or other documentation referred to in sub-paragraphs (a), (b), (e) and (f).
- (3) The powers referred to in paragraph (1) to go on board a ship may only be exercised if the ship in question is—
    - (a) in a port in Bangladesh; or
    - (b) at an offshore installation in Bangladesh waters or controlled waters.
  - (4) Where a ship which is not a Bangladesh ship is inspected for the purpose of paragraph (2)(d), the person exercising the powers of inspection must ensure that the report of that inspection is sent to—
    - (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State; and
    - (b) any other Party to the Convention that requested the inspection.
  - (5) Where Oil Record Book entries are inspected under paragraph (2)(e) the person exercising the power of inspection may—
    - (a) make a copy of any entry in that book; and
    - (b) require the master of the ship to certify that the copy is a true copy of the original.
  - (6) Any copy certified in accordance with paragraph (5) is admissible in any judicial proceeding as evidence of the facts stated in it.
  - (7) In this Regulation “oil residue (sludge)” has the meaning given in Regulation 1 of Annex

### 33. General provisions on detention

- (1) Where a determination is made of the kind mentioned in Regulation 30(1) in relation to a ship, or a surveyor of ships has clear grounds for believing that—
  - (a) an IOPP certificate is required to have been issued in respect of a ship but has not been issued, or has been issued and is not valid;
  - (b) documentation referred to in Regulation 17 (“appropriate documentation”) is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
  - (c) the condition of a ship or its equipment does not correspond substantially with the particulars of that certificate or other appropriate documentation;
  - (d) the master or crew of a ship are not familiar with essential shipboard procedures relating to the prevention of pollution by oil; or
  - (e) an offence under Regulation 33 is being committed in respect of the ship,

the ship is liable to be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting any unreasonable threat of harm to the marine environment.

- (2) Notwithstanding paragraph (1) a person having powers to detain a ship may permit a ship which is liable to be detained under that paragraph to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.
- (3) Where a surveyor of ships has clear grounds for believing that an offence comprising a contravention of section 287 of the Act and any of Regulations 18, 26, 27(1) to (3), (5) and (6), 28 or 29 has been committed in respect of a ship, the ship is liable to be detained.
- (4) The power under this Regulation to detain a ship may only be exercised if the ship in question is—
  - (a) in a port in Bangladesh; or
  - (b) at an offshore installation in Bangladesh waters or controlled waters.
- (5) Section 440 (enforcing detention of ship) applies where a ship is liable to be detained under paragraph (1) or (3) as if—
  - (a) references to detention of a ship under the Act were references to detention of the ship in question under paragraph (1) or (3); and
  - (b) subsection (7) were omitted.
- (6) Where a ship is liable to be detained under paragraph (1) or (3), the person detaining the ship must serve on the master of the ship a detention notice which—
  - (a) states the grounds of the detention; and
  - (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 440 of the Act.
- (7) Where a ship other than a Bangladesh ship is detained, the Director General must immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

### 34. Offences

- (1) Any contravention of –
  - (a) Regulation 9, 16(1) to (4), 17, 21(6), 25 (2), or 30(4) is an offence by the owner and by the master of the ship in question;
  - (b) Regulation 13(3), 18(1) to (6), 20, 21, 22, 26, 27, 28, or 29, is an offence by the owner, manager, demise charterer and master of the ship in question;
  - (c) Regulation 30(3) is an offence by the person in question.
- (2) Any failure by a master to comply with a requirement under Regulation 36(5)(b) is an offence.
- (3) An offence under paragraph (1) or (2) is punishable –
  - (a) on summary conviction by a fine not exceeding one lakh penalty units; and
  - (b) on conviction on indictment by a fine.

## PART 3

### Control of Pollution by Noxious Liquid Substances in Bulk (Annex II)

### 35. Application

- (1) Subject to paragraphs (2) to (5), these Regulations apply to—
  - (a) a Bangladesh NLS ship wherever it may be; and

- (b) any other NLS ship while it is within Bangladesh waters.
- (2) Subject to paragraph (5), Regulation 56(1) and (2) apply to a ship which—
  - (a) is not a Bangladesh ship;
  - (b) is engaged in voyages to ports or offshore installations under the jurisdiction of a Contracting State other than Bangladesh; and
  - (c) is—
    - (i) in a port in Bangladesh; or
    - (ii) at an offshore installation in Bangladesh or controlled waters, other than a floating platform which is in transit.
- (3) Subject to paragraph (5), Regulation 59 applies to the discharge into the sea from any ship which has caused, or is likely to cause, pollution within Bangladesh waters.
- (4) Subject to paragraph (5), Regulation 60 applies to any ship which, having been enabled to proceed contrary to the requirements of that Regulation, has caused, or is likely to cause, pollution within Bangladesh waters.
- (5) These Regulations do not apply to any—
  - (a) warship;
  - (b) naval auxiliary; or
  - (c) other ship owned or operated by a State and used for the time being on government, non-commercial service.

### 36. Convention requirements

A vessel must comply with the requirements of Annex II that apply to the vessel.

### 37. Exemptions

- (1) Subject to paragraph (3), the Director General may exempt any ship or any description of ship from any of the provisions of these Regulations.
- (2) An exemption by the Director General is valid only if given in writing, and may be—
  - (a) given subject to such conditions and limitations as the Director General may specify; and
  - (b) altered or cancelled by a notice given in writing by the Director General.
- (3) An exemption under paragraph (1) may be granted only if the exemption is permitted under Annex II.

### 38. Equivalents

Any fitting, material, appliance or apparatus may be fitted in an NLS ship as an alternative to one that complies with these Regulations if it has been approved by the Director General and—

- (a) the owner or master of the ship has made an application to the Director General for permission to fit the fitting, material, appliance or apparatus to the ship;
- (b) a surveyor—
  - (i) is satisfied that the fitting, material, appliance or apparatus is at least as effective as that required by these Regulations; and
  - (ii) has endorsed the application to the Director General to that effect; and
- (c) the fitting, material, appliance or apparatus is fitted to the ship in accordance with any conditions or limitations set out in the approval and is used and operated in accordance with any such conditions or limitations.

### 39. Relevant requirements

- (1) In this Part of these Regulations the “relevant requirements” in respect of an NLS ship means the relevant requirements concerning structure, equipment, systems, fittings, arrangements and materials specified in paragraph (2) in relation to that ship.
- (2) The relevant requirements are—
  - (a) with respect to an NLS ship which is a chemical tanker constructed or adapted before 1st July 1986, as set out in —
    - (i) Regulation 12.1, 12.5 to 12.11 and Appendix 5 to Annex II; and
    - (ii) Chapters II and III of the BCH Code;
  - (b) with respect to an NLS ship which is a chemical tanker constructed or adapted on or after 1<sup>st</sup> July 1986 and before 1st January 2007, as set out in—
    - (i) Regulation 12.2, 12.5 to 12.11 and Appendix 5 to Annex II; and
    - (ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the IBC Code;
  - (c) with respect to an NLS ship which is a chemical tanker constructed or adapted on or after 1<sup>st</sup> January 2007, as set out in—
    - (i) Regulation 12.3, 12.5, 12.6 and 12.8 to 12.11 and Appendix 5 to Annex II; and
    - (ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the IBC Code;
  - (d) with respect to an NLS ship which is a gas carrier, as set out in Regulation 5.3 of Annex II;
  - (e) with respect to an NLS ship which is an offshore support vessel to which the OSV Guidelines apply, as set out in—
    - (i) Regulation 12.1 (if the vessel is constructed or adapted before 1st July 1986), Regulation 12.2 (if the vessel is constructed or adapted on or after 1st July 1986 and before 1st January 2007) or Regulation 12.3 (if the vessel is constructed or adapted on or after 1st January 2007) of Annex II;
    - (ii) Appendix 5 to Annex II; and
    - (iii) Chapters 2, 3, 4, 5 and 7 of the OSV Guidelines; and
  - (f) with respect to any other NLS ship, as set out in—
    - (i) Regulation 12.1 (if the ship is constructed or adapted before 1st July 1986), Regulation 12.2 (if the ship is constructed or adapted on or after 1st July 1986 and before 1st January 2007) or Regulation 12.3 (if the ship is constructed or adapted on or after 1st January 2007) of Annex II; and
    - (ii) Appendix 5 to Annex II.
- (3) For the purposes of these Regulations a fitting, material, appliance or apparatus fitted to an NLS ship as an alternative to any of the requirements listed in paragraph (2) meets the relevant requirements providing it has been approved in accordance with the procedure specified in Regulation 38.

### 40. Initial surveys of Bangladesh NLS ships

- (1) A Bangladesh NLS ship must not—
  - (a) be put into service; or
  - (b) (if it is already in service) be enabled to continue in service, unless the requirements in paragraph (2) are met.
- (2) The requirements are that—

- (a) a relevant initial survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that—
  - (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
  - (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and
  - (iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and
- (c) a relevant NLS certificate has been issued in respect of the ship which is still valid.

#### 41. Renewal surveys of Bangladesh NLS ships

- (1) A Bangladesh NLS ship must not be enabled to—
  - (a) proceed to sea; or
  - (b) (if it is already at sea) remain at sea,after the date of expiry of a relevant NLS certificate issued in respect of that ship unless the requirements in paragraph (2) are met.
- (2) The requirements are that—
  - (a) a relevant renewal survey has been carried out in respect of the ship;
  - (b) at the date of the survey the surveyor is satisfied that—
    - (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
    - (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and
    - (iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and
  - (c) a new relevant NLS certificate has been issued in respect of the ship following the relevant renewal survey which is still valid.

#### 42. Annual surveys of Bangladesh NLS ships

- (1) A Bangladesh NLS ship must not be enabled to—
  - (a) proceed to sea; or
  - (b) (if it is already at sea) remain at sea,after the end of any annual survey period for that ship unless the requirements in paragraph (2) are met.
- (2) The requirements are that—
  - (a) a relevant annual survey has been carried out in respect of the ship;
  - (b) at the date of the survey the surveyor is satisfied that—
    - (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
    - (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and

(iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and

(c) the surveyor has endorsed the relevant NLS certificate in respect of the ship.

#### 43. Intermediate surveys of Bangladesh NLS ships

(1) A Bangladesh NLS ship must not be enabled to—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

after the third anniversary date in respect of that ship unless the requirements in paragraph (2) are met.

(2) The requirements are that—

(a) a relevant intermediate survey has been carried out in respect of the ship during the intermediate survey period;

(b) at the date of the survey the surveyor is satisfied that—

- (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
- (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and
- (iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and

(c) the surveyor has endorsed the relevant NLS certificate in respect of the ship.

#### 44. Additional surveys of Bangladesh NLS ships

(1) This regulation applies to a Bangladesh NLS ship where an important repair or renewal has been made to the ship.

(2) A ship to which this regulation applies must not be enabled to—

- (a) proceed to sea; or
  - (b) (if it is already at sea) remain at sea,
- unless the requirements in paragraph (3) are met.

(3) The requirements are that—

(a) a relevant additional survey has been carried out in respect of the ship;

(b) at the date of the survey the surveyor is satisfied that—

- (i) the repair or renewal has been made effectively;
- (ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects; and
- (iii) the ship complies in all respects with the requirements of these Regulations; and

(c) the surveyor has issued a report expressing the satisfaction required by subparagraph (b).

(4) For the purposes of paragraph (1)(b) an important repair or renewal is a repair or renewal which is required to be effected in order to—

- (a) address a defect which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or

- (b) ensure compliance with the requirements of Annex II.
- (5) In the case of a dispute as to whether a repair or renewal effected or intended to be effected in respect of a ship is an important repair or renewal for the purposes of paragraph (1)(b), the owner or master of a ship may serve a written request upon the Director General seeking advice.
- (6) A repair or renewal is to be regarded as not being an important repair or renewal for those purposes unless the Director General advises to the contrary within 21 days of receipt of a request under paragraph (5).

#### 45. Certificates required

- (1) A Bangladesh NLS ship must have an IPP certificate in accordance regulation 9.1 of Annex II.
- (2) However, paragraph (1) does not apply to a vessel for which a certificate of fitness mentioned in the BCH Code or the IBC Code is in force.

#### 46. Applying for certificates

A person must apply to an Issuing Body for an IPP certificate.

