



BERMUDA

MERCHANT SHIPPING (PREVENTION OF POLLUTION BY SEWAGE AND
GARBAGE FROM SHIPS) AMENDMENT REGULATIONS 2020

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The Minister responsible for Maritime Administration, in exercise of the power conferred by section 122 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Amendment Regulations 2020.

Amends regulation 2

2 Regulation 2(1) of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2015 (“the principal Regulations”) is amended by deleting the definition of “ship in dedicated trades” and inserting the following definitions in their proper alphabetical positions—

“passenger” means any person carried on a ship, except—

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- (a) a person employed or engaged in any capacity on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that the master, the owner or the charterer (if any) could have prevented or forestalled; or
- (c) a child under the age of one;

“passenger ship” means a ship licensed to carry more than twelve passengers;

“relevant date” means the relevant date determined by the IMO for the special area in question, pursuant to Regulation 13.2 of Annex IV (reception facilities for passenger ships in special areas);

“ship in dedicated trades” means ships trading to set ports in a dedicated trading pattern which may include a special area;”.

Inserts regulation 2A

3 The principal Regulations are amended by inserting the following regulation next after regulation 2—

““Meaning of “Special Area” in Parts III and IV

2A For the purposes of Parts III and IV, a “Special Area” means a sea area where, for recognised 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 includes the areas listed in Regulation 1(6) of Annex IV.”.

Amends regulation 6

4 Regulation 6 of the principal Regulations is amended by deleting paragraph 19.

Amends regulation 16

5 Regulation 16(4) of the principal Regulations is amended—

- (a) in subparagraph (a) by deleting “and”; and
- (b) by inserting the following subparagraph next after subparagraph (a)—

“(ab) where the Certifying Authority is not the Minister, to the Minister; and”.

Amends regulation 21

6 Regulation 21 of the principal Regulations is amended—

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- (a) in paragraph (1) by deleting “other than an old ship,” and substituting “other than an old ship or a ship to which paragraph (2A) applies.”;
- (b) by deleting paragraph (2) and substituting the following paragraph—

“(2) The owner of an old ship shall ensure that the ship is equipped, so far as is practicable, to discharge sewage in accordance with the requirements of Regulation 11 of Annex IV.”; and

- (c) by inserting the following paragraph next after paragraph (2)—

“(2A) A passenger ship operating in a Special Area, from the relevant date onwards, shall be equipped with a sewage system specified in Regulation 9.2 of Annex IV.”.

Substitutes regulation 23

7 The principal Regulations are amended by deleting regulation 23 and substituting the following regulation—

“Prohibition on the discharge of sewage

23 (1) Subject to paragraph (2), the discharge of sewage from a ship into the sea is prohibited, except—

- (a) in the case of a ship on a voyage outside a Special Area, when the sewage is discharged in accordance with part A of Regulation 11 of Annex IV (discharge of sewage from ships other than passenger ships in all areas and discharge of sewage from passenger ships outside Special Areas);
 - (b) in the case of a passenger ship operating in a Special Area from the relevant date onwards, when the sewage is discharged in accordance with part B of Regulation 11 of Annex IV (discharge of sewage from passenger ships within a Special Area); and
 - (c) in the case of a Bermuda ship operating in Polar waters, when the sewage is discharged in accordance with chapter 4 of part II-A of the Polar Code (prevention of pollution by sewage from ships).
- (2) Paragraph (1) does not apply in the case of—
- (a) a discharge of sewage which is necessary for the purpose of—
 - (i) securing the safety of a ship and those on board the ship; or
 - (ii) saving life at sea;
 - (b) a discharge of sewage—
 - (i) which results from damage to a ship or its equipment; and

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(ii) where all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimise the discharge; or

(c) a discharge of sewage which took place in waters under the jurisdiction of a State other than Bermuda and was in accordance with such less stringent requirements as were imposed by that State.

(3) Where sewage is mixed with waste or waste water covered by an Annex to the Convention other than Annex IV, paragraph (1) applies in addition to any statutory prohibition or requirement which relates to that waste or waste water and which implements that other Annex.”.

Revokes regulations 24 and 25

8 The principal Regulations are amended by revoking regulations 24 and 25.

Made this 22nd day of December 2020

Minister of Transport

[Operative Date: 29 December 2020]