



Isle of Man

Ellan Vannin

MERCHANT SHIPPING (MARPOL ANNEX V) ORDER 2014

- (1) This consultation paper sets out a draft Order to give effect to the latest amendments to Annex V of the MARPOL Convention, Regulations for the Prevention of Pollution by Garbage from Ships. The Order will give effect to MARPOL Annex V amendments up to and including Resolution MEPC 201(62) and MEPC.1/Circ.810 of the Marine Environment Protection Committee of the International Maritime Organization.
- (2) This Order applies to a Manx ship wherever it may be, and fixed or floating platforms in the territorial waters of the Island. Part 3 of the Order applies to a foreign ship calling in the normal course of its business or for operational reasons, to a port or an offshore terminal in the Island.
- (3) The Order revokes and replaces the –
 - (a) Merchant Shipping (Prevention of Pollution by Garbage) Order 1989 (GC 1/89); and
 - (b) Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1999 (SD 79/99).
- (4) If approved by Tynwald, the Order will come into effect from 21 February 2014.

If you would like to make any comments on the Order, please send them to me (preferably by email) by **5.00pm on Tuesday 19 November 2013**.

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MERCHANT SHIPPING (MARPOL ANNEX V) ORDER 2014

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Statutory Document No. XX/20XX



Oil Pollution Act 1986

MERCHANT SHIPPING (MARPOL ANNEX V) ORDER 2014

Approved by Tynwald:

Coming into Operation: 21 February 2014

The Department of Economic Development, after consultation with the Secretary of State, makes the following Order under section 14 of the Oil Pollution Act 1986.

PART 1 - INTRODUCTORY

1 Title

This Order is the Merchant Shipping (MARPOL Annex V) Order 2014.

2 Commencement

If approved by Tynwald, this Order comes into operation on 21 February 2014.

3 Application

- (1) Unless provided otherwise, this Order applies to –
 - (a) a Manx ship wherever it may be; and [MAV 2]
 - (b) a fixed or floating platform in the territorial waters of the Island. [MAV 2]
- (2) Part 3 of this Order applies to a foreign ship calling in the normal course of its business or for operational reasons to a port or an offshore terminal in the Island. [MAV 9.1]

4 Interpretation

- (1) In this Order –

"all plastics" means all garbage that consists of or includes plastic in any form, including synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products; [MAV 1.13]

“**animal carcasses**” means the bodies of any animals that are carried on board as cargo and that die or are euthanized during the voyage; [MAV 1.1]

“**authorised officer**” means a person appointed as an inspector in accordance with section 3 of the Merchant Shipping Act 1985;

“**cargo residues**” means the remnants of any cargo which are not included in other Annexes to the MARPOL Convention and which remain on the deck or in holds following loading or unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship; [MAV 1.2]

“**cooking oil**” means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food itself that is prepared using these oils; [MAV 1.3]

“**Department**” means the Department of Economic Development;

“**domestic wastes**” means all types of wastes not included in other Annexes to the MARPOL Convention generated in the accommodation spaces on board the ship.

Domestic wastes does not include grey water; [MAV 1.4]

“**en route**” means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable; [MAV 1.5]

“**fishing gear**” means any physical device or part thereof or combination of items that may be placed on or in the water or on the sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or fresh water organisms; [MAV 1.6]

“**fixed or floating platforms**” means fixed or floating structures located at sea which are engaged in the exploration, exploitation or associated offshore processing of sea-bed mineral resources; [MAV 1.7]

“**food wastes**” means any spoiled or unspoiled food substances and includes fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard ship; [MAV 1.8]