#### 47. Criteria for issue of IPP certificates

The criteria for issue of an IPP certificate to a Bangladesh NLS ship are that the ship:

- (a) has been surveyed in accordance with regulation 8 of Annex II; and
- (b) complies with the requirements that apply to it under Annex II.

#### 48. Issue of an IPP Certificate to a Bangladesh NLS ship

- (1) An Issuing Body may issue an IPP Certificate to a Bangladesh NLS ship if:
  - (a) an application for the certificate has been made under section 40; and
  - (b) the Issuing Body is satisfied that the criteria prescribed in section 41 in relation to the issue of the certificate are met.
- (2) An IPP certificate is subject to:
  - (a) the conditions prescribed in section 43; and
  - (b) the conditions (if any) imposed by the issuing body.
- (3) Conditions prescribed by the regulations or imposed by the issuing body include, but are not limited to, conditions relating to compliance with specified standards.

#### 49. Conditions of IPP certificates

An IPP certificate is subject to the following conditions:

- (a) the ship and its equipment must be maintained to comply with Annex II;
- (b) any survey mentioned in regulation 8 of Annex II must be completed in accordance with the requirements of that regulation;
- (c) any endorsement required to be made to the certificate under regulation 8 of Annex II is made;
- (d) after any survey mentioned in regulation 8 of Annex II has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, except the direct replacement of the equipment and fittings, must be approved by the Director General;

- (e) the ship must comply with the requirements of the Procedures and Arrangements Manual

#### 50. Issuing Body may vary an IPP certificate

- (1) An Issuing Body may vary an IPP certificate if the Issuing Body is satisfied that the following criteria are met.
  - (a) the vessel complies with the requirements that apply to it under Annex II; and
  - (b) to the extent that the variation relates to matters mentioned in regulation 10 of Annex II — the variation is in accordance with that regulation.
- (2) Without limiting subsection (1), an issuing body may vary an IPP certificate to impose a condition on the certificate.

#### 51. Endorsements of IPP certificates

An endorsement on an IPP certificate must be made by an Issuing Body.

#### 52. Revocation of IPP certificates

An Issuing Body may revoke an IPP certificate if the Issuing Body is satisfied that the following criteria are met.

- (a) a condition of the certificate has been, or is likely to be, breached; or
- (b) an endorsement mentioned in paragraph 43(c) has not been made; or
- (c) the vessel to which the certificates applies ceases to be registered in Bangladesh; or
- (d) the owner of the vessel asks in writing that the vessel's certificate be revoked.

#### 53. Obligation to notify alterations of vessels that relate to IPP certificates

- (1) A person contravenes this subsection if:
  - (a) the person is the owner or master of a vessel; and
  - (b) the vessel is altered so as to affect the pollution certificates the vessel is required to have; and
  - (c) the Director General, and each Issuing Body that issued an IPP certificate for the vessel, are not informed of the alterations within 7 days after the alteration is made.

#### 54. Responsibilities of the owner and master of an NLS ship

- (1) The owner and the master of an NLS ship must ensure that the condition of the ship and its equipment are maintained to conform with the relevant requirements which apply to the ship, so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment (including to waters within the seaward limits of the territorial waters of Bangladesh).
- (2) The owner and the master of an NLS ship must ensure that, after any survey of the ship required by these Regulations has been completed, no change, except by way of direct replacement is made to the structure, equipment, systems, fittings, arrangements and materials of the ship covered by the survey without the approval of either—
  - (a) the Issuing Body who appointed the surveyor to carry out the survey; or
  - (b) the Director General, where the relevant survey was carried out and the relevant NLS certificate was issued by a Contracting State other than Bangladesh following a request made by the State pursuant to regulation 16, as the case may be.
- (3) Whenever—

- (a) an accident occurs to an NLS ship; or
  - (b) a defect is discovered in an NLS ship,
- which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under these Regulations, the owner and the master of the ship must comply with the requirements of paragraph (4).
- (4) The requirements are that—
    - (a) the accident or defect is reported at the earliest opportunity to the Issuing Body that issued the relevant NLS certificate in respect of the ship; and
    - (b) in the case of a ship in a port outside Bangladesh the accident or the defect is immediately reported to the appropriate maritime authorities in the country in which the port is situated.
  - (5) Whenever an accident or defect is reported to a Issuing Body in accordance with paragraph (4)(a), the Issuing Body—
    - (a) must cause an investigation to be initiated to determine whether or not an additional survey and any repair is necessary; and
    - (b) must, if it considers that an additional survey or repair is necessary, cause that survey or repair to be carried out.
  - (6) Whenever an accident or defect is reported to a Issuing Body in accordance with paragraph (4)(a) and the ship in question is in a port outside Bangladesh, the Issuing Body must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.
  - (7) In paragraph (2) “direct replacement” means the direct replacement of equipment and fittings with equipment and fittings that conform with the relevant requirements which apply to that ship.

#### 55. Meaning of the Administration

- (1) For paragraph 2 and 4 of regulation 4 of Annex II, the Administration is taken to be the Department of Shipping.
- (2) For paragraph 5 of regulation 12 of Annex II, the Administration is taken to be a recognised organisation.

#### 56. Procedure to be adopted when a ship is deficient

- (1) This regulation applies to an NLS ship where a surveyor determines that—
  - (a) the condition of the ship or its equipment does not correspond substantially with the particulars of the relevant NLS certificate (if any) issued in respect of the ship; or
  - (b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) In the circumstances described in paragraph (1) the surveyor must—
  - (a) immediately advise the owner or master of the corrective action which, in the opinion of the surveyor, is required; and
  - (b) where the ship has a valid relevant NLS certificate, notify the Issuing Body that issued the relevant NLS certificate as respects that ship that the owner or master has been so advised.
- (3) The Issuing Body must suspend the validity of any relevant NLS certificate if the corrective action advised in accordance with paragraph (2)(a) is not taken within the time specified by the surveyor.

- (4) Where a Issuing Body suspends the validity of the relevant NLS certificate issued in respect of a ship it must immediately give notice of such suspension—
  - (a) to the owner of the ship; and
  - (b) where the ship is in a port outside Bangladesh, to the appropriate maritime authorities of the country in which the port is situated.
- (5) Where the owner of the ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension.

#### 57. Prohibition on non-Bangladesh NLS ships proceeding to sea

- (1) An NLS ship other than a Bangladesh NLS ship must not be enabled to proceed to sea from a port in Bangladesh unless—
  - (a) a Contracting State has issued, and where appropriate endorsed, a relevant NLS certificate in respect of that ship and that certificate (and, where appropriate, that endorsement) is still valid;
  - (b) the Government of a State which is not a Contracting State has issued, and where appropriate endorsed, a certificate in respect of that ship which is deemed by the Issuing Body to have the same force as a certificate issued in accordance with the requirements of Annex II and that certificate (and, where appropriate, that endorsement) is still valid;
  - (c) a surveyor of ships—
    - (i) has carried out a survey of the ship as if regulation 9 applied to that ship; and
    - (ii) is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
  - (d) a person having power to detain the ship—
    - (i) is satisfied that the ship can proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment; and
    - (ii) has permitted the ship to so proceed.

#### 58. Cancellation of NLS certificates

- (1) The Director General may cancel a relevant NLS certificate issued in respect of a Bangladesh NLS ship where the Director General has reason to believe that—
  - (a) the certificate was issued on false or erroneous information; or
  - (b) since the completion of any survey required by these Regulations, the equipment or machinery of the ship has sustained damage or is otherwise deficient.
- (2) The Director General may require that a relevant NLS certificate issued in respect of a Bangladesh NLS ship and which has expired, or been cancelled, is to be surrendered.
- (3) In relation to a Bangladesh NLS ship, a person must not—
  - (a) intentionally alter a relevant NLS certificate;
  - (b) intentionally make a false relevant NLS certificate;
  - (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
  - (d) with intent to deceive use, lend, or allow to be used by another, a relevant NLS certificate; or
  - (e) fail to surrender a relevant NLS certificate where required to do so under paragraph (2).

- (4) The owner and the master of a Bangladesh NLS ship, in respect of which a relevant NLS certificate has been issued, must ensure that the certificate is readily available on board the ship for inspection at all times.

#### 59. Control of discharges of Noxious Liquid Substances from ships

- (1) Subject to the provisions of this regulation, the discharge into the sea from any ship of—
  - (a) any noxious liquid substance; or
  - (b) any ballast water, tank washings or other mixture containing a noxious liquid substance,is prohibited, unless the discharge is permitted and effected in accordance with relevant regulations of Annex II.
- (2) Notwithstanding paragraph (1), any discharge of a noxious liquid substance, or mixture containing such substances, into the sea in polar waters is prohibited.
- (3) Any ventilation procedures used to remove cargo residues from a tank must be carried out in accordance with Appendix 7 of Annex II.
- (4) Following the use of ventilation procedures in accordance with paragraph (5) any water subsequently introduced into the tank is not to be treated as a noxious liquid substance.
- (5) Paragraphs (1) and (2) do not apply to the discharge of noxious liquid substances, or ballast water, tank washings or other mixtures containing noxious liquid substances, from a certificated NLS ship into the sea where the discharge—
  - (a) is necessary to secure the safety of the ship or for saving life;
  - (b) results from damage to the ship or its equipment and—
    - (i) all reasonable precautions have been taken by the master and owner after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge; and
    - (ii) the owner or master did not act either with intent to cause damage or act recklessly and with knowledge that damage would probably result; or
  - (c) has been approved by the Director General for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

#### 60. Prohibition on the carriage and discharge of unassessed liquid substances

- (1) The master of a ship must not enable that ship to—
  - (a) proceed to sea; or
  - (b) (if it is already at sea) remain at sea,if it is carrying in bulk any liquid substance which has not been categorised, provisionally assessed or evaluated in accordance with regulation 6 of Annex II.
- (2) The discharge into the sea from a ship of any liquid substance which has not been categorised, provisionally assessed or evaluated in accordance with regulation 6 of Annex II is prohibited.

#### 61. Procedures and Arrangements Manual

- (1) Every NLS ship must carry on board an approved Procedures and Arrangements Manual.
- (2) The Procedures and Arrangements Manual must be in the standard format specified in Appendix 4 to Annex II.
- (3) The Procedures and Arrangements Manual must—

- (a) in the case of a Bangladesh NLS ship, be written in English; and
- (b) in the case of any other NLS ship be written in, or translated into, English, French or Spanish.

#### 62. Cargo Record Book

- (1) Every NLS ship must be provided with a Cargo Record Book in the form specified in Appendix 2 to Annex II.
- (2) Following completion of any operation specified in Appendix 2 to Annex II, that operation must be recorded promptly in the Cargo Record Book.
- (3) In the event of—
  - (a) an accidental discharge of a noxious liquid substance, or of a mixture containing such a substance, from the ship; or
  - (b) a discharge made under the provisions of regulation 3 of Annex II,an entry must be made in the Cargo Record Book stating the circumstances of, and the reason for the discharge.
- (4) Each entry in the Cargo Record Book must be signed by the officer or officers in charge of the relevant operation.
- (5) Each page of the Cargo Record Book must be signed by the master of the ship.
- (6) In the case of a Bangladesh NLS ship, the Cargo Record Book must be written in English and, in the case of any other NLS ship, it must be written in or translated into English, French or Spanish.
- (7) Where an entry has been written in the national language of the State whose flag the ship is entitled to fly as well as in English, French or Spanish, in the case of any dispute or discrepancy the entry made in that national language prevails.
- (8) The Cargo Record Book must be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, must be kept on board the ship to which it relates.
- (9) A Cargo Record Book must be retained for a period of three years after the last entry has been made.

#### 63. Marine Pollution Emergency Plan for Noxious Liquid Substances

- (1) An NLS ship of 150 gross tonnage or more must carry on board a Marine Pollution Emergency Plan for Noxious Liquid Substances which is in a form approved by the administration of the Contracting State in which the ship is registered.
- (2) The Marine Pollution Emergency Plan for Noxious Liquid Substances must comply with the requirements of Regulation 17 of Annex II.

