

Prevention of Pollution of the Sea (Garbage) Regulations 2012

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FIRST SCHEDULE

SECOND SCHEDULE Fees

No. S 663

PREVENTION OF POLLUTION OF THE SEA ACT
(CHAPTER 243)

PREVENTION OF POLLUTION OF THE SEA
(GARBAGE) REGULATIONS 2012

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

Citation and commencement

1. These Regulations may be cited as the Prevention of Pollution of the Sea (Garbage) Regulations 2012 and shall come into operation on 1st January 2013.

Definitions

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

“Annex V” means Annex V to the Convention which contains regulations for the prevention of pollution by garbage from ships and which is set out in the First Schedule;

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

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

“garbage management plan” means a plan which a ship is required to carry under regulation 10.2 of Annex V;

“Garbage Record Book” means a document which a ship is required to carry under regulation 10.3 of Annex V;

“IMO” or “Organization” means the International Maritime Organization.

Application

3.—(1) Annex V, with the exception of regulation 8 thereof, shall, subject to these Regulations, have the force of law in Singapore.

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

(3) For the purposes of regulation 2 of Annex V, the reference to “all ships” in that regulation shall be read as a reference to —

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

and these Regulations shall apply to such ships.

Exemptions

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

Administration

5.—(1) Except as provided in paragraph (1A), references to the Administration are to be read as references to the Director.

[S 807/2020 wef 01/10/2020]

(1A) For the purposes of regulations 1.19 and 10.3 of Annex V, references to the Administration are to be read as references to the Director or an authorised organisation.

[S 807/2020 wef 01/10/2020]

(2) For the purposes of regulation 10.5 of Annex V, references to the competent authority shall be read as references to the Authority.

Powers to inspect

6.—(1) Where there are clear grounds for believing that the master or crew of a ship to which these Regulations apply are not familiar with essential shipboard procedures relating to the prevention of pollution by garbage, the ship shall, whilst in Singapore waters, be subject to inspection by any surveyor of ships.

(2) Subject to paragraph (3), any such inspection shall be limited to verifying —

- (a) in the case of —
 - (i) a ship of 12 metres or more in length overall; or
 - (ii) any fixed or floating platform,
that placards notifying the crew and passengers of the ship or platform of the requirements of regulations 3 to 6 of Annex V are displayed on board the ship or platform;
- (b) in the case of —

- (i) a ship of 100 gross tonnage and above;
 - (ii) a ship which is certified to carry 15 or more persons; or
 - (iii) any fixed or floating platform,
that a garbage management plan is implemented on board the ship or platform; and
- (c) in the case of —
 - (i) a ship of 400 gross tonnage and above;
 - (ii) a ship which is certified to carry 15 or more persons engaged in voyages to ports or other offshore terminals under the jurisdiction of another State which is a party to the Convention; or
 - (iii) any fixed or floating platform,
that the ship or platform has a valid Garbage Record Book in the form prescribed by the Convention, whether as part of its official log-book or otherwise.

(3) For the purpose of carrying out such inspection, the surveyor of ships may make copies of any entry in the ship's Garbage Record Book or official log-book and may require the master to certify that a copy of such entry is a true copy of such an entry.

(4) A surveyor of ships shall take such steps as he may consider necessary to ensure that a ship which contravenes paragraph (2) or any provision of these Regulations shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

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

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

(7) The report of such investigation may be sent to the State requesting the investigation and the State in which the ship is registered.

Penalties

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

Exemption in certain circumstances

8. For the purposes of section 6(5) of the Act, the ships exempted from the operation of section 6(1) of the Act shall be such ships as are exempted from the prohibition of the discharge into the sea of garbage in accordance with regulation 7 of Annex V.

Fees

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

Revocation

10. The Prevention of Pollution of the Sea (Garbage) Regulations (Rg 7) are revoked.

Savings and transitional provision

11. Notwithstanding regulation 10, any entry made using the Form of Garbage Record Book prescribed under the revoked Prevention of Pollution of the Sea (Garbage) Regulations (Rg 7) shall be deemed to have been made using the Form of Garbage Record Book prescribed under these Regulations.