“**from the nearest land**” means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of this Order, “from the nearest land” off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in – [MAV 1.11]

latitude 11°00' S, longitude 142°08' E

to a point in latitude 10°35' S, longitude 141°55' E

thence to a point latitude 10°00' S, longitude 142°00' E
thence to a point latitude 09°10' S, longitude 143°52' E
thence to a point latitude 09°00' S, longitude 144°30' E
thence to a point latitude 10°41' S, longitude 145°00' E
thence to a point latitude 13°00' S, longitude 145°00' E
thence to a point latitude 15°00' S, longitude 146°00' E
thence to a point latitude 17°30' S, longitude 147°00' E
thence to a point latitude 21°00' S, longitude 152°55' E
thence to a point latitude 24°30' S, longitude 154°00' E
thence to a point on the coast of Australia in
latitude 24°42' S, longitude 153°15' E;

“**garbage**” means all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the MARPOL Convention. [MAV 1.9]

Garbage does not include fresh fish and parts thereof generated as a result of fishing activities which involve the transport of fish including shellfish for placement in the aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing; [MAV 1.9]

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

“**incinerator ashes**” means ash and clinkers resulting from shipboard incinerators used for the incineration of garbage; [MAV 1.10]

“**inspector**” means a person appointed as an inspector under section 3 of the Merchant Shipping Act 1985 or a surveyor of an RO authorised by the Department to conduct inspections for compliance with the requirements of this Order;

“**Manx Ship**” has the same meaning as in section 1 of the Merchant Shipping Registration Act 1991 and includes a ship registered under Part IV of that Act, and Part 3 of the Harbours Act 2010;

“**Manx Shipping Notice**” or “**MSN**” means a Notice described as such and issued by the Department;

“**MARPOL Convention**” means the International Convention for the Prevention of Pollution from Ships 1973 as amended by its protocol of 1978;

“**MARPOL Annex V**” means Annex V of the MARPOL Convention up to and including Resolution MEPC 201(62) of the Marine Environment Protection Committee of the International Maritime Organization;

“**operator**” means the person registered as the owner of a Manx ship in accordance with the Merchant Shipping Registration Act 1991 or any other person who has assumed responsibility for the operation of the ship from the owner and who on assuming that responsibility has agreed to take over all the duties and responsibilities imposed by the MARPOL Convention;

“**operational wastes**” means all solid wastes (including slurries) not included in other Annexes of the MARPOL Convention that are collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling.

Operational wastes also include cleaning agents and additives contained in cargo hold and external wash water.

Operational wastes does not include grey water, bilge water, or other similar discharges essential to the operation of a ship, taking into account the guidelines developed by the IMO; [MAV 1.12]

“**plastic**” means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and/or pressure.

Plastics have material properties ranging from hard and brittle to soft and elastic; [MAV 1.13]

“**RO**” means any recognised organisation specified in Manx Shipping Notice 020 which is authorised by the Department to undertake the specified function; and

“**special area**” means a sea area where for recognised technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. [MAV 1.14]

“**territorial waters**” means –

- (a) the territorial sea adjacent to the Island; and
 - (b) any waters within the area that extend landward from the baselines from which the breadth of the territorial sea is measured as far as the mean high water mark of ordinary spring tides.
- (2) For the purposes of this Order the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the

Gulfs area, the North Sea area, the Antarctic area and the Wider Caribbean Region, which are defined as follows – [MAV 1.14]

“**The Mediterranean Sea area**” means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36' W; [MAV 1.14]

“**The Baltic Sea area**” means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N; [MAV 1.14]

“**The Black Sea area**” means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41° N; [MAV 1.14]

“**The Red Sea**” means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12° 28.5' N, 43° 19.6' E) and Husn Murad (12° 40.4' N, 43° 30.2' E); [MAV 1.14]

“**The Gulfs area**” means the sea area located north-west of the rhumb line between Ras al Hadd (22° 30' N, 59° 48' E) and Ras al Fasteh (25° 04' N, 61° 25' E); [MAV 1.14]

“**The North Sea area**” means the North Sea proper including seas therein with the boundary between - [MAV 1.14]

the North Sea southwards of latitude 62° N and eastwards of longitude 4° W;

the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57° 44.8' N; and

the English Channel and its approaches eastwards of longitude 5° W and northwards of latitude 48° 30' N;