#### 64. Application of Polar Code to NLS ships

- (1) This regulation applies to a Bangladesh NLS ship operating in polar waters.
- (2) The owner or master of a ship to which this regulation applies must ensure that the construction and operation of the ship complies with—
  - (a) the environment-related provisions of the Introduction to; and
  - (b) Chapter 2 of Part II-A of, the Polar Code.
- (3) In ensuring compliance with paragraph (2)(b) consideration must be given to the guidance in Part II-B of the Polar Code.

#### 65. Investigation of alleged violations by Bangladesh ships

Upon receiving evidence that a noxious liquid substance has been discharged from a Bangladesh ship in violation of these Regulations the Director General must—

- (a) cause the matter to be investigated;
- (b) inform the IMO of the action taken; and
- (c) where another State has reported the violation, inform that State of the action taken.

#### 66. Offences

- (1) Any contravention of –
  - (a) regulation 40 to 44, 54(1), 54(2), 54(3), 57, 58(2) or (4) is an offence by the owner and by the master of the ship in question;
  - (b) regulation 59, 60, 61, 62, 63, or 64 is an offence by the owner, manager, demise charterer and master of the ship in question;
  - (c) regulation 56(5) is an offence by the owner of the ship in question.
  - (d) regulation 58(3) is an offence by the person in question.
- (2) An offence under paragraph (1) is punishable –
  - (a) on summary conviction by a fine not exceeding one lakh penalty units; and
  - (b) on conviction on indictment by a fine.

### PART 4

#### Prevention for the Prevention of Pollution by harmful substances carried by sea in packaged (Annex III)

#### 67. Application

- (1) Unless expressly provided otherwise, this Part applies to all ships carrying harmful substances in packaged form.

#### 68. Convention requirements

- (1) The carriage of harmful substances is prohibited, except in accordance with the provisions of Annex III.
- (2) If a vessel has on board harmful substances in packaged form, the owner of the vessel must comply with regulations 3 to 6 of Annex III.
- (2) For paragraphs 1 and 2 of regulation 5 of Annex III, the Department of Shipping is the designated organisation.
- (3) A copy of the special list, manifest or stowage plan mentioned in paragraph 2 of regulation 5 of Annex III must be given before departure to the Principal Officer of the Mercantile Marine Department at or nearest to the port of loading.

#### 69. Exceptions

- (1) Jettisoning of harmful substances carried in packaged form is prohibited, except where necessary for the purpose of securing the safety of the ship or saving life at sea.
- (2) Subject to the provisions of the present Convention, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard, provided that compliance with such measures would not impair the safety of the ship and persons on board.

## 70. Duty to report certain incidents involving harmful substances

- (1) This section does not apply in relation to a prescribed incident that occurs in relation to a foreign ship unless the incident occurs in the territorial sea or in the exclusive economic zone of Bangladesh.
- (2) Where a prescribed incident occurs in relation to a ship, the master of the ship shall, without delay, notify, in the prescribed manner:
  - (a) where Bangladesh is the nearest coastal State to the place where the incident occurred—the Director General; or
  - (b) where a foreign country is the nearest coastal State to that place—the government of that foreign country;of the incident.
- (3) Subsection (2) does not apply in relation to a prescribed incident in relation to a ship if the master of the ship was unable to comply with the subsection in relation to the incident.
- (4) Where a prescribed incident occurs in relation to a ship and:
  - (a) the master of the ship fails to comply with subsection (2) (whether or not the master is able to comply with that subsection) in relation to the incident; or
  - (b) the incident occurs in circumstances in which the ship is abandoned;the owner, charterer, manager or operator of the ship or an agent of the owner, charterer, manager or operator of the ship shall, without delay, notify, in the prescribed manner:
  - (c) where Bangladesh is the nearest coastal State to the place where the incident occurred—the Director General; or
  - (d) where a foreign country is the nearest coastal State to that place—the government of that foreign country;
- (5) A master of a ship who, pursuant to subsection (2), has notified the Director General or a government of the occurrence of a prescribed incident shall, if so requested by the Director General or that government, as the case may be, give, within 24 hours after receiving the request for the report, a report to the Director General or that government, as the case may be, in relation to the incident in accordance with the prescribed form.
- (6) Where subsection (4) applies in relation to a prescribed incident in relation to a ship, a person who, pursuant to that subsection, has notified the Director General or a government of the occurrence of the prescribed incident shall, if so requested by the Director General or that government, as the case may be, give, within 24 hours after receiving the request for the report, a report to the Director General or that government, as the case may be, in relation to the incident in accordance with the prescribed form.
- (7) A person shall not, in a notice given to the Director General or a government pursuant to subsection (2) or (4) or in a report given to the Director General or a government pursuant to subsection (5) or (6), make a statement that is false or misleading in a material particular.
- (8) In this section prescribed incident, in relation to a ship, means:
  - (a) an incident involving the discharge from the ship of a harmful substance carried as cargo in packaged form or in a freight container, portable tank, road or rail vehicle or shipborne barge, not being a discharge in accordance with the regulations or orders made under the regulations; or
  - (b) an incident involving the probability of the discharge from the ship of a harmful substance carried as cargo in packaged form or in a freight container, portable tank, road or rail vehicle or shipborne barge, not being a discharge in accordance with the regulations or orders made under the regulations; or

- (c) if the ship is 15 metres or more in length—an incident (including, but not limited to, collision, grounding, fire, explosion, structural failure, flooding and cargo shifting) involving damage, failure or breakdown that affects the safety of the ship; or
- (d) if the ship is 15 metres or more in length—an incident (including, but not limited to, failure or breakdown of steering gear, propulsion plant, electrical generating system and essential shipborne navigational aids) involving damage, failure or breakdown that impairs the safety of navigation.

## 71. Offences

- (1) Any contravention of –
  - (a) regulation 68 or 70(4) is an offence by the owner, manager, demise charterer and master of the ship in question;
  - (b) regulation 70(2) is an offence by the master of the ship in question;
  - (c) regulation 70(7) is an offence by the person in question.
- (2) An offence under paragraph (1) is punishable –
  - (a) on summary conviction by a fine not exceeding one lakh penalty units; and
  - (b) on conviction on indictment by a fine.

## PART 5

### Prevention of Pollution by Sewage from Ships (Annex IV)

## 72. Application

- (1) The provisions of this Part apply as follows.
- (2) Regulations 74 to 80, 81(1) to (5), and 82(1) and (2) apply to a Bangladesh ship, wherever it may be, which is engaged in international voyages and is—
  - (a) of 400 GT or above, or
  - (b) certified to carry more than 15 persons.
- (3) Regulations 83(1) apply to a ship which is—
  - (a) not a Bangladesh ship,
  - (b) registered in, or is not registered but is entitled to fly the flag of, a country whose Government is a Contracting Government”,
  - (c) engaged in international voyages,
  - (d) of 400 GT or above, or certified to carry more than 15 persons, and
  - (e) in Bangladesh waters.
- (4) Regulation 81(6) applies to a ship which is—
  - (a) not a Bangladesh ship,
  - (b) engaged in international voyages,
  - (c) of 400 GT or above, or certified to carry more than 15 persons, and
  - (d) in a port or offshore terminal in Bangladesh.
- (5) Regulation 82(3) and (4) applies in relation to a ship which is—
  - (a) a Bangladesh ship, wherever it may be, which is engaged in international voyages and is—

- (i) of 400 GT or above, or
- (ii) certified to carry more than 15 persons; or
- (b) not a Bangladesh ship, but is—
  - (i) engaged in international voyages,
  - (ii) of 400 GT or above, or certified to carry more than 15 persons, and
  - (iii) in Bangladesh waters.
- (6) Regulation 83(2) applies to a ship which satisfies all the criteria set out in paragraph (3) except for the criterion in paragraph (3)(b).

### 73. Convention requirements

- (1) A vessel must comply with the requirements of Annex IV that apply to the vessel.
- (2) A term used in this Part but not defined under Regulation 3 has the same meaning as in Annex IV.

### 74. Requirement for Sewage Certificate: Initial Survey

- (1) A ship to which this regulation applies must not—
  - (a) be put into service, or
  - (b) (if it is already in service) continue in service, unless the requirements set out in paragraph (2) are met.
- (2) The requirements are that—
  - (a) a survey has been carried out in respect of the ship,
  - (b) at the date of the survey the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Annex IV, and
  - (c) a Sewage Certificate has been issued in respect of that ship and is still valid.
- (3) A survey carried out under paragraph (2) is referred to in these Regulations as an “initial survey”

### 75. Renewal of Sewage Certificate: renewal survey

- (1) A ship to which this regulation applies must not—
  - (a) proceed to sea, or
  - (b) (if it is already at sea) remain at sea,after the date of expiry of a Sewage Certificate issued in respect of that ship unless the requirements set out in paragraph (2) are met.
- (2) The requirements are that—
  - (a) a survey has been carried out in respect of the ship,
  - (b) at the date of the survey the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Annex IV, and
  - (c) in consequence a Sewage Certificate has been issued in respect of that ship and is still valid.
- (3) A survey carried out under paragraph (2) is referred to in these Regulations as a “renewal survey”.

### 76. Additional surveys

- (1) This regulation applies to a ship where—
  - (a) a repair resulting from an investigation referred to in regulation 80(5) has been made to the ship, or
  - (b) an important repair or renewal has been made to the ship.
- (2) A ship to which this regulation applies must not—
  - (a) proceed to sea, or
  - (b) (it is already at sea) remain at sea, unless the requirements set out in paragraph (3) are met.
- (3) The requirements are that—
  - (a) a survey has been carried out in respect of the ship,
  - (b) at the date of the survey the surveyor is satisfied that—
    - (i) the repair or renewal has been made effectively,
    - (ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects, and
    - (iii) the ship complies in all respects with the requirements of Annex IV; and
  - (c) the surveyor has issued a survey report expressing the satisfaction required by subparagraph (b)
- (4) A survey carried out under paragraph (3) is referred to in these Regulations as an “additional survey”.

#### 77. Issue of Sewage Certificates by an Issuing Body

- (1) On being notified by a surveyor that the surveyor—
  - (a) has carried out an initial survey or a renewal survey in respect of a ship to which this regulation applies; and
  - (b) is satisfied at the date of the survey that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Annex IV, an Issuing Body must issue a Sewage Certificate in respect of that ship.
- (2) Where a ship becomes a ship to which this regulation applies on transfer from the flag of another Contracting Government”, an Issuing Body must issue a Sewage Certificate in respect of that ship where—
  - (a) a Sewage Certificate has been issued in respect of the ship and was still valid immediately before the date of the transfer,
  - (b) the Issuing Body has caused a survey to be carried out in respect of the ship, and
  - (c) the Issuing Body is satisfied that—
    - (i) the condition of the ship and its equipment is maintained to conform with the provisions of Annex IV, so as to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, and
    - (ii) no change, other than a change referred to in paragraph (3), has been made to the structure, equipment, systems, fittings, arrangements or materials of the ship covered by the last survey carried out under Regulation 4.1 of Annex IV without the approval of the Contracting Government” in question.
- (3) The changes referred to in paragraph (2)(c)(ii) are the direct replacement of equipment and fittings.

- (4) A Sewage Certificate issued under this regulation must be in English and in the form set out in the Appendix to Annex IV.

#### 78. Duration and validity of Sewage Certificates

- (1) Subject to the following paragraphs and to Regulations 81(3) and 82(1), a Sewage Certificate which is issued in respect of a ship to which this regulation applies is valid for such period as is specified in the certificate, not exceeding five years, beginning with the date of the completion of the relevant initial or renewal survey.
- (2) Subject to paragraph (3) and regulation 79(9), where a renewal survey is completed—
- (a) within the final three month period, or
  - (b) after the date of expiry of the latest Sewage Certificate,
- the new Sewage Certificate is valid for such period as is specified in the Certificate, beginning with the date of the completion of the renewal survey and ending with a date not exceeding five years from the date of expiry of the latest Sewage Certificate.
- (3) A Sewage Certificate issued in respect of a ship ceases to be valid upon whichever is the earliest of the following—
- (a) upon the ship being transferred to the flag of another State,
  - (b) upon a ship proceeding to sea where—
    - (i) a repair or renewal referred to in regulation 76(1) has been made, and
    - (ii) the requirements set out in regulation 76(3) have not been complied with,
  - (c) upon a new Sewage Certificate being issued in respect of the ship, or
  - (d) upon the date of expiry of the Certificate.
- (4) Where a ship is transferred to the flag of another State whose Government is a Contracting Government”, and within three months after the date of transfer that Government so requests, the Director General must send the Government a copy of—
- (a) the Sewage Certificate issued in respect of the ship, and
  - (b) if available, the survey report.
- (5) In this regulation, the “final three month period” means the period of three months ending on the date of expiry of the Sewage Certificate in question.

