



STATUTORY INSTRUMENTS.

S.I. No. 492 of 2012



SEA POLLUTION (PREVENTION OF POLLUTION BY SEWAGE
FROM SHIPS) (AMENDMENT) REGULATIONS 2012

SEA POLLUTION (PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS) (AMENDMENT) REGULATIONS 2012

I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by sections 10, 11, 12, 14, 15 and 17 of the Sea Pollution Act 1991 (No. 27 of 1991) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)) and for the purpose of giving effect to Annex IV to the MARPOL Convention, hereby make the following regulations:

1. (1) These Regulations may be cited as the Sea Pollution (Prevention of Pollution by Sewage from Ships) (Amendment) Regulations 2012.

(2) These Regulations come into operation on 1 January 2013.

2. The Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006 (S.I. No. 269 of 2006) are amended—

(a) in Regulation 2—

(i) by inserting after the definition of “Certificate” the following:

“ ‘existing passenger ship’ is a passenger ship which is not a new passenger ship;”,

(ii) by inserting after the definition of “international voyage” the following:

“ ‘Marine Notice’ means a notice, described as such, issued by the Minister, as may be amended or replaced from time to time;”,

(iii) by inserting after the definition of “nearest land” the following:

“ ‘new passenger ship’, for the purposes of Regulation 4A, is a passenger ship—

(a) for which the building contract is placed or, in the absence of a building contract, the keel of which is laid, or which is in a similar stage of construction, on or after 1 January 2016, or

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th December, 2012.

(b) the delivery of which is 2 years or more after 1 January 2016;”,

(iv) by inserting after the definition of “Party” the following:

“ ‘passenger’ means every person other than—

(a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship, and

(b) a child under one year of age;

‘passenger ship’ means a ship which carries more than 12 passengers;”,

(v) in the definition of “recognised organisation” by substituting “of these Regulations;” for “of these Regulations.”, and by inserting after that definition the following:

“ ‘special area’ means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by sewage is required and consists of the following:

(a) the Baltic Sea area as defined in regulation 1.11.2 of Annex I to the MARPOL Convention;

(b) any other sea area designated by the IMO in accordance with criteria and procedures for designation of special areas with respect to prevention of pollution by sewage from ships¹.”,

(b) by substituting for Regulation 4 the following:

" Discharge of sewage from ships other than passenger ships in all areas and discharge of sewage from passenger ships outside special areas.

4. Subject to section 11 of the Act and Regulations 4A and 4B, the discharge of sewage into the sea is prohibited except when the ship—

(a) is discharging comminuted and disinfected sewage using a system approved by the Minister in accordance with Regulation 9(1)(b) at a distance of more than 3 nautical miles from the nearest land or, in the case of sewage which is not comminuted or disinfected, at a distance of more than 12 nautical miles from the nearest land, provided that, in any case, the sewage that has been stored in holding tanks, or

¹Refer to Assembly resolution A.927(22), Guidelines for the designation of special areas under MARPOL 73/78 and guidelines for the identification and designation of particularly sensitive sea areas.

sewage originating from spaces containing living animals, shall not be discharged instantaneously but at a moderate rate of discharge (which shall be set by the Minister based upon standards developed by the IMO²) when the ship is en route and proceeding at a speed of not less than 4 knots, or

- (b) has in operation an approved sewage treatment plant which has been certified by the Minister to meet the operational requirements referred to in Regulation 9(1)(a), and the effluent neither produces visible floating solids nor causes discoloration of the surrounding water.

Discharge of sewage from passenger ships within a special area.

4A. (1) Subject to section 11 of the Act, Regulation 11A(2) and paragraph (2), the discharge of sewage from a passenger ship within a special area shall be prohibited—

- (a) for new passenger ships, on or after 1 January 2016, and
- (b) for existing passenger ships, on or after 1 January 2018.

(2) Subject to the discharge of sewage from a passenger ship neither producing visible floating solids nor causing discoloration of the surrounding water, paragraph (1) shall not apply where the ship has in operation an approved sewage treatment plant which has been certified by the Minister to meet the operational requirements referred to in Regulation 9(2)(a).

General requirements on the discharge of sewage.

4B. Where sewage is mixed with wastes or waste water covered by other Annexes to the MARPOL Convention, the requirements of those other Annexes shall be complied with in addition to the requirements of these Regulations.",

- (c) by inserting after Regulation 9(1) the following:

" (2) Notwithstanding paragraph (1), every passenger ship to which these Regulations apply, while in a special area, shall be equipped with one of the following sewage systems:

- (a) a sewage treatment plant of a type approved by the Minister, taking into account the standards and test methods developed by the IMO³;

²Refer to the Recommendation on standards for the rate of discharge of untreated sewage from ships adopted by the Marine Environmental Protection Committee of the IMO by resolution MEPC.157(55).

³Refer to the 2012 Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants adopted by the Marine Environment Protection Committee of the IMO by Resolution MEPC.227(64).

(b) a suitable holding tank which has, to the satisfaction of the Minister, having regard to the operation of the ship, the number of persons on board and other relevant factors—

(i) a capacity which is suitable for the retention of all sewage, and

(ii) been properly constructed and has therein incorporated a means to indicate visually the amount of its contents.",

(d) by inserting after Regulation 11 the following:

"Reception facilities for passenger ships in special areas.

11A. (1) A harbour authority or, where applicable, a person having control of a harbour, which falls within a special area, either partially or wholly, shall ensure that facilities for the reception of sewage are provided in ports and terminals which are in that special area, either partially or wholly, and which are used by passenger ships and that those facilities are—

(a) adequate to meet the needs of passenger ships, and

(b) are operated so as not to cause undue delay to passenger ships.

(2) The Minister shall cause a notification to be sent to the IMO of the measures taken pursuant to paragraph (1).

(3) Upon receipt by the Minister of a notification from the IMO of an establishment date in respect of a special area, where the requirements in Regulation 4A are to take effect, he or she shall cause a Marine Notice to issue.

(4) Until the establishment date, mentioned in paragraph (3), in respect of a special area is notified by the IMO, ships while navigating in that area shall comply with the requirements of Regulation 4.",

and

(e) in the Schedule—

(i) by inserting under the heading "Particulars of ship" the following:

"Type of ship for the application of regulation 11.3:*

New / Existing passenger ship

Ship other than a passenger ship"

and

(ii) by substituting for paragraph 1.1 the following:

“ *1.1. Description of the sewage treatment plant:

Type of sewage treatment plant.....

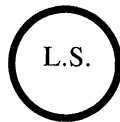
Name of manufacturer.....

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in resolution MEPC.2(VI).

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in resolution MEPC.159(55).

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in Resolution MEPC.227(64).”.

*Delete as appropriate.



GIVEN under my Official Seal,
4 December 2012.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006 (S.I. No. 269 of 2006) on the prevention of pollution by sewage from ships. The broad purpose of these Regulations is:

- to provide for the establishment of special areas where more stringent criteria apply with regard to the discharge of sewage by passenger ships while in those areas;
- to oblige a harbour authority whose area of remit falls within a special area to provide adequate facilities for the reception of sewage from passenger ships; and
- to establish the Baltic Sea area as a special area with regard to the discharge of sewage from passenger ships.

Le ceannach ó
FOILSEACHÁIN RIALTAIS,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

To be purchased from the
GOVERNMENT PUBLICATIONS OFFICE,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B29566). 285. 12/12. Clondalkin. Gr 30-15.