“**The Antarctic area**” means the sea area south of latitude 60° S; and [MAV 1.14]

“**The Wider Caribbean Region**” means the Gulf of Mexico and the Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77° 30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7° 20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of France Guiana. [MAV 1.14]

5 Operator's responsibility

- (1) An operator must ensure ships are operated in accordance with the requirements of this Order.
- (2) An operator who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding £5,000 or, on

conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

PART 2 – DISCHARGE OF GARBAGE

6 General prohibition on discharge of garbage into the sea

- (1) Discharge of all garbage into the sea is prohibited, except as provided otherwise in regulations 7, 8, 9 and 10. [MAV 3.1]
- (2) Discharge into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products is prohibited, except as provided in regulation 10. [MAV 3.2 & MAV 3.3]
- (3) Discharge of cooking oil into the sea is prohibited, except as provided in regulation 10. [MAV 3.3]

7 Discharge of garbage outside special areas

- (1) Discharge of the following garbage into the sea outside special areas is only permitted while the ship is en route and as far as practicable from the nearest land, but in any case not less than – [MAV 4.1]
 - (a) 3 nautical miles from the nearest land for food wastes which have been passed through a comminuter or grinder. [MAV 4.1.1]

Such comminuted or ground food wastes must be capable of passing through a screen with openings no greater than 25 mm; [MAV 4.1.1]
 - (b) 12 nautical miles from the nearest land for food wastes that have not been treated in accordance with paragraph (1)(a); and [MAV 4.1.2]
 - (c) 12 nautical miles from the nearest land for cargo residues that cannot be recovered using commonly available methods for unloading.

These cargo residues must not contain any substances classified as harmful to the marine environment, taking into account the guidelines developed by the IMO. [MAV 4.1.3]

This is subject to the following qualification – [MEPC.1/Circ.810]
- (2) Until 31 December 2015, cargo hold wash water from holds previously containing solid bulk cargoes classified as harmful to the marine environment may be discharged outside special areas, providing –
 - (a) based upon the information received from the relevant port authorities, the master determines that there are no adequate

- reception facilities either at the receiving terminal or at the next port of call;
- (b) the ship is en route and as far as practicable from the nearest land, but not less than 12 nautical miles;
 - (c) before washing, solid bulk cargo residue is removed (and bagged for discharge ashore) as far as practicable and holds are swept;
 - (d) filters are used in the bilge wells to collect any remaining solid particles and minimise solid residue discharge; and
 - (e) the discharge is recorded in the Garbage Record Book and the Department is notified utilising the Revised Consolidated Format for Reporting Alleged Inadequacies of Port Reception Facilities (MEPC.1/Circ.469/Rev.2).
- (3) For animal carcasses, discharge into the sea outside special areas is only permitted while the ship is en route and must occur as far from the nearest land as possible, taking into account the guidelines developed by the IMO. [MAV 4.1.4]
- (4) Cleaning agents or additives contained in cargo hold, deck and external surfaces wash water may be discharged into the sea, but these substances must not be harmful to the marine environment, taking into account guidelines developed by the IMO. [MAV 4.2]
- (5) When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements, the more stringent requirements apply. [MAV 4.3]

8 Special requirements for discharge of garbage from fixed or floating platforms

- (1) The discharge into the sea of any garbage is prohibited from fixed or floating platforms and from all other ships when alongside or within 500m of such platforms. [MAV 5.1]

This is subject to the following qualification –

- (2) Food wastes may be discharged into the sea from fixed or floating platforms located more than 12 nautical miles from the nearest land and from all other ships when alongside or within 500m of such platforms, but only when the wastes have been passed through a comminuter or grinder. [MAV 5.2]

Comminuted or ground food wastes must be capable of passing through a screen with openings no greater than 25mm. [MAV 5.2]