#### 79. Extension of periods of validity of Sewage Certificates

- (1) Where the period of the validity of a Sewage Certificate in respect of a ship to which this regulation applies is less than five years, the Issuing Body who issued the Sewage Certificate may extend its period of validity to a maximum period of five years.
- (2) Where—
- (a) a renewal survey has been completed by a surveyor; but
  - (b) the new Sewage Certificate cannot be issued or placed on board the ship before the date of expiry of the latest Sewage Certificate,
- the surveyor may endorse the latest Sewage Certificate.
- (3) Where a Sewage Certificate has been endorsed under paragraph (2), that Certificate is valid for such further period as is specified in the Certificate, not exceeding five months beginning with the original date of expiry of the Certificate.
- (4) Where—
- (a) a renewal survey has not been completed before the date of expiry of the latest Sewage Certificate in question; and

- (b) at that date of expiry the ship is not in the port in which the survey is to be carried out, the Issuing Body who issued the latest Sewage Certificate may extend the period of validity of that Sewage Certificate for a period not exceeding three months, if it appears to the Issuing Body that it is proper and reasonable to do so solely for the purpose of allowing the ship to complete its voyage to its port of survey.
- (5) Where the period of validity of a Sewage Certificate has been extended pursuant to paragraph (4), the ship in question must not leave its port of survey until a new Sewage Certificate has been issued in respect of that ship.
- (6) Subject to paragraph (7), the Issuing Body who issued the latest Sewage Certificate in respect of a ship engaged solely on short international voyages may extend the period of validity of that Sewage Certificate for a period not exceeding one month.
- (7) An Issuing Body must not extend the period of validity of a Sewage Certificate under paragraph (6) if the period of validity of that Sewage Certificate has already been extended under paragraph (1), (3) or (4).
- (8) Subject to paragraph (9) and to regulations 81(3) and 82(1), where a renewal survey has been completed and a new Sewage Certificate has been issued in respect of a ship referred to in paragraph (5) or (6), that new Certificate is valid for such period as is specified in the Certificate, not exceeding five years beginning with the original date of expiry of the previous Sewage Certificate.
- (9) In the special circumstances, as determined by the Director General, the period of validity of a new Sewage Certificate which is—
- (a) issued in respect of a ship referred to in paragraph (5) or (6), or
- (b) referred to in regulation 78(2) and issued where the renewal survey is completed after the date of expiry of the latest Sewage Certificate, is such period as is specified in the new Certificate, not exceeding five years beginning with the date of the completion of the renewal survey in question.
- (10) Where the period of validity of a Sewage Certificate is extended under paragraph (1),(4) or (6), the Issuing Body in question must endorse the Sewage Certificate in accordance with the relevant form set out in the Appendix to Annex IV.
- (11) An endorsement issued pursuant to paragraph (2) must be in the relevant form set out in the Appendix to Annex IV.
- (12) In this regulation, “the original date of expiry” means the date on which a Sewage Certificate would have expired but for any extension of its period of validity

#### 80. Responsibilities of the owner and master of a ship

- (1) The owner and the master of a ship to which this regulation applies must ensure that the condition of the ship and its equipment are maintained to conform with the provisions of Annex IV so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) The owner and the master of a ship to which this regulation applies must ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the infrastructure of that ship covered by the survey without the approval of the the Issuing Body who appointed the surveyor to carry out the survey.
- (3) Whenever—
- (a) an accident occurs to a ship, or
- (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Annex IV, the owner and the master of the ship must ensure that the requirements of paragraph (4) are complied with.

- (4) The requirements are that—
  - (a) the accident or defect, as the case may be, is reported at the earliest opportunity to the Issuing Body who issued the Sewage Certificate in respect of the ship, and
  - (b) in the case of a ship in a port outside Bangladesh, the accident or the defect, as the case may be, is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.
- (5) Whenever an accident or defect is reported to an Issuing Body in accordance with paragraph (4)(a), the Issuing Body —
  - (a) must cause an investigation to be initiated to determine whether or not an additional survey is necessary, and
  - (b) if it considers that an additional survey is necessary, must cause that survey to be carried out.
- (6) Whenever an accident or defect is reported to an Issuing Body in accordance with paragraph (4)(a) and the ship in question is in a port outside Bangladesh, the Issuing Body must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.

#### 81. Procedure to be adopted when a ship is deficient

- (1) This regulation applies where a surveyor determines that—
  - (a) the condition of a ship to which paragraphs (1) to (5) of this regulation apply, or its equipment, does not correspond substantially with the particulars of the Sewage Certificate (if any) issued in respect of the ship, or
  - (b) a ship, to which paragraphs (1) to (5) of this regulation apply, is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) The surveyor must—
  - (a) advise the owner or master of the corrective action which in the opinion of the surveyor is required, and
  - (b) where a Sewage Certificate has been issued in respect of the ship and is still valid, notify the Issuing Body who issued the Certificate—
    - (i) that the surveyor has so advised the owner or master, and
    - (ii) if that corrective action is not taken.
- (3) Where a Sewage Certificate has been issued in respect of the ship and is still valid, the Issuing Body may suspend the validity of that Certificate until the corrective action has been taken.
- (4) Where the Issuing Body suspends the validity of a Sewage Certificate issued in respect of a ship, it must immediately give notice of such suspension—
  - (a) to the owner of the ship, and
  - (b) where the ship is in a port outside Bangladesh, to the appropriate maritime authorities of the country in which the port is situated.
- (5) Where the owner of a ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension.
- (6) Paragraphs (1) and (2) have effect in relation to a ship to which this paragraph applies as they have effect in relation to a ship to which those paragraphs apply, and as if—

- (a) the reference to “the Issuing Body” were to the Government of the State where the ship is registered (or if the ship is not registered, the Government of the flag State), and
- (b) the reference to a “surveyor” included a reference to a person authorised by that Government to survey the ship.

## 82. Cancellation of Sewage Certificates

- (1) The Director General may cancel a Sewage Certificate issued in respect of a ship to which this paragraph applies, where the Director General has reason to believe that—
  - (a) the Sewage Certificate was issued on false or erroneous information; or
  - (b) since the completion of any survey required by these Regulations, the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.
- (2) The Director General may require that a Sewage Certificate, issued in respect of a ship to which this paragraph applies, and which has expired or has been suspended or cancelled, is to be surrendered within such time and in such manner as the Director General may in writing direct.
- (3) In relation to a ship to which this paragraph applies, no person may—
  - (a) intentionally alter a Sewage Certificate;
  - (b) intentionally make a false Sewage Certificate;
  - (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
  - (d) with intent to deceive, use or lend a Sewage Certificate or permit a Sewage Certificate to be used by another person; or
  - (e) fail to surrender a Sewage Certificate when required to do so pursuant to paragraph (2).
- (4) The owner and master of a ship, in respect of which a Sewage Certificate has been issued and in relation to which this paragraph applies, must ensure that the Certificate is readily available on board the ship for examination at all times.

## 83. Prohibition on non-Bangladesh ships proceeding to sea without a Sewage Certificate

- (1) A ship to which this paragraph applies must not proceed to sea from a port in the Bangladesh unless—
  - (a) a Sewage Certificate has been issued pursuant to Annex IV in respect of that ship and is still valid,
  - (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or
  - (c) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.
- (2) A ship to which this paragraph applies must not proceed to sea from a port in Bangladesh unless documentation has been issued in respect of that ship which is still valid and shows that—
  - (a) a survey has been carried out in respect of the ship as if regulation 70 applied to the ship, and
  - (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

#### 84. Discharge connection

- (1) To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with Regulation 10 of Annex IV.
- (2) In the case of a ship in dedicated trades, the sewage discharge pipeline may alternatively be fitted with a quick-connection coupling or other discharge connection, if the Director General is satisfied that the discharge connection is at least as effective as the standard discharge connection outline under Regulation 10 of Annex IV.

#### 85. Sewage Systems

Every ship, which is required to comply with the provisions of Annex IV shall be equipped with one of the sewage systems specified in Regulation 9 of Annex IV.

#### 86. Prohibition against discharging sewage from a ship into the sea

- (1) Subject to paragraph (3) and regulations 87 and 88, the discharge of sewage from a ship to which this regulation applies into the sea is prohibited.
- (2) Where the sewage is mixed with wastes or waste water covered by an Annex to the Convention other than Annex IV, paragraph (1) applies in addition to any statutory prohibition or requirement which relates to those wastes or waste waters and which implements that other Annex.

#### 87. Exception for a ship equipped with a sewage treatment plant

- (1) Sewage may be discharged from a ship into the sea if—
  - (a) the sewage is discharged through and treated by a sewage treatment plant operating on the ship, which plant complies with paragraph 1.1 of Regulation 9 of Annex IV;
  - (b) the Sewage Certificate in respect of that ship contains the test results of the sewage treatment plant; and
  - (c) as a result of the discharge—
    - (i) there are no visible floating solids, and
    - (ii) there is no discoloration of the water into which the sewage is discharged.

#### 88. Exception for other ships

- (1) Subject to paragraph (3), treated sewage may be discharged from a ship into the sea if—
  - (a) the system used complies with paragraph 1.2 of Regulation 9 of Annex IV; and
  - (b) the sewage is discharged at a distance of more than three nautical miles from the nearest land.
- (2) Subject to paragraph (3), sewage which is not treated may be discharged from a ship into the sea if the sewage is discharged at a distance of more than 12 nautical miles from the nearest land.
- (3) Where—
  - (a) treated sewage; or
  - (b) sewage which is not treated,  
has been stored in a holding tank, or originates from spaces containing living animals, the sewage must not be discharged instantaneously but must be discharged at a rate which is no greater than the rate specified for these purposes in regulation 89 whilst the ship is en route and proceeding at not less than four knots.

- (4) For the purposes of this regulation—
- (a) a ship is en route if it is under way at sea on a course which so far as practicable for navigational purposes will cause any discharge to be spread over as great an area of the sea as is reasonably practicable; and
  - (b) “treated sewage” means sewage which is both comminuted and disinfected, and “sewage which is not treated” is to be construed accordingly.

#### 89. Rate of discharge of untreated sewage: is calculated -

- (1) For the purpose of Regulation 88, the instantaneous rate of discharge is:
- (a) over any period up to 24 hours — not more than  $DR_{max} \text{ m}^3$  per hour; and
  - (b) in any 1 hour during that period — not more than  $1.2 \times DR_{max} \text{ m}^3$
- (2) For subsection (1):
- $DR_{max} = 0.00926 \times B \times D \times V$ ; where:  $DR_{max}$  is maximum permissible discharge rate ( $\text{m}^3/\text{h}$ );  $B$  = breadth in metre;  $D$  = draft in metres.  $V$  = the ship’s average speed in knots over the period.

Note The calculations in this section give effect to IMO Resolution MEPC.157(55).

#### 90. Inspection of ships

- (1) In so far as sections 9, 157, and 160 of the Merchant Shipping Act (surveys, inspection and monitoring) apply in relation to a ship to which any of these Regulations apply, for the purposes of checking compliance with these Regulations those sections have effect subject to the following modifications.
- (2) The power in those sections to inspect a ship and its equipment, any part of the ship, any articles on board and any document carried in the ship, is limited to—
- (a) verifying whether a Sewage Certificate has been issued in respect of the ship and is still valid,
  - (b) verifying whether documentation referred to in regulation 83(2) (“appropriate documentation”) has been issued in respect of the ship and is still valid,
  - (c) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage,
  - (d) verifying whether the ship has discharged any sewage in violation of these Regulations, or
- (3) The power in those sections to go on board a ship may only be exercised if the ship in question is in—
- (a) a port in Bangladesh, in so far as the power is exercised to investigate an operation relating to garbage, or
  - (b) a port or offshore terminal in Bangladesh in any other case.
- (4) Where the ship is inspected for the purposes of paragraph (2)(d) and is not a Bangladesh ship, the person exercising the powers of inspection must ensure that the report of the inspection is sent to—
- (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State, and
  - (b) any other Party to the Convention who requested the inspection.

