

# **PREVENTION OF POLLUTION OF THE SEA ACT**

**(CHAPTER 243, SECTIONS 11 (8) AND 34)**

## **PREVENTION OF POLLUTION OF THE SEA (RECEPTION FACILITIES AND GARBAGE FACILITIES) REGULATIONS**

<b>History</b>	<b>S 61/91</b>	<b>-&gt;</b>	<b>1990 REVISED EDITION</b>	<b>-&gt;</b>	<b>RG4 2001 REVISED EDITION</b>
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**[1st February 1991]**

### **Arrangement of Provisions**

- 1 Citation
- 2 Definitions
- 3 Application
- 4 Exemptions
- 5 Provision of reception facilities
- 6 Provision of garbage facilities
- 7 Obtaining information
- 8 Conditions for use of facilities
- 9 Ship to arrange for facilities
- 10 Offences and penalties
- 11 Transfer of oil or substances
- 12 Denial of entry
- 13 Fees

### **THE SCHEDULE**

### **Actual Provisions**

# **PREVENTION OF POLLUTION OF THE SEA ACT**

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## **PREVENTION OF POLLUTION OF THE SEA (RECEPTION FACILITIES AND GARBAGE FACILITIES) REGULATIONS**

**[1st February 1991]**

### **Citation**

**1.** These Regulations may be cited as the Prevention of Pollution of the Sea (Reception Facilities and Garbage Facilities) Regulations.

### **Definitions**

## Prevention of Pollution of the Sea (Reception Facilities and Garbage Facilities) Regulations

2. For the purposes of these Regulations, unless the context otherwise requires —

"Annex I" means Annex I to the Convention which contains regulations for the prevention of pollution by oil and which is set out in the First Schedule to the Prevention of Pollution of the Sea (Oil) Regulations 2006 (G.N. No. S 685/2006);

"Annex II" means Annex II to the Convention which contains regulations for the control of noxious liquid substances in bulk and which is set out in the First Schedule to the Prevention of Pollution of the Sea (Noxious Liquid Substances in Bulk) Regulations 2006 (G.N. No. S 686/2006);

"Annex V" means Annex V to the Convention which contains regulations for the prevention of pollution by garbage;

"chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an oil tanker when carrying a cargo or part cargo of noxious liquid substances in bulk;

"combination carrier" means a ship designed to carry either oil or solid cargo in bulk;

"garbage facilities" means facilities which enable ships to discharge or deposit garbage;

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier or a chemical tanker when it is carrying a cargo or part cargo of oil in bulk.

### Application

3.—(1) The provisions of these Regulations in respect of reception facilities shall apply in relation to the port, or any terminal, if it is used by oil tankers, chemical tankers or other ships carrying residues or mixtures which contain oil or noxious liquid substances.

(2) The provisions of these Regulations in respect of garbage facilities shall apply in relation to the port, or any terminal, if it is used by ships carrying garbage.

(3) Without prejudice to the generality of paragraphs (1) and (2), a ship is taken to use the port or a terminal if it undergoes repair or is broken up in the port or terminal.

### Exemptions

4. The Minister may grant exemptions from all or any of these Regulations to the Authority or a terminal operator on such terms (if any) as may be specified by him.

### Provision of reception facilities

5. The Authority in respect of the port and a terminal operator in respect of his terminal shall ensure that —

- (a) if the port or terminal has reception facilities, those facilities are adequate; or
- (b) if the port or terminal has no reception facilities, such facilities are provided,

in order to comply, for ships which may be expected to use the port or terminal for a primary purpose other than utilising reception facilities, with regulation 38 of Annex I or regulation 18 of Annex II of the Convention as appropriate.

### Provision of garbage facilities

6.—(1) The Authority shall ensure that the port has adequate garbage facilities.

(2) A terminal operator shall ensure that each terminal managed by him has adequate garbage facilities.

(3) Paragraph (2) does not apply to a terminal operator in respect of an oil or chemical terminal operated by him unless the Authority has served on him a notice to provide adequate garbage facilities at the terminal.

## Prevention of Pollution of the Sea (Reception Facilities and Garbage Facilities) Regulations

(4) For the purposes of this regulation, garbage facilities are considered to be adequate if they are suitable for use by ships using the port or terminal concerned and if the use of the facilities does not cause undue delay to the ships.

