

## PORT RECEPTION FACILITIES REGULATIONS

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**A REGULATION TO PROVIDE FOR THE WASTE RECEPTION FACILITIES  
IN THE PORTS OF (PASIFIKA) TO ENABLE VESSELS TO DISCHARGE  
OIL OR OILY RESIDUES, NOXIOUS LIQUID SUBSTANCES, SEWAGE, OR  
DEPOSIT GARBAGE PURSUANT TO SECTION 11  
OF THE MARINE POLLUTION PREVENTION ACT, 200X.**

*L.....acting on the advice of Cabinet (process as appropriate)  
hereby makes the following Regulations.*

**Part I – Preliminary**

**1 Title and (Commencement/Entry into force)**

These Regulations may be cited as the Marine Pollution (Port Reception Facilities) Regulations and shall come into force 30 days after publication in the Gazette.

**2 Definitions**

In this Part –

“Act” means the Marine Pollution Prevention Act, 200X;

“Combination carrier” means a ship designed to carry oil and solid cargoes in bulk;

“Discharge” means in relation to pollutants, harmful substances or effluents containing such pollutants or substances, any release into the sea howsoever caused from a vessel, platform or place on land and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying, but does not include:

- (a) dumping within the meaning of the London Convention; or
- (b) release of pollutants or harmful substances for purposes of legitimate scientific research into pollution abatement or control as permitted by the Administration under section 10 of the Act; or
- (c) release of pollutants or harmful substances for purposes of combating specific pollution incidents in order to minimise the damage from pollution, as permitted by the Administration under section 10 of the Act;

“Garbage” includes all kinds of food, domestic and operational waste, including plastics, excluding fresh fish and parts thereof, generated during the normal operation of a vessel and liable to be disposed of continuously or periodically, but does not include oil, noxious liquid substances and other pollutants, or sewage from vessels;

“Harmful substance” means any substance that, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the Act;

“Noxious liquid substance” means any substance referred to in Appendix II of Annex II of MARPOL 73/78;

“Oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II of MARPOL 73/78) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to Annex I of MARPOL 73/78;

“Oil tanker” means a ship constructed or adapted for the carriage of oil in bulk as cargo and includes combination carriers and any chemical tanker as defined in Annex II of MARPOL 73/78 when it is carrying a cargo or part cargo of oil in bulk;

“Oily mixture” means a mixture with any oil content;

“Oily waste” means waste containing oil or oily water;

“Reception facility” means a facility for enabling vessels using a port to discharge or deposit oil, oily mixtures, noxious liquid substances, sewage or garbage from those vessels;

“Residue” means any harmful substance that remains for disposal;

“(Secretary/Director)” means the (Secretary/Director of Maritime Safety);

“Ship” means every description of watercraft used in navigation, whether or not it has any means of propulsion;

“Tank” means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk;

“Wastes” means substances or materials that are disposed of, or intended to be disposed of, or required to be disposed of by provisions of national legislation.

### **3 Object and Application**

(1) These Regulations are made pursuant to section 11 of the Act for the provision of waste reception facilities at (*Pasifika*) ports to enable vessels to discharge waste oil or oily residues or sewage, or deposit garbage, from those vessels.

(2) These Regulations apply to the (*owner/operator/Port Authority*) of a Pasifika port, required by the (*Minister/Secretary*) to provide at that port a reception facility for the reception of harmful substances from ships.

## **Part II - Facilities for the Reception of Oil**

### **4 Requirements for ports generally**

(1) A person to whom this Regulation applies shall ensure that, if the port handles ships with oily mixtures and oily wastes which cannot be discharged in accordance with section 5 of the Act, there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oily residues, oily mixtures and oily wastes that

cannot be discharged in accordance with Regulation 9 of Annex 1 and Regulation 5 of Annex II of MARPOL 73/78.