#### 91. Investigation of alleged violations by Bangladesh ships

Upon receiving evidence that a Bangladesh ship has discharged any sewage in violation of these Regulations the Director General must—

- (a) cause the matter to be investigated,
- (b) inform the IMO of the action taken, and
- (c) where another State has reported the violation, inform that State of the action taken.

## 92. General provisions on detention

- (1) Subject to paragraph (2), where regulation 81(1) has effect in relation to a ship, or a surveyor of ships has clear grounds for believing that—
  - (a) a Sewage Certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid,
  - (b) documentation referred to in regulation 83(2) (“appropriate documentation”) is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid,
  - (c) the condition of a ship or its equipment does not correspond substantially with the particulars of that Certificate or other appropriate documentation,
  - (d) the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage,
  - (e) an offence under regulation 93(1) is being committed in respect of a ship,the ship is liable to be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) A person having powers to detain a ship may permit a ship which is liable to be detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.
- (3) Where a ship is liable to be detained under the preceding provisions of this regulation, the person detaining the ship must serve on the master of the ship a detention notice which—
  - (a) states the grounds for the detention, and
  - (b) requires the terms of the notice to be complied with until the ship is released.
- (4) Where a ship other than a Bangladesh ship is detained, the Director General must immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

## 93. Offences

- (1) Any contravention of—
  - (a) regulation 85 and 86 is an offence by the owner, manager, demise charterer and master of the ship,
  - (b) regulation 74(1), 75(1), 76(2), 80(1), (2) or (3), 82(4) or 83(1) or (2) is an offence by the owner and the master of the ship,
  - (c) regulation 82(3) is an offence by the person in question,
- (2) An offence under paragraph (1) is punishable –
  - (a) on summary conviction by a fine not exceeding one lakh penalty units; and
  - (b) on conviction on indictment by a fine

## PART 6

### Prevention of Pollution by Garbage from Ships (Annex V)

#### 94. Application

- (1) Regulations 95 to 98 apply to a ship which is—
  - (a) a Bangladesh ship wherever it may be, or
  - (b) a ship other than a Bangladesh ship, but which is in Bangladesh waters,
- (2) Regulation 99 applies to a ship which is referred to in paragraph (1)(a) or (b) and is—
  - (a) a relevant platform, or
  - (b) alongside or within 500 metres of such a platform.
- (3) Regulation 100 applies to a Bangladesh ship wherever it may be.
- (4) Regulation 101 applies to a ship which is referred to in paragraph (1)(a) or (b) and has a length overall of 12 metres or more
- (5) In paragraph (4), “length overall” means the extreme length of the hull of the ship measured between the foremost part of the bow and the aftmost part of the stern.
- (6) Regulation 102 applies to a ship which is referred to in paragraph (1)(a) or (b) and is—
  - (a) of 100 GT or above, or
  - (b) certified to carry 15 or more persons.
- (7) Regulations 103 apply to a ship which is referred to in paragraph (1)(a) or (b) and is—
  - (a) of 400 GT or above,
  - (b) certified to carry 15 or more persons, and engaged in voyages to ports or offshore terminals under the jurisdiction of a Party to the Convention other than the ship’s flag State, or
  - (c) a relevant platform.
- (9) Regulation 104 applies to a ship which is referred to in paragraph (1)(a) or (b) and is—
  - (a) certified to carry 15 or more persons, and engaged on a voyage whose duration is one hour or less, or
  - (b) a relevant platform, while it is engaged in exploration and exploitation of the seabed.
- (10) These Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government, non-commercial service.
- (11) Regulations 96 to 99 do not apply to—
  - (a) the disposal of garbage which is necessary for the purpose of—
    - (i) securing the safety of the ship,
    - (ii) securing the safety of those on board the ship, or
    - (iii) saving life at sea;
  - (b) the escape of garbage which results from damage to a ship or its equipment, except to the extent that the escape is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

- (c) the accidental disposal into the sea of synthetic fishing nets or synthetic material incidental to the repair of such nets, except to the extent that the disposal is due to a failure to take all reasonable precautions to prevent the loss.

#### 95. Convention requirements

- (1) A ship must comply with the requirements of Annex V that apply to the ship.
- (2) A term used in this Part and not defined under Regulation 3 has the same meaning as in Annex V.

#### 96. Prohibition on disposal of plastics or mixtures of garbage from a ship

- (1) The disposal into the sea of any plastics from a ship to which this regulation applies is prohibited.
- (2) Where plastics are mixed with garbage of one or more kinds referred to in regulation 97, 98 or 99, the disposal of that mixed garbage into the sea from such a ship is prohibited.
- (3) Subject to paragraph (4), where—
  - (a) garbage of a kind referred to in regulation 97, 98 or 99 is mixed with garbage of a different kind referred to in any of those regulations, and
  - (b) the disposal into the sea of one or more of those kinds of garbage is prohibited under any of those regulations, the disposal into the sea of that mixed garbage is prohibited.
- (4) Where—
  - (a) garbage of a kind referred to in regulation 97, 98 or 99 is mixed with garbage of a different kind referred to in any of those regulations,
  - (b) the disposal into the sea of those kinds of garbage is prohibited by those regulations unless certain requirements are complied with, and
  - (c) those requirements differ according to the kind of garbage,the disposal into the sea of that mixed garbage is prohibited unless the more stringent requirements are complied with.

#### 97. Prohibition on disposal of garbage other than plastics from a ship outside a Special Area

- (1) This regulation is subject to regulation 99.
- (2) The disposal of dunnage, lining and packing materials which will float, from a ship to which this regulation applies into the sea outside a Special Area is prohibited unless—
  - (a) the distance from the ship to the nearest land is 25 nautical miles or more, and
  - (b) the disposal is made as far from the nearest land as is practicable.
- (3) The disposal of general garbage, which has been ground or comminuted to the required standard, from such a ship into the sea outside a Special Area is prohibited unless—
  - (a) the distance from the ship to the nearest land is three nautical miles or more, and
  - (b) the disposal is made as far from the nearest land as is practicable.
- (4) The disposal of general garbage, other than that referred to in paragraph (3), from such a ship into the sea outside a Special Area is prohibited unless—
  - (a) the distance from the ship to the nearest land is 12 nautical miles or more, and
  - (b) the disposal is made as far from the nearest land as is practicable.

- (5) In this regulation, “general garbage” means garbage other than—
- (a) plastics, and
  - (b) dunnage, lining and packing materials which will float.

#### 98. Prohibition on disposal of garbage from a ship within a Special Area

- (1) The disposal of garbage, other than food wastes, from a ship to which this regulation applies into the sea within a Special Area is prohibited.
- (2) The disposal of food wastes from such a ship into the sea within a Special Area is prohibited unless—
  - (a) the distance from the ship to the nearest land is 12 nautical miles or more, and
  - (b) the disposal is made as far from the nearest land as is practicable.

#### 99. Prohibition on disposal of garbage from a relevant platform or from a ship alongside a relevant platform

- (1) The disposal of garbage, other than the food wastes referred to in paragraph (2), into the sea from a ship to which this regulation applies is prohibited.
- (2) The disposal of food wastes, which have been ground or comminuted to the required standard, into the sea from a ship to which this regulation applies is prohibited, if the distance from the relevant platform in question to the nearest land is 12 nautical miles or less.

#### 100. Restriction on Bangladesh ships entering the Antarctic area

A ship to which this regulation applies must not enter the Antarctic area unless—

- (a) it has sufficient capacity for the retention on board of all garbage while operating in that area, and
- (b) it has concluded arrangements for the discharge of retained garbage at a reception facility after it has left that area.

#### 101. Placards on ships

- (1) A ship to which the regulation applies must display placards which notify the crew and any passengers of the requirements for the disposal of garbage contained in regulation 3, 4, 5 and 6 of Annex V and section 5.2 of part II-A of the Polar Code, as applicable..
- (2) Those placards must be written—
  - (a) in the working language of the ship’s personnel, and
  - (b) if the ship is engaged on voyages to ports or offshore terminals under the jurisdiction of a Party to the Convention other than its flag State, also in English, French or Spanish.

#### 102. Garbage management plan

- (1) Every ship and fixed and floating platforms to which this regulation applies must carry a garbage management plan which complies with paragraph (2).
- (2) The garbage management plan must—
  - (a) be written in the working language of the crew;
  - (b) provide procedures for the collection, storage, processing and disposal of garbage, including procedures for the use of equipment on board;

- (c) designate the person in charge of carrying out the plan; and
  - (d) be in accordance with the guidelines developed by the IMO.
- (3) The master of a ship must ensure that the crew of the ship follow the garbage management plan relating to the ship.

### 103. Garbage record books

- (1) Every ship to which this regulation applies must keep on board a garbage record book which complies with paragraph (2).
- (2) The garbage record book must be in the form specified in Appendix II of Annex V.
- (3) The garbage record book along with receipts obtained from reception facilities must be kept on board the ship in a place where it is available for inspection at any reasonable time.
- (4) Entries in garbage record book shall be recorded in accordance with Regulation 10 of Annex V.
- (5) The owner of a ship must preserve the garbage record book along with receipts obtained from reception facilities for that ship for a period of two years from the date of the final entry made in it.
- (6) The master of a ship must sign each completed page of the garbage record book relating to the ship.

### 104. Exemptions from regulations 103

The Director General may grant an exemption in writing from one or more of the requirements of regulations 103 in respect of a ship to which this regulation applies.

### 105. Ships operating in polar waters

Bangladesh ships operating in polar waters must comply with Regulation 14 of Annex V.

### 106. Inspection of ships

- (1) In so far as sections 9, 157, and 160 of the Merchant Shipping Act (surveys, inspection and monitoring) apply in relation to a ship to which any of these Regulations apply, for the purposes of checking compliance with these Regulations those sections have effect subject to the following modifications.
- (2) The power in those sections to inspect a ship and its equipment, any part of the ship, any articles on board and any document carried in the ship, is limited to—
  - (a) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of pollution by garbage;
  - (b) verifying whether the ship has disposed of any garbage in violation of these Regulations, or
  - (c) inspecting the garbage record book kept aboard the ship.
- (3) The power in those sections to go on board a ship may only be exercised if the ship in question is in—
  - (a) a port in Bangladesh, in so far as the power is exercised to investigate an operation relating to garbage, or
  - (b) a port or offshore terminal in Bangladesh in any other case.

- (4) Where the ship is inspected for the purposes of paragraph (2)(b) and is not a Bangladesh ship, the person exercising the powers of inspection must ensure that the report of the inspection is sent to—
  - (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State, and
  - (b) any other Party to the Convention who requested the inspection.
- (5) Where the garbage record book is inspected under paragraph (2)(c), the person exercising the power of inspection may—
  - (a) make a copy of an entry in that book, and
  - (b) require the master of the ship to certify that the copy is a true copy of such an entry.
- (6) That certified copy is to be admissible in any judicial proceedings as evidence of the facts stated in it.

#### 107. Investigation of alleged violations by Bangladesh ships

Upon receiving evidence that a Bangladesh ship has disposed of any garbage in violation of these Regulations the Director General must—

- (a) cause the matter to be investigated,
- (b) inform the IMO of the action taken, and
- (c) where another State has reported the violation, inform that State of the action taken.