9 Discharge of garbage within special areas

- (1) Discharge of the following garbage into the sea within special areas is only permitted while the ship is en route and as follows – [MAV 6.1]

- (a) discharge into the sea of food wastes as far as practicable from the nearest land, but not less than 12 nautical miles from the nearest land or the nearest ice shelf; [MAV 6.1.1]
- (b) food wastes must be comminuted or ground and must be capable of passing through a screen with openings no greater than 25mm; [MAV 6.1.1]
- (c) food wastes must not be contaminated by any other garbage type; [MAV 6.1.1]
- (d) discharge of introduced avian products, including poultry and poultry parts, is not permitted in the Antarctic area unless it has been treated to be made sterile; [MAV 6.1.1]
- (e) discharge of cargo residues that cannot be recovered using commonly available methods for unloading, where all the following conditions are satisfied – [MAV 6.1.2]
 - (i) cargo residues, cleaning agents or additives, contained in hold washing water do not include any substances classified as harmful to the marine environment, taking into account the guidelines developed by the IMO; [MAV 6.1.2.1]
 - (ii) both the port of departure and the next port of destination are within the special area and the ship will not transit outside the special area between those ports; [MAV 6.1.2.2]
 - (iii) no adequate reception facilities are available at those ports taking into account guidelines developed by the IMO; and [MAV 6.1.2.3]
 - (iv) where the conditions of sub-paragraphs (i), (ii) and (iii) have been fulfilled, discharge of cargo hold washing water containing residues must be made as far as practicable from the nearest land or the nearest ice shelf and not less than 12 nautical miles from the nearest land or the nearest ice shelf. [MAV 6.1.2.4]
- (2) Cleaning agents or additives contained in deck and external surfaces wash water may be discharged into the sea, but only if these substances are not harmful to the marine environment, taking into account guidelines developed by the IMO. [MAV 6.2]
- (3) Before entering the Antarctic area, every ship must have sufficient capacity on board for the retention of all garbage, while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area. [MAV 6.3]
- (4) When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements, the more stringent requirements apply. [MAV 6.4]

10 Exceptions

- (1) Regulations 7, 8 and 9 do not apply to – [MAV 7.1]
 - (a) the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or [MAV 7.1.1]
 - (b) the accidental loss of garbage resulting from damage to a ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimise the accidental loss; or [MAV 7.1.2]
 - (c) the accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss; or [MAV 7.1.3]
 - (d) the discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew. [MAV 7.1.4]
- (2) The en route requirements of regulations 7 and 9 do not apply to the discharge of food wastes where it is clear the retention on board of these food wastes presents an imminent health risk to the people on board. [MAV 7.2 and 7.2.1]

11 Placards, garbage management plans and garbage record-keeping

- (1) Every ship of 12m or more in length overall, and fixed or floating platforms, must display placards which notify the crew and passengers of the discharge requirements of regulations 6, 7, 8 and 9, as applicable. [MAV 10.1.1]
- (2) The placards must be written in the working language of the ship's crew and if this is not English, must also be in English. [MAV 10.1.2]
- (3) Every ship of 100 gross tonnage and above, and every ship which is certified to carry 15 or more persons, and fixed or floating platforms must carry a garbage management plan which the crew must follow.
- (4) The garbage management plan must provide written procedures for minimising, collecting, storing, processing and disposing of garbage, including the use of the equipment on board and -
 - (a) designate the person or persons in charge of carrying out the plan;
 - (b) be based on the guidelines developed by the IMO; and
 - (c) must be written in the working language of the ship's crew and if this is not English, must also be in English.
- (5) Every ship of 400 gross tonnage and above and every ship which is certified to carry 15 or more persons engaged in voyages to ports or offshore terminals under the jurisdiction of another Party to the

MARPOL Convention and every fixed or floating platform must have a Garbage Record Book. [MAV 10.3]