(2) A person to whom this Regulation applies shall ensure that if the port handles ships of 400 tons gross tonnage or more there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oily bilge waters and all oily residues from sludge tanks that cannot be discharged in accordance with Regulation 9 of Annex 1 of MARPOL 73/78, from all such ships that may reasonably be expected to call at that port.

(3) A person who operates a port at which oil is unloaded shall ensure that cargo hoses and piping systems of the port terminal containing oil received from ships unloading oil is not drained back to the ships.

### **5 Requirements for oil cargo loading ports**

A person to whom this Regulation applies shall ensure that, if oil is loaded into oil tankers at the port, there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay, oil and oily mixtures which cannot be discharged in accordance with the provisions of Regulation 9 of Annex 1 of MARPOL 73/78.

### **6 Requirements for ports unloading high-density oils**

A person to whom this Regulation applies shall ensure that, if oil tankers unload asphalt or other oil products that through their physical properties inhibit effective oil/water separation and monitoring, there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, cargo residues and solvents arising from any cleaning of tanks carrying such products undertaken at that port.

### **7 Requirements for ports with ship repair yards and tank cleaning facilities**

A person to whom this Regulation applies shall ensure that if the port has ship repair yards or tank cleaning facilities there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oily residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities.

### **8 Requirements for dry bulk cargo terminals used by combination carriers**

A person to whom this Regulation applies shall ensure that if dry bulk cargoes are loaded at the port there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oil residues from combination carriers which cannot be discharged in accordance with Regulation 9 of Annex 1 of MARPOL 73/78 and that those facilities take account, as appropriate, of the fact that combination carriers may carry either oil or dry bulk cargoes.

## **Part III - Facilities for the Reception of Noxious Liquid Substances**

### **9 Facilities for the reception of noxious liquid substances**

(1) A person to whom this Regulation applies shall ensure that if ships carrying noxious liquid substances in bulk load and unload cargo at the port there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, all residues and mixtures of noxious liquid substances that remain for disposal from such ships as a consequence of the application of Regulation 5 of Annex II of MARPOL 73/78.

(2) A person to whom this Regulation applies shall ensure that, if repairs to an oil tanker or chemical tanker are undertaken at the port, there are reception facilities available at the port with sufficient capacity to receive residues and mixtures containing noxious liquid substances from those vessels being repaired at the port.

#### **10 Unloading port arrangements for noxious liquid substances**

(1) A person who operates a port at which noxious liquid substances are unloaded shall ensure that there are arrangements provided at the port to facilitate stripping of cargo tanks of ships unloading noxious liquid substances at that port.

(2) A person who operates a port at which noxious liquid substances are unloaded shall ensure that cargo hoses and piping systems of the port terminal containing noxious liquid substances received from ships unloading these substances are not drained back to the ships.

### **Part IV - Facilities for the Reception of Sewage**

#### **11 Facilities for the reception of sewage**

A person to whom this Regulation applies shall ensure that if the port handles ships with garbage which cannot be discharged in accordance with Regulations 8, 9 and 11 of Annex IV of MARPOL 73/78 there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, the garbage which cannot be discharged in accordance with Regulations 8, 9 and 11 of Annex IV of MARPOL 73/78.

### **Part V - Facilities for the Reception of Garbage**

#### **12 Facilities for the reception of garbage**

A person to whom this Regulation applies shall ensure that if the port handles ships with garbage which cannot be disposed of in accordance with Regulations 3, 4, and 6 of Annex V of MARPOL 73/78 there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, the garbage which cannot be discharged in accordance with Regulations 3, 4, and 6 of Annex V of MARPOL 73/78.

### **Part VI – Fees**

#### **13 User fees**

(1) The full or partial cost of providing and operating these waste reception facilities may be recovered by user fees.

(2) Such user fees shall be reasonable to cover the cost of the facilities or service provided.

(3) In the event of any dispute as to the reasonableness of the user fees charged for the facilities and services provided, the (*Secretary/Director*) shall be the final arbiter.

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