#### 108. General provisions on detention

- (1) Subject to paragraph (2), where a surveyor of ships has clear grounds for believing that—
  - (a) the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage,
  - (b) the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by garbage, or
  - (c) an offence under regulation 106(1) is being committed in respect of a ship,the ship is liable to be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) A person having powers to detain a ship may permit a ship which is liable to be detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.
- (3) The power under this regulation to detain a ship may only be exercised if the ship in question is in—
  - (a) a port in Bangladesh, in the case of paragraph (1)(b), or
  - (b) a port or offshore terminal in Bangladesh, in any other case.
- (4) Where a ship other than a Bangladesh ship is detained, the Director General must immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

#### 109. Offences

- (1) Any contravention of—
  - (a) regulation 96, 97, 98, or 99 in the case of a relevant platform, is an offence by the owner and manager of the platform,

- (b) regulation 96, 97, 98, or 99 in the case of a ship other than a relevant platform, is an offence by the owner, manager, demise charterer and master of the ship,
  - (c) regulation 100, 101, 102(1), 103(1), 103(3) or 103(4) in the case of a relevant platform, is an offence by the owner and manager of the platform,
  - (d) regulation 100, 101, 102(1) 103(1),103(3) or 103(4) in the case of a ship other than a relevant platform, is an offence by the owner, manager, demise charterer and master of the ship,
  - (e) regulation 102(3) or 103(6) in the case of a relevant platform, is an offence by the manager of the platform,
  - (f) regulation 102(3) or 103(6) in the case of a ship other than a relevant platform, by the master of the ship,
  - (g) regulation 103(5) is an offence by the owner of the ship,
- (2) An offence under paragraph (1) is punishable –
- (a) on summary conviction by a fine not exceeding one lakh penalty units; and
  - (b) on conviction on indictment by a fine

## PART 7

### Prevention of Air Pollution from Ships (Annex VI)

#### 110. Application

- (1) Unless expressly provided otherwise and subject to paragraphs (2) this Part applies to ships to which Annex VI applies.
- (2) This Part applies to—
  - (a) a Bangladesh ship wherever it may be; or
  - (b) a ship other than a Bangladesh ship, but which is in a Bangladesh port or Bangladesh waters

#### 111. Convention requirements

- (1) A ship must comply with the requirements of Annex VI that apply to the ship.
- (2) A term used in this Part but not defined under Regulation 3 has the same meaning as in Annex VI.

#### 112. Exception and exemptions

- (1) These Regulations do not apply to any emission—
  - (a) necessary for the purpose of securing the safety of a ship or saving life at sea, or
  - (b) resulting from damage to a ship or its equipment, except to the extent that the emission is due to—
    - (i) a failure to take all reasonable precautions after the occurrence of the damage or discovery of the emission for the purpose of preventing or minimising the emission, or
    - (ii) damage caused in consequence of the owner or master acting either intending to cause damage, or recklessly and with knowledge that damage would probably result,
- (2) These Regulations do not apply to any emission—

- (a) from any platform resulting from the incineration of substances that are solely and directly the result of exploration, exploitation and associated offshore processing of sea-bed mineral resources, including but not limited to—
    - (i) the flaring of hydrocarbons and the burning of cuttings, muds and stimulation fluids during well completion and testing operations,
    - (ii) flaring arising from upset conditions, and
    - (iii) the release of gases and volatile compounds entrained in drilling fluids and cuttings,
  - (b) associated solely and directly with the treatment, handling or storage of a sea-bed mineral,
  - (c) from a diesel engine that is solely dedicated to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.
- (3) The Director General may issue an exemption from specific provisions of Annex VI for a ship to conduct trials for the development of ship emission reduction and control technologies and engine design programmes in accordance with paragraph 2 of Regulation 3 of Annex VI.

### 113. Equivalents

The Director General may permit any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by these Regulations if that fitting, material, appliance or apparatus is at least as effective as that required by these Regulations and in accordance with Regulation 4 of Annex VI.

### 114. Requirement for appropriate certificate: initial survey

- (1) Every ship to which Regulation 5 of Annex VI applies must not—
  - (a) be put into service, or
  - (b) (if it is already in service) continue in service, unless the requirements set out in paragraph (2) are met.
- (2) The requirements are that—
  - (a) a survey has been carried out in respect of the ship,
  - (b) at the date of the survey the surveyor is satisfied that the equipment, systems, fittings, arrangements and materials fully comply with the relevant requirements of Chapter III of Annex VI, or an alternative that has been permitted pursuant to regulation 113, and
  - (c) an appropriate certificate has been issued in respect of that ship and is still valid.
- (4) A survey carried out under paragraph (3) is referred to in these Regulations as an “initial survey”.

### 115. Renewal of appropriate certificate: renewal survey

- (1) Every ship to which Regulation 5 of Annex VI applies must not—
  - (a) proceed to sea, or
  - (b) (if it is already at sea) remain at sea,after the date of expiry of an appropriate certificate in respect of that ship unless the requirements set out in paragraph (2) are met.
- (2) The requirements are that—
  - (a) a survey has been carried out in respect of the ship,

- (b) at the date of the survey the surveyor is satisfied that the equipment, systems, fittings, arrangements and materials fully comply with the relevant requirements of Chapter III of Annex VI, or an alternative that has been permitted pursuant to regulation 113, and
  - (c) in consequence an appropriate certificate has been issued in respect of that ship and is still valid.
- (3) A survey carried out under paragraph (2) is referred to in these Regulations as a “renewal survey”.

#### 116. Annual survey

- (1) Subject to paragraph (3), every ship to which Regulation 5 of Annex VI applies must not—
- (a) proceed to sea, or
  - (b) (if it is already at sea) remain at sea,
- after the end of any annual survey period for that ship unless the requirements set out in paragraph (2) are met.
- (2) The requirements are that—
- (a) a survey has been carried out in respect of the ship, and
  - (b) the surveyor—
    - (i) at the date of that survey is satisfied that the equipment, systems, fittings, arrangements and materials of that ship have been maintained in accordance with relevant requirements of Chapter III of Annex VI and remain satisfactory for the service for which the ship is intended, and
    - (ii) has endorsed the appropriate certificate to that effect.
- (3) Paragraph (1) does not apply if the requirements of regulation 114(2) or 115(2) have been met during the annual survey period in question.
- (4) An endorsement referred to in sub-paragraph (2)(b)(ii) must be in the form set out in Appendix 1 to Annex VI where the certificate is an IAPP Certificate.
- (5) In this regulation, “annual survey period” means the period of six months beginning three months before each anniversary date.

#### 117. Intermediate surveys

- (1) Subject to paragraph (3), a ship to which Regulation 5 of Annex VI applies must not—
- (a) proceed to sea, or
  - (b) (if it is already at sea) remain at sea,
- after the third anniversary date, unless the requirements set out in paragraph (2) are met.
- (2) The requirements are that—
- (a) a survey has been carried out in respect of the ship during an intermediate survey period, and
  - (b) the surveyor—
    - (i) at the date of that survey is satisfied that the equipment and arrangements of that ship fully comply with the requirements of Part 3, or an alternative that has been permitted pursuant to regulation 4, and are at the time of the survey in good working order, and

- (ii) has endorsed the appropriate certificate to that effect.
- (3) An endorsement referred to in sub-paragraph (2)(b)(ii) must be in the form set out in Appendix 1 to Annex VI where the certificate is an IAPP Certificate.
- (4) In this regulation, “intermediate survey period” means a period of six months beginning three months before the second or third anniversary date.

#### 118. Responsibilities of the owner and master of a ship

- (1) The owner and the master of a ship to which this regulation applies must ensure that the condition of the ship and its equipment are maintained to conform with the relevant provisions of Chapter III of Annex VI so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) The owner and the master of a ship to which this regulation applies must ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the equipment, systems, fittings, arrangements and materials of that ship covered by the survey without the approval of—
  - (a) the Issuing Body who appointed the surveyor to carry out the survey, or
  - (b) the Director general, where the IAPP Certificate was issued by a Contracting Government following a request made pursuant to Regulation 121, as the case may be.
- (3) Whenever—
  - (a) an accident occurs to a ship, or
  - (b) a defect is discovered in a ship,which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Chapter III of Annex VI, the owner and the master of the ship must ensure that the requirements of paragraph (4) are complied with.
- (4) The requirements are that—
  - (a) the accident or defect, as the case may be, is reported at the earliest opportunity to the Issuing Body that issued the appropriate certificate in respect of the ship, and
  - (b) in the case of a ship in a port outside Bangladesh, the accident or the defect, as the case may be, is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.
- (5) Whenever an accident or defect is reported to an Issuing Body in accordance with paragraph (4)(a), the Issuing Body—
  - (a) must cause an investigation to be initiated to determine whether or not an additional survey is necessary, and
  - (b) if it considers that an additional survey is necessary, must cause that survey to be carried out.
- (6) Whenever an accident or defect is reported to an Issuing Body in accordance with paragraph (4)(a) and the ship in question is in a port outside Bangladesh, the Issuing Body must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.
- (7) In paragraph (2) “direct replacement” means the direct replacement of equipment and fittings with equipment and fittings that conform with the provisions of Annex VI.

#### 119. Additional surveys

- (1) This regulation applies to a ship where—

- (a) a repair resulting from an investigation referred to in regulation 118(5) has been made to the ship, or
  - (b) an important repair or renewal has been made to the ship.
- (2) A ship to which this regulation applies must not—
- (a) proceed to sea, or
  - (b) (if it is already at sea) remain at sea,
- unless the requirements set out in paragraph (3) are met.
- (3) The requirements are that—
- (a) a survey has been carried out in respect of the ship,
  - (b) at the date of the survey the surveyor is satisfied that—
    - (i) the repair or renewal has been made effectively,
    - (ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects, and
    - (iii) the ship complies in all respects with the relevant requirements of Chapter III of Annex VI, and
  - (c) the surveyor has issued a survey report expressing the satisfaction required by subparagraph (b).
- (4) A survey carried out under paragraph (3) is referred to in these Regulations as an “additional survey”.

#### 120. Issue of appropriate certificate by an Issuing Body

- (1) On being notified by a surveyor that the surveyor—
- (a) has carried out an initial survey or a renewal survey in respect of a ship to which this regulation applies, and
  - (b) is satisfied at the date of the survey that the equipment, systems, fittings, arrangements and materials fully comply with the relevant requirements of Chapter III of Annex VI or an alternative that has been permitted pursuant to regulation 113,
- an Issuing Body must issue an appropriate certificate in respect of that ship.
- (2) Where a ship becomes a ship to which this regulation applies on transfer from the flag of another Contracting Government, an Issuing Body must issue an appropriate certificate in respect of that ship where—
- (a) an IAPP Certificate has been issued in respect of the ship and was still valid immediately before the date of transfer,
  - (b) the Issuing Body has caused a survey to be carried out in respect of the ship, and
  - (c) the Issuing Body is satisfied that—
    - (i) the condition of the ship and its equipment is maintained to conform with the provisions of Annex VI, so as to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, and
    - (ii) no change, other than a change referred to in paragraph (3) has been made to the equipment, systems, fittings, arrangements or material covered by the last survey carried out under regulation 5(1) of Annex VI without the approval of the Contracting Government in question.
- (3) The changes referred to in paragraph (2)(c)(ii) are the direct replacement of equipment and fittings with equipment and fittings that conform with the provisions of Annex VI.

- (4) An IAPP Certificate issued under this regulation must be in the form set out in Appendix 1 to Annex VI.

#### 121. Issue of IAPP Certificates by another Government in respect of Bangladesh ships

- (1) The Director General may request a Contracting Government—
  - (a) to survey a ship to which this regulation applies, and
  - (b) to—
    - (i) issue, or authorise the issue of, or
    - (ii) endorse, or authorise the endorsement of,

an IAPP Certificate, in accordance with the requirements of Annex VI, in respect of that ship if the Contracting Government is satisfied that the ship complies with the requirements of Annex VI.
- (2) Where an IAPP Certificate is issued pursuant to paragraph (1)—
  - (a) the Director General is to be treated as the Issuing Body in relation to it, and
  - (b) any reference in these Regulations to the Issuing Body that issued the certificate is to be treated as a reference to the Director General.

#### 122. Issue of IAPP Certificates in respect of ships which are not Bangladesh ships

- (1) When requested to do so by a Contracting Government, the Director General—
  - (a) may cause a survey to be carried out in respect of a ship to which this regulation applies, and
  - (b) must issue in respect of that ship an IAPP certificate, or endorse the IAPP Certificate, in accordance with the requirements of Annex VI, if the Director General is satisfied that the requirements of Annex VI are complied with.
- (2) An IAPP Certificate issued pursuant to paragraph (1) must—
  - (a) be in English in the form set out in Appendix 1 to Annex VI,
  - (b) contain a statement that it has been so issued, and
  - (c) have the same effect as if it had been issued by the Contracting Government who made the request referred to in paragraph (1) and not by the Director General.
- (3) The Director General must send as soon as possible to the Contracting Government who made the request referred to in paragraph (1) a copy of—
  - (a) the IAPP Certificate issued pursuant to that paragraph, and
  - (b) the survey report.
- (4) The Director General must not issue an IAPP Certificate in respect of a ship which —
  - (a) is registered in a country whose Government is not a Contracting Government, or
  - (b) is not registered but is entitled to fly the flag of a country whose Government is not a Contracting Government.

