



BERMUDA

MERCHANT SHIPPING (PREVENTION OF POLLUTION FROM NOXIOUS
LIQUID SUBSTANCES IN BULK) AMENDMENT (NO. 2) REGULATIONS 2021

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The Minister responsible for Maritime Administration, after consulting the persons referred to in section 94(3) of the Merchant Shipping Act 2002, in exercise of the powers conferred by sections 93 and 94 of the said Act, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Amendment (No. 2) Regulations 2021.

Amends regulation 3

2 Regulation 3 of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2019 (“the principal Regulations”) is amended—

(a) in paragraph (1)—

(i) by deleting the following words and their definitions—

“BCH Code”;

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- “IBC Code”; and
- “IGC Code”;
- (ii) by inserting the following words and their definitions in their proper alphabetical positions—
- “BCH Code” has the same meaning as that given to “Bulk Chemical Code” in regulation 1 of Annex II;
- “flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;
- “IBC Code” has the same meaning as that given to “International Bulk Chemical Code” in regulation 1 of Annex II;
- “IGC Code” has the same meaning as that given to “International Gas Carrier Code” in regulation 11.1 of Chapter VII in the Annex to the International Convention for the Safety of Life at Sea, 1974;
- “OSV Chemical Code” means the Code for the Transport and Handling of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels; ”; and
- (iii) in the definition of “OSV Guidelines” by deleting “published by the IMO”;
- (b) in paragraph (2) by deleting subparagraph (a)(iv) and substituting the following—
- “iv) in the case of an NLS ship which is an offshore support vessel constructed or adapted before 1 July 2018, in accordance with regulation 8.1 of Annex II and section 1.5 of the OSV Guidelines;
- (iva) in the case of an NLS ship which is an offshore support vessel constructed or adapted on or after 1 July 2018, in accordance with regulation 8.1 of Annex II and section 1.4 of the OSV Chemical Code; and”;
- (c) in paragraph (3) by deleting subparagraph (a)(iv) and substituting the following—
- “iv) as respects an NLS ship which is an offshore support vessel constructed or adapted before 1 July 2018, a Certificate of Fitness as set out in Appendix 2 to the OSV Guidelines issued and endorsed for a specified period in accordance with the requirements of the OSV Guidelines, together with a certificate as described in paragraph (iii);
- (iva) as respects an NLS ship which is an offshore support vessel constructed or adapted on or after 1 July 2018, a Certificate of

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Fitness as set out in Appendix 1 to the OSV Chemical Code issued and endorsed for a specified period in accordance with the requirements of the OSV Chemical Code, together with a certificate as described in paragraph (iii); and””; and

- (d) in paragraph (7)—
 - (i) by inserting “, the OSV Chemical Code” next after the words “RO Code”;
 - (ii) in subparagraph (b) by deleting “; and” and substituting a full stop; and
 - (iii) by deleting subparagraph (c).

Amends regulation 4

3 Regulation 4 of the principal Regulations is amended—

- (a) in paragraph (1) by inserting “, the OSV Chemical Code” next after the words “RO Code”;
- (b) in paragraph (6) by inserting “, the OSV Chemical Code” next after the words “IGC Code”; and
- (c) in paragraph (7) by inserting the words “, the OSV Chemical Code” next after the words “RO Code”.

Amends regulation 8

4 Regulation 8 of the principal Regulations is amended by deleting paragraph (2)(e) and (f) and substituting the following sub-paragraphs—

- “(e) as respects an NLS ship which is an offshore support vessel constructed or adapted before 1 July 2018, as set out in Chapters 2, 3, 4, 5 and 7 of the OSV Guidelines;
- (f) as respects an NLS ship which is an offshore support vessel constructed or adapted on or after 1 July 2018, as set out in Chapters 2 to 14 and 18 of the OSV Chemical Code; and
- (g) as respects any other NLS ship, as set out in—
 - (i) regulation 12.1, 12.2 or 12.3 of Annex II; and
 - (ii) Appendix 5 to Annex II.”.

Amends regulation 24

5 Regulation 24 of the principal Regulations is amended in paragraph (2) by inserting the words “except from a certificated NLS ship which is an offshore support vessel,” next after “NLS ship,”.

Amends regulation 29

6 Regulation 29 of the principal Regulations is amended—

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(a) by deleting paragraph (1) and substituting the following paragraph—

“(1) Every NLS ship must be provided with a Cargo Record Book in—

- (a) the format specified in regulation 15.1 of Annex II (cargo record book); or
- (b) the form specified in Appendix 2 to Annex II (form of cargo record book).”;

(b) by deleting paragraph (5) and substituting the following paragraph—

“(5) Each page of, or group of electronic entries in, the Cargo Record Book must be signed by the master of the ship.”.

Amends regulation 30

7 Regulation 30 of the principal Regulations is amended by deleting paragraph (5) and substituting the following paragraph—

“(5) In this regulation “the relevant Guidelines” means the Guidelines for the Development of Shipboard Marine Pollution Emergency Plans for Oil or Noxious Liquid Substances or both Oil and Noxious Liquid Substances, in IMO Resolution MEPC.85(44), as adopted on 13 March 2000, and includes any amendment or replacement of those Guidelines, which is considered by the Minister to be relevant from time to time and which is specified in a Merchant Shipping Notice.”.

Related amendment

8 Regulation 19 of the Merchant Shipping (Prevention of Oil Pollution) Regulations 2021 is amended—

(a) by deleting paragraph (3) and substituting the following paragraph—

“(3) The Oil Record Books referred to in paragraphs (1) and (2) must be in—

- (a) the format specified in—
 - (i) regulation 17.1 of Annex I (oil record book, part I (machinery space operations)); or
 - (ii) regulation 36.1 of Annex I (oil record book, part II (cargo/ballast operations)); or
- (b) the form specified in Appendix III to Annex I (form of oil record book).”;

(b) in paragraph (8) by inserting the words “or group of electronic entries” next after the word “page”.

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Made this 29th day of December 2021

Minister of Transport

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