### **Obtaining information**

**7.**The Port Master may by notice require any person whom the Port Master has reason to believe has any information in respect of any garbage facility at the port or any terminal to furnish the information to the Port Master in the manner specified in the notice.

### **Conditions for use of facilities**

**8.—(1)** The Authority providing reception facilities or garbage facilities, a person providing such facilities by arrangement with the Authority, or a terminal operator providing such facilities may —

(a) impose conditions in respect of the use of the facilities insofar as such conditions are not in conflict with the requirements of these Regulations and the Convention; and

(b) levy reasonable charges for the use of the facilities.

(2) Any reception facility or garbage facility provided at the port or any terminal shall be made available for use by any ship which, in the opinion of the Authority or terminal operator (as the case may be), uses the port or terminal for a primary purpose other than the use of those facilities, on payment of all charges levied, and subject to compliance with all of the conditions imposed, under paragraph (1).

(3) The master of any ship which intends to use reception facilities shall give advance notice in writing to the Port Master and the person providing the reception facilities of the quantity and content of any substances to be discharged within such time and in such manner and form as the Port Master may determine.

(4) In the absence of agreement between the owner of the cargo and the owner of the ship as to responsibility for payment to the person providing the reception facilities, the owner of the ship shall be liable to pay the charges to that person.

### **Ship to arrange for facilities**

**9.—(1)** The master of any ship with residues or mixtures containing oil or noxious liquid substances to be discharged shall, before proceeding to any terminal, make adequate arrangements for the discharge of such residues or mixtures into reception facilities.

(2) The master of any ship with garbage to be discharged shall, before proceeding to any terminal, make adequate arrangements for the discharge of such garbage into garbage facilities.

(3) The master of the ship referred to in paragraph (1) shall give advance notice to the Port Master of the quantity and content of the residues or mixtures to be discharged and the details of the arrangements made for the discharge within such time and in such manner and form as the Port Master may determine.

(4) The Port Master may deny, to a ship which has failed to comply with this regulation, entry to any terminal in Singapore.

### **Offences and penalties**

**10.—(1)** Any person who fails to comply with any requirement of these Regulations or a notice of the Port Master referred to in regulation 7 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Any person who, being required under regulation 8 (3) or 9 (3) or a notice under regulation 7 to provide information to the Port Master, provides any information which he knows to be false in a material particular or recklessly provides such information which is false in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

### **Transfer of oil or substances**

**11.—(1)** No residue and mixture containing oil or noxious liquid substances shall be transferred from a ship in Singapore waters to a reception facility or vice versa or to or from another ship without the prior permission of the Port Master.

## Prevention of Pollution of the Sea (Reception Facilities and Garbage Facilities) Regulations

(2) If any residues and mixtures containing oil or noxious liquid substances are transferred to or from a ship in contravention of this regulation, the master of the ship, and, if the said residues and mixture are transferred to or from a reception facility, the reception facility operator shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

### Denial of entry

**12.** The Port Master shall have the power to deny, to a ship required by the Convention to retain on board while at sea, residues and mixtures containing oil or noxious liquid substances, or garbage, as appropriate, entry to a terminal if the terminal is one required by the Convention or these Regulations to have adequate facilities and the terminal fails to provide such facilities or information regarding them.

### Fees

**13.**—(1) The fees specified in the Schedule shall be payable to the Authority in respect of the services provided by the Authority specified in the Schedule.

(2) The Authority may, if it thinks fit, remit or refund any fee or part thereof specified in the Schedule.

## THE SCHEDULE

Regulation 13

### FEES

<i>First column</i>	<i>Second column</i>
1. Disposal of garbage	(i) \$900 per bin or part thereof per trip (ii) \$1,200 for 2 bins or part thereof per trip
2. Miscellaneous fees	
(a) cancellation and amendment fees:	
If a request for garbage disposal services specified in the Schedule is subsequently cancelled or amended, the following fees for each cancellation or amendment of the request shall also be payable:	
(i) if the request is cancelled or amended not less than 2 hours before the service is required	Nil
(ii) if the request is cancelled or amended less than 2 hours before the service is required	\$450
(b) detention charges:	\$300
If any barge provided for the garbage disposal services requested is kept waiting alongside the vessel or is kept waiting for the arrival of the vessel before it can commence disposal operations, for every hour or part thereof that the barge is so kept waiting	
3. For the purposes of item 2 (a), amendments of orders include changes in the time or location of the service requested.	

[G.N. Nos. S 61/91; S72/91; S364/99]