#### 123. Duration and validity of appropriate certificates

- (1) Subject to the following paragraphs and to regulations 125(3) and 126(1), an appropriate certificate issued in respect of a ship to which this regulation applies is valid for such period as is specified in the certificate, not exceeding five years beginning with the date of completion of the relevant initial or renewal survey.
- (2) Subject to paragraph (3) and regulation 124(9), where a renewal survey is completed—
  - (a) within the final three month period, or

- (b) after the date of expiry of the latest appropriate certificate,  
the new appropriate certificate is valid for such period as is specified in the certificate, beginning with the date of the completion of the renewal survey and ending with a date not exceeding five years from the date of expiry of the latest appropriate certificate.
- (3) An appropriate certificate issued in respect of a ship ceases to be valid—
- (a) upon whichever is the earlier of the following—
    - (i) the ship being transferred to the flag of another State,
    - (ii) the ship proceeding to sea where—
      - (aa) a repair or renewal referred to in Regulation 119(1) has been made, and
      - (bb) the requirements set out in Regulation 119(3) have not been complied with,
  - (b) if a survey under regulations 114, 115, 116 or 117 is not completed in accordance with the requirements of these Regulations, or
  - (c) if an appropriate certificate is not endorsed in accordance with the requirements of these Regulations,
  - (d) upon a new appropriate certificate being issued in respect of the ship, or
  - (e) upon the date of expiry of the certificate.
- (4) Where a ship is transferred to the flag of another State whose Government is a Contracting Government, and within three months after the date of transfer that Government so requests, the Director General must send the Government a copy of—
- (a) the IAPP certificate issued in respect of that ship, and
  - (b) if available, the survey report.
- (5) In this regulation, the “final three month period” means the period of three months ending on the date of expiry of the certificate in question.

#### 124. Extension of periods of validity of appropriate certificates

- (1) Where the period of validity of an appropriate certificate issued in respect of a ship to which this regulation applies is less than five years, the Issuing Body that issued the certificate may extend its period of validity to a maximum period of five years provided that any survey required under regulation 116 or 117 has been carried out.
- (2) Where—
- (a) a renewal survey has been completed by a surveyor, but
  - (b) a new appropriate certificate cannot be issued or placed on board the ship before the date of expiry of the latest appropriate certificate,
- the surveyor may endorse the latest appropriate certificate.
- (3) Where an appropriate certificate has been endorsed under paragraph (2), that certificate is valid for such further period as is specified in the certificate, not exceeding five months beginning with the original date of expiry of the certificate.
- (4) Where—
- (a) a renewal survey has not been completed before the date of expiry of the latest appropriate certificate in question, and
  - (b) at the date of expiry the ship is not in the port in which the survey is to be carried out,
- the Issuing Body that issued the latest appropriate certificate may extend the period of validity of that certificate for a period not exceeding three months, if it appears to the

Issuing Body that it is proper and reasonable to do so solely for the purpose of allowing the ship to complete its voyage to its port of survey.

- (5) Where the period of validity of an appropriate certificate has been extended pursuant to paragraph (4), the ship in question must not leave its port of survey until a new appropriate certificate has been issued in respect of that ship.
- (6) Subject to paragraph (7), the Issuing Body that issued the latest appropriate certificate in respect of a ship engaged solely on short voyages may extend the period of validity of that certificate for a period not exceeding one month.
- (7) An Issuing Body must not extend the period of validity of an appropriate certificate under paragraph (6) if the period of validity of that certificate has already been extended under paragraph (1), (3) or (4).
- (8) Subject to paragraph (9) and to regulations 125(3) and 126(1), where a renewal survey has been completed and a new appropriate certificate has been issued in respect of a ship referred to in paragraph (5) or (6), the new appropriate certificate is valid for such period as is specified in the certificate, not exceeding five years beginning with the original date of expiry of the previous appropriate certificate.
- (9) In special circumstances, as determined by the Director General, a new certificate need not be dated from the date of expiry of the existing certificate as required by paragraph 2.1, 5 or 6 of Regulation 9 of Annex VI, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.
- (10) Where the period of validity of an appropriate certificate is extended under paragraph (1),(4) or (6), or an endorsement is to be made pursuant to paragraph (2), the Issuing Body in question must endorse the appropriate certificate in accordance with paragraph (11).
- (11) An endorsement referred to in paragraph (10) must be on the IAPP Certificate as set out in Appendix 1 to Annex VI.
- (12) Where—
  - (a) a survey is completed under regulation 116 before the annual survey period, or
  - (b) a survey is completed under regulation 117 before the intermediate survey period,the anniversary date shown on the appropriate certificate shall be amended by an endorsement on the appropriate certificate to a date which shall not be more than three months later than the date on which the survey referred to in sub-paragraph (a) or (b) was completed.
- (13) Where the anniversary date on an appropriate certificate is amended in accordance with paragraph (11) any subsequent annual or intermediate survey required under these Regulations shall be completed at the intervals prescribed by these Regulations using the new anniversary date.
- (14) Where—
  - (a) a survey is completed under Regulation 116 before the annual survey period, or
  - (b) a survey is completed under Regulation 117 before the intermediate survey period,the date of expiry of the appropriate certificate may remain unchanged provided that any surveys required by Regulation 116 or 117 are carried out so that the maximum intervals between the surveys as required by these Regulations are not exceeded.
- (15) In this Regulation—
  - (a) “annual survey period” has the same meaning as in Regulation 116,
  - (b) “intermediate survey period” has the same meaning as in Regulation 117, and

- (c) “the original date of expiry” means the date on which an appropriate certificate would have expired but for any extension of its period of validity.

#### 125. Procedure to be adopted when a ship is deficient

- (1) This Regulation applies where a surveyor determines that—
- (a) the condition of a ship to which paragraphs (1) to (5) of this Regulation apply, or its equipment, does not correspond substantially with the particulars of the appropriate certificate (if any) issued in respect of the ship, or
  - (b) a ship to which paragraphs (1) to (5) of this Regulation apply, is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) The surveyor must—
- (a) advise the owner or master of the corrective action which in the opinion of the surveyor is required, and
  - (b) where an appropriate certificate has been issued in respect of the ship and is still valid, notify the Issuing Body that issued the appropriate certificate—
    - (i) that the surveyor has so advised the owner and master, and
    - (ii) if that corrective action is not taken.
- (3) Where an appropriate certificate has been issued in respect of the ship and is still valid, the Issuing Body may suspend the validity of that certificate until the corrective action has been taken.
- (4) Where the Issuing Body suspends the validity of an appropriate certificate issued in respect of a ship, it must immediately give notice of such suspension—
- (a) to the owner of the ship, and
  - (b) where the ship is in a port outside Bangladesh, to the appropriate maritime authorities of the country in which the port is situated.
- (5) Where the owner of the ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension.
- (6) Paragraphs (1) and (2) have effect in relation to a ship to which this paragraph applies as they have effect in relation to a ship to which those paragraphs apply as if—
- (a) the reference to “the Issuing Body” were to the Government of the State where the ship is registered (or if the ship is not registered, the Government of the flag State), and
  - (b) the reference to “a surveyor” included a reference to a person authorised by that Government to survey the ship.

#### 126. Cancellation of appropriate certificates

- (1) The Director General may cancel an appropriate certificate issued in respect of a ship to which this paragraph applies, where the Director General has reason to believe that—
- (a) the appropriate certificate was issued on false or erroneous information, or
  - (b) since the completion of any survey required by these Regulations, the equipment or machinery of the ship has sustained damage or is otherwise deficient.
- (2) The Director General may require that an appropriate certificate issued in respect of a ship to which this paragraph applies, and which has expired or which has been cancelled, is to be surrendered within such time and in such manner as he may in writing direct.
- (3) In relation to a ship to which this paragraph applies, no person may—

- (a) intentionally alter an appropriate certificate,
  - (b) intentionally make a false appropriate certificate,
  - (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations,
  - (d) with intent to deceive, use or lend an appropriate certificate or permit an appropriate certificate to be used by another person, or
  - (e) fail to surrender an appropriate certificate where required to do so pursuant to paragraph (2).
- (4) The owner and the master of a ship, in respect of which an appropriate certificate has been issued and to which this paragraph applies, must ensure that the certificate is readily available onboard the ship for inspection at all times.

#### 127. Prohibition on non-Bangladesh ships proceeding to sea without an IAPP

- (1) A ship to which this paragraph applies must not proceed to sea from a port in Bangladesh unless—
- (a) an IAPP certificate has been issued pursuant to Annex VI in respect of that ship and is still valid,
  - (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or
  - (c) a person having power to detain the ship has permitted the ship to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.
- (2) A ship to which this paragraph applies must not proceed to sea from a port in Bangladesh unless documentation has been issued in respect of that ship which is still valid and shows that—
- (a) a survey has been carried out in respect of the ship as if Regulation 110 applied to the ship, and
  - (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

#### 128. Ozone-depleting substances

- (1) The deliberate emission of an ozone-depleting substance from a ship is prohibited.
- (2) For the purposes of this Regulation “deliberate emission” includes an emission occurring in the course of maintaining, servicing, repairing or disposing of systems or equipment, but does not include minimal releases associated with the recapture or recycling of an ozone-depleting substance.
- (3) Subject to Regulation 12 of Annex VI, installations which contain ozone depleting substances is prohibited.
- (4) Each ship to which Regulation 12 of Annex VI applies shall maintain a list of equipment containing ozone depleting substances.
- (5) Each ship subject to Regulation 6.1 of Annex VI which has rechargeable systems that contain ozone depleting substances shall maintain an Ozone Depleting Substances Record Book in accordance with paragraph 6 of Regulation 12 of Annex VI;
- (6) Entries in the Ozone Depleting Substances Record Book as required by paragraph (5) shall be recorded in accordance with paragraph 7 of Regulation 12 of Annex VI.

### 129. Nitrogen Oxides (NO<sub>x</sub>)

- (1) The operation of a diesel engine on board a ship, to which Regulation 13 of Annex VI applies, is prohibited, except where the emission of nitrogen oxide (calculated as the total weighted emission of NO<sub>2</sub>) from the engine is no more than the limits prescribed in Regulation 13 of Annex VI;
- (2) The owner of a ship must ensure that the emission of nitrogen oxide from a diesel engine that is installed on that ship and that has undergone a major conversion is recorded in accordance with the NO<sub>x</sub> Technical Code and approved by the Issuing Body.

### 130. Sulphur Oxides (SO<sub>x</sub>) and Particulate Matter

- (1) Subject to paragraph (2), the sulphur content of any fuel oil used on board a ship must not exceed 0.50% m/m.
- (2) A ship operating within an Emission Control Area, the sulphur content of fuel oil used on board ships shall not exceed 0.10% m/m;
- (3) The sulphur content of fuel oil referred to in paragraph 1 and paragraph 2 shall be documented by its supplier as required by Regulation 18 of Annex VI;
- (4) The master of any ship using separate fuel oils to comply with paragraph (2)(a) must—
  - (a) allow sufficient time for the fuel oil service system to be fully flushed of all fuels containing sulphur exceeding 0.10% m/m prior to entry into an Emission Control Area; and
  - (b) record the date, time and position of the ship when any fuel changeover operation is completed and the volume in each tank at that time of the fuel oils having a sulphur content of 0.10% m/m or less.
- (5) The master of a Bangladesh ship making a record pursuant to paragraph (4)(b) must make it in the engine log book.

### 131. Volatile organic compounds

- (1) The operation by a harbour authority or terminal operator of a vapour emission control system for volatile organic compounds is prohibited unless the Director General has given his written approval for that system.
- (2) A Bangladesh tanker carrying crude oil shall have on board and implement a VOC Management Plan approved by the Director General and such plan shall be prepared in accordance with paragraph 6 of Regulation 15 of Annex VI.