- (6) The Garbage Record Book, whether as part of the ship's official log-book or otherwise, must be in the form specified in MSN 043. [MAV 10.3]
- (7) Each discharge into the sea or to a reception facility, or a completed incineration, must be – [MAV 10.3.1]
 - (a) promptly recorded in the Garbage Record Book; and [MAV 10.3.1]
 - (b) signed for on the date of the discharge or incineration by the officer in charge. [MAV 10.3.1]
- (8) Each completed page of the Garbage Record Book must be signed by the master of the ship. [MAV 10.3.1]
- (9) The entries in the Garbage Record Book must be at least in English. [MAV 10.3.1]
- (10) The entry for each discharge or incineration must include – [MAV 10.3.2]
 - (a) date and time; [MAV 10.3.2]
 - (b) position of the ship; [MAV 10.3.2]
 - (c) category of the garbage; and [MAV 10.3.2]
 - (d) the estimated amount discharged or incinerated. [MAV 10.3.2]
- (11) The Garbage Record Book must be kept on board the ship or the fixed or floating platform, and in such a place as to be readily available for inspection at all reasonable times. [MAV 10.3.3]
- (12) The Garbage Record Book must be preserved for a period of at least two years from the date of the last entry made in it. [MAV 10.3.3]
- (13) In the event of any discharge or accidental loss referred to in regulation 10 – [MAV 10.3.4]
 - (a) an entry must be made in the Garbage Record Book, or
 - (b) in the case of any ship of less than 400 gross tonnage, an entry must be made in the ship's official log book;of the location, circumstances of, and the reasons for the discharge or loss, details of the items discharged or lost, and the reasonable precautions taken to prevent or minimise such discharge or accidental loss. [MAV 10.3.4]
- (14) The Department may waive the requirements for Garbage Record Books for – [MAV 10.4]
 - (a) any ship engaged on voyages of one hour or less in duration which is certified to carry 15 or more persons; or [MAV 10.4.1]
 - (b) fixed or floating platforms. [MAV 10.4.2]

- (15) The accidental loss or discharge of fishing gear as provided for in regulation 10 which poses a significant threat to the marine environment or navigation must be reported to the Department, and, where the loss or discharge occurs within waters subject to the jurisdiction of another State, also to that State. [MAV 10.6]

12 Enforcement

- (1) Without limiting any wider powers that may be granted to an inspector under any other statutory provision, an inspector has the following powers -
- (a) to board a ship;
 - (b) to carry out any examination, test or inquiry that he or she may consider necessary in order to be satisfied that the standards are being strictly observed;
 - (c) to require that any deficiency is remedied; and
 - (d) to detain a ship in accordance with regulation 13(1) until necessary actions are taken.
- (2) A person who wilfully obstructs an inspector in the exercise of a power conferred by paragraph (1), commits an offence and is liable on summary conviction to a fine not exceeding £5,000 or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

13 Provisions relating to detention of ships and offences

- (1) If an inspector 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 garbage; or
 - (b) the ship cannot proceed to sea without presenting an unreasonable threat of harm to the marine environment;
- the ship may be detained. [MAV 9.1 and 9.2]
- (2) An inspector may detain a ship until any deficiencies have been rectified or until the inspector has accepted a plan of action to rectify the deficiency and is satisfied the plan will be implemented in an expeditious manner.
- (3) If a ship is detained by an inspector in accordance with paragraph (1), section 74 of the Merchant Shipping (Registration) Act 1991 (which relates to detention of a ship) has effect, subject to the following modifications –
- (a) in sub-sections (1) and (2), after “any officer of the Department” insert “any inspector”;

- (b) in sub-section (3), for “this Act” (wherever occurring) substitute “the MARPOL Annex V Order”; and
- (c) after sub-section (3) add –
 - “(4) In this section –
 - “**inspector**” has the meaning given by regulation 5 of the MARPOL Annex V Order; and
 - “**MARPOL Annex V Order**” means the Merchant Shipping (MARPOL Annex V) Order 2014.”
- (4) It is a defence for a person charged under this Order to show that he or she took all reasonable steps to avoid the commission of an offence.
- (5) If the commission by any person of an offence under this Order is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

14 Offences by officers of bodies corporate

- (1) If a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member is a director of the body corporate.
- (3) For the purposes of this regulation, “**body corporate**” includes a limited liability company constituted under the Limited Liability Companies Act 1996 and, in relation to such a company, any reference to a director or other officer of a body corporate is a reference to a member and to the company’s manager and registered agent.

PART 3 - INSPECTIONS IN PORT

15 Inspection of foreign ships

- (1) A foreign ship calling in the normal course of its business or for operational reasons to a port or an offshore terminal of the Island, may be subject to inspection by an authorised officer to review compliance with the operational requirements of MARPOL Annex V. [\[MAV 9.1\]](#)

- (2) Without limiting the provision of paragraph (1), an authorised officer may –
- (a) inspect the Garbage Record Books or ship’s official log-book; [MAV 10.5]
 - (b) make a copy of any entry in those books; and [MAV 10.5]
 - (c) require the master of the ship to certify that the copy is a true copy of such an entry. [MAV 10.5]
- (3) If an authorised officer 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 garbage; or
 - (b) the ship cannot proceed to sea without presenting an unreasonable threat of harm to the marine environment; [MAV 9.1]
- the ship may be detained. [MAV 9.2]
- (4) An authorised officer may detain a ship until any deficiencies have been rectified or until the inspector has accepted a plan of action to rectify the deficiency and is satisfied the plan will be implemented in an expeditious manner.
- (5) If a ship is detained in accordance with paragraph (3), the authorised officer must immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. [M Conv 5.3]
- (6) If a ship is detained by an authorised officer in accordance with paragraph (3), section 74 of the Merchant Shipping (Registration) Act 1991 (which relates to detention of a ship) has effect, subject to the following modifications –
- (a) in sub-sections (1) and (2), after “any officer of the Department” insert “any authorised officer”;
 - (b) in sub-section (3), for “this Act” (wherever occurring) substitute “the MARPOL Annex V Order”; and
 - (c) after sub-section (3) add -
“(4) In this section –
“authorised officer” has the meaning given by regulation 4 of the MARPOL Annex V Order; and
“MARPOL Annex V Order” means the Merchant Shipping (MARPOL Annex V) Order 2014.”

16 Revocation

- (1) The Merchant Shipping (Prevention of Pollution by Garbage) Order 1989¹ is revoked.
- (2) The Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1999² are revoked.

MADE**JOHN SHIMMIN***Minister for Economic Development*

¹ GC 1/89

² SD 79/99

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to Annex V of the MARPOL Convention, Regulations for the Prevention of Pollution by Garbage from Ships.

The Order gives effect to MARPOL Annex V amendments up to and including Resolution MEPC 201(62) of the Marine Environment Protection Committee of the International Maritime Organization.

This Order applies to a Manx ship wherever it may be, and fixed or floating platforms in the territorial waters of the Island. Part 3 of this Order applies to a foreign ship calling in the normal course of its business or for operational reasons, to a port or an offshore terminal in the Island.

The Order revokes and replaces the Merchant Shipping (Prevention of Pollution by Garbage) Order 1989 (GC 1/89) and the Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1999 (SD 79/99).

This Order comes into effect on 21 February 2014.

Copies of this document and Manx Shipping Notices are obtainable from the Isle of Man Ship Registry, Department of Economic Development, St Georges Court, Upper Church Street, Douglas, Isle of Man, IM1 1EX and can be accessed via the website: <http://www.iomshipregistry.com>

The International Convention for the Prevention of Pollution from Ships 1973, its Protocols, IMO resolutions and circulars can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR and can be accessed via their website: <http://www.imo.org>