### 132. Shipboard incineration

- (1) Subject to paragraph (4), all shipboard incineration must take place in a shipboard incinerator.
- (2) Shipboard incineration of the following substances are prohibited—
  - (a) the residues of any substances or materials referred to in Annex I, II or III, which have been carried as cargo in the ship and any related contaminated packing materials;
  - (b) polychlorinated biphenyls;
  - (c) garbage, as defined in Annex V, containing more than traces of heavy metals;
  - (d) refined petroleum products containing halogen compounds;
  - (e) sewage sludge and sludge oil either of which are not generated on board the ship; and
  - (f) exhaust gas cleaning system residues.

- (3) Shipboard incineration of polyvinyl chlorides (PVCs) shall be prohibited, except in shipboard incinerator for which an IMO Type Approval Certificate has been issued in accordance with paragraph 3 of Regulation 16 of Annex VI.
- (4) While a ship is in a port, harbour or estuary, shipboard incineration of sewage sludge and sludge oil generated during the normal operation of the ship must not take place in the main or auxiliary power plant or boiler.
- (5) The owner must ensure that person responsible for the operation of a shipboard incinerator is trained and capable of implementing the guidance provided in the manufacturer's operating manual.
- (6) A ship with a shipboard incinerator installed on it must at all times carry an operating manual of the manufacturer of that incinerator, which specifies how to operate the incinerator within the limits
- (7) Combustion flue gas outlet temperatures must be monitored at all times and the waste must not be fed into a continuous-feed shipboard incinerator when the temperature is below 850°C.
- (8) No batch-loaded shipboard incinerator is to be used if the temperature in the combustion chamber fails to reach 600°C within 5 minutes of start-up and thereafter stabilize at a temperature not less than 850°C.

### 133. Fuel oil quality

- (1) This Regulation does not apply to—
  - (a) coal in its solid form;
  - (b) nuclear fuels;
  - (c) any hydrocarbon which is produced on a platform and used on that platform as fuel, if that use has been approved by the Director General.
- (2) A fuel oil supplier must ensure that fuel oil for combustion purposes delivered to a relevant ship for use on board that ship meets the requirements in paragraph (4) or (5) as applicable.
- (3) The master of a relevant ship must ensure that fuel oil for combustion purposes used on board that ship meets the requirements of paragraph (4) or (5).
- (4) Where the fuel oil is blends of hydrocarbons derived from petroleum refining, it must not—
  - (a) incorporate more than a small amount of additives intended to improve some aspects of performance;
  - (b) contain inorganic acid;
  - (c) include any added substance or chemical waste which—
    - (i) jeopardises the safety of the relevant ship;
    - (ii) adversely affects the performance of the machinery;
    - (iii) is harmful to personnel; or
    - (iv) causes increased air pollution.
- (5) Fuel oil for combustion purposes derived by methods other than petroleum refining must not—
  - (a) exceed the appropriate sulphur content limit;
  - (b) cause an engine to exceed the nitrogen oxide emission limits set forth in paragraphs 3, 4, 5.1.1 and 7.4 of Regulation 13 of Annex VI;

- (c) contain any inorganic acid;
  - (d) jeopardise the safety of the relevant ship or adversely affect the performance of the machinery;
  - (e) be harmful to personnel; or
  - (f) include any added substance or chemical which causes additional air pollution.
- (6) For the purposes of paragraph (5), the appropriate sulphur content limit means—
- (a) in the case fuel oil intended to be used in an Emission Control Area, not more than 0.1%,
  - (b) in the case of fuel oil not intended to be used in an Emission Control Area, not more than 0.5% m/m.
- (7) A local supplier of fuel oil for combustion purposes delivered to and used on board a relevant ship must—
- (a) register with the Director General;
  - (b) provide the master of the relevant ship with a bunker delivery note, which shall contain at least the information specified in appendix V to Annex VI;
  - (c) provide a declaration in the bunker delivery note that is signed by the fuel oil supplier's representative that the fuel oil supplied conforms with Regulations 14(1) or 14(4)(a) (as applicable) and 18(1) of Annex VI;
  - (d) retain a copy of the bunker delivery note for three years from the date of delivery; and
  - (e) not contaminate or blend the fuel so that it no longer conforms with the declaration required by sub-paragraph (c).
- (8) The master of a relevant ship must—
- (a) ensure that the bunker delivery note is kept on board the ship in a place so as to be readily available for inspection at all reasonable times;
  - (b) when requested by an inspector appointed by the Director General to do so, certify whether any copy of the bunker delivery note is a true copy of the original; and
  - (c) ensure that the bunker delivery note is retained for a period of three years from the day on which the fuel oil has been delivered on board.
- (9) The local supplier's representative must provide a representative sample of the fuel oil delivered to accompany the bunker delivery note, and that sample must—
- (a) be collected in accordance guidelines for the sampling of fuel oil for determination of compliance with the revised Annex VI of MARPOL (MEPC.182(59));
  - (b) on completion of bunkering operations be sealed and signed by the local supplier's representative and the master or officer in charge of the bunkering operation; and
  - (c) be retained under the control of the master or owner of the ship for not less than twelve months starting with the day of delivery or until the fuel oil is substantially consumed if the fuel oil is not consumed in less than twelve months.
- (10) The bunker delivery note and the sample of fuel oil required under paragraphs (7), (8) and (9) must be available for inspection and verification at all reasonable times.
- (11) The bunker delivery note required under paragraphs (7) and (8) must be available for copies to be made at all reasonable times.
- (12) In this Regulation—
- (a) "fuel oil supplier" means a person who is responsible for the final blend of fuel oil supplied to a local supplier of fuel oil;

- (b) “fuel oil supplier’s representative” means a person appointed by a fuel oil supplier to provide a declaration on the bunker delivery note that the fuel supplied complies with Regulations 14(1) or 14(4)(a) (as applicable) and 18(1) of Annex VI;
- (c) “local supplier of fuel oil” means a person who receives fuel oil with a view to its delivery to and use on board a relevant ship; and
- (d) “local supplier’s representative” means a person who delivers fuel oil to a relevant ship on behalf of a local supplier of fuel oil; and
- (e) “relevant ship” means—
  - (i) a platform; or
  - (ii) a ship, other than a platform, of 400GT or above.

#### 134. Attained Energy Efficiency Design Index (Attained EEDI)

The attained EEDI for a vessel must be worked out in accordance with Regulation 20 of Annex VI.

Note The guidelines mentioned in Regulation 20 for working out the attained EEDI are the 2014 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships adopted by IMO Resolution MEPC.245(66) and as amended from time to time.

#### 135. Required EEDI

The required EEDI for a vessel must be worked out in accordance with Regulation 21 of Annex VI.

Note For guidance on working out reference line values for required EEDI — see the 2013 Guidelines for calculation of reference lines for use with Energy Efficiency Design Index (EEDI) adopted by IMO Resolution MEPC.231(65) and as amended from time to time.

#### 136. Ship Energy Efficiency Management Plan (SEEMP)

Each ship, to which Chapter IV of Annex VI applies, shall keep on board a ship specific Ship Energy Efficiency Management Plan (SEEMP) in compliance with Regulation 22 of Annex VI.

#### 137. Inspection of ships

- (1) In so far as sections 9, 157, and 160 of the Merchant Shipping Act (surveys, inspection and monitoring) apply in relation to a ship to which any of these Regulations apply, for the purposes of checking compliance with these Regulations those sections have effect subject to the following modifications.
- (2) The power in those sections to inspect a ship and its equipment, any part of the ship, any articles on board and any documentation carried in the ship, is limited to—
  - (a) verifying whether an appropriate certificate has been issued in respect of the ship and is still valid,
  - (b) verifying whether documentation referred to in Regulation 127(2) (“appropriate documentation”) has been issued in respect of the ship and is still valid,
  - (c) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of air pollution,
  - (d) verifying whether the ship has emitted any substances in violation of these Regulations,
  - (e) inspecting the log book entries required under Regulation 130(5), or

- (f) inspecting bunker delivery notes that are to be made available for inspection under Regulation 133(8)(a),

except where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the appropriate certificate or other appropriate documentation referred to in sub-paragraph (a) and (b).

- (3) The power in those sections to go on board a ship may only be exercised if the ship in question is in a port or offshore terminal in Bangladesh.
- (4) Where the ship is inspected for the purposes of paragraph (2)(d) and is not a Bangladesh ship, the person exercising the powers of inspection must ensure that the report of the inspection is sent to—
  - (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State, and
  - (b) any other Party to the Convention that requested the inspection.
- (5) Where log book entries are inspected under paragraph (2)(e), or bunker delivery notes are inspected under paragraph (2)(f), the person exercising the power of inspection may—
  - (a) make a copy of an entry in that book, and
  - (b) require the master of the ship to certify that the copy is a true copy of the original.
- (6) Any copy certified in accordance with paragraph (5) is to be admissible in any judicial proceeding as evidence of the facts stated in it.

#### 138. Investigation of alleged violations by Bangladesh ships

- (1) Upon receiving evidence that a Bangladesh ship has emitted a substance in violation of these Regulations the Director General must—
  - (a) cause the matter to be investigated,
  - (b) inform the IMO of the action taken, and
  - (c) where another State has reported the violation, inform that State of the action taken.

#### 139. General provisions on detention

- (1) Where Regulation 125(1) has effect in relation to a ship, or a surveyor of ships has clear grounds for believing that—
  - (a) an appropriate certificate is required to have been issued in respect of a ship but has not been issued, or has been issued and is not valid,
  - (b) documentation referred to in Regulation 127(2) (“appropriate documentation”) is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid,
  - (c) the condition of a ship or its equipment does not correspond substantially with the particulars of that certificate or other appropriate documentation,
  - (d) the master or crew of a ship are not familiar with essential shipboard procedures relating to the prevention of air pollution, or
  - (e) an offence under Regulation 136(1)(a) to (e) is being committed in respect of the ship,

the ship is liable to be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting any unreasonable threat of harm to the marine environment.

- (2) But a person having powers to detain a ship may permit a ship which is liable to be detained under paragraph (1) to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.
- (3) Where a surveyor of ships has clear grounds for believing that an offence comprising a contravention of Regulation 128(1), 130(1), 130(4), 132(1), (4) or (7) has been committed in respect of a ship, the ship is liable to be detained.
- (4) The power under this Regulation to detain a ship may only be exercised if the ship in question is in a port or offshore terminal in Bangladesh.

#### 140. Offences

- (1) Any contravention of—
  - (a) Regulation 114(1), 115(1), 116(1), 117(1), 118(1), (2) or (3), 119(2), 126(4), 127(1) or (2), 128(3), or 133(9)(c) of these Regulations is an offence by the owner and by the master of the ship in question,
  - (b) Regulation 129(2) or 132(5) is an offence by the owner of the ship in question,
  - (c) Regulation 128(1), 129(1), 130, 132(1), (2), (3), (4), (5) (6), (7) or (8), 133(3),(4), (5), (8), (10) or (11) is an offence by the master of the ship in question;
  - (d) Regulation 124(5) or 127 is an offence by the owner, manager, demise charterer and master of the ship in question;
  - (e) Regulation 126(3) is an offence by the person in question;
  - (f) Regulation 133(2) is an offence by the fuel oil supplier in question;
  - (g) Regulation 133(7) or (9)(a) or (b) is an offence by the local supplier of fuel oil in question.
- (2) An offence under paragraph (1) is punishable –
  - (a) on summary conviction by a fine not exceeding one lakh penalty units; and
  - (b) on conviction on indictment by a fine.
- (3) A fuel oil supplier's representative who makes a false declaration in a bunker delivery note is guilty of an offence and punishable on summary conviction by a fine not exceeding one lakh penalty units or on conviction on indictment by a fine.
- (4) "Fuel oil supplier's representative", "fuel oil supplier" and "local supplier of fuel oil" have the same meaning as in Regulation 133.

#### 141. Review

- (1) The Director General must from time to time—
  - (a) carry out a review of these Regulations,
  - (b) set out the conclusions of the review in a report, and
  - (c) publish the report.
- (2) In carrying out the review the Director General must, so far as is reasonable, have regard to legislation of other IMO member States.
- (3) The report must in particular—
  - (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
  - (b) assess the extent to which those objectives are achieved, and

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Made this 7<sup>th</sup> day of April, 2020

Director General  
Department of Shipping

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