

ACT 235

OIL IN NAVIGABLE WATERS ACT, 1964

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Accidental and Other Exceptional Discharges or Escapes of Oil

ACT 235

OIL IN NAVIGABLE WATERS ACT, 1964¹

AN ACT to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and otherwise to make new provision for preventing the pollution of the sea and of navigable waters by oil, and to provide for related matters.

1. Discharge of certain oils into prohibited sea areas

(1) If an oil to which this section applies is discharged from a ship registered in the Republic into a part of the sea which is a prohibited sea area, or if a mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from a ship into a prohibited sea area, the owner or master of the ship, subject to this Act commits an offence.

(2) This section applies to crude oil, fuel oil, heavy diesel oil and lubricating oil and to any other description of oil as prescribed by Regulations made by a legislative instrument by the Minister,

- (a) having regard to the provisions of a subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or
- (b) having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) The Regulations may make exceptions from the operation of subsection (1), absolutely or subject to prescribed conditions, and

- (a) generally or as respects particular classes of ships;
- (b) in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances; or
- (c) in relation to particular areas of the sea.

(4) This section does not apply to the discharge from the bilges of a ship of an oily mixture which does not contain oil other than lubricating oil which has drained or leaked from machinery spaces.

(5) In this section, “**subsequent Convention**” means a Convention subsequent to the Convention of 1954, which is a Convention accepted by the Government.

2. Designation of prohibited sea areas

(1) For the purposes of this Act, the areas of the sea designated by or in accordance with this section are prohibited sea areas.

1. The Act was assented to on 6th August, 1964. There was a preamble to the Act which read as follows:

“WHEREAS the Government of Ghana deposited a document of acceptance with the Inter-Governmental Maritime Consultative Organisation in London on 17th May, 1962, for a convention entitled ‘The International Convention for the Prevention of the Pollution of the Sea by Oil, 1954’ (in this Act referred to as ‘the Convention of 1954’):

AND WHEREAS it is expedient to enable effect to be given to that Convention and otherwise to make new provision for preventing the pollution of navigable waters by oil.”

(2) Subject to this section, the areas specified in the First Schedule are prohibited sea areas.

(3) The Minister, considering that it is necessary to do so for the purposes of protecting the coast and territorial waters of the Republic from pollution by oil, may, by legislative instrument, designate an area of the sea, outside the territorial waters of the Republic and outside the areas specified in the First Schedule as a prohibited sea area.

(4) For the purposes of giving effect to a variation of the prohibited zones referred to in the Convention of 1954, in accordance with that Convention or of a subsequent Convention, the Minister may, by legislative instrument, vary an area specified in the First Schedule, or declare that an area specified in that Schedule shall cease to be included in that Schedule or designate as a prohibited area an area of the sea, outside the territorial waters of the Republic, which apart from the instrument is not a prohibited sea area.

3. Discharge of oil into Ghanaian waters

(1) Where an oil or a mixture containing oil is discharged into waters to which this section applies from a vessel, or from a place on land, or from an apparatus used for transferring oil from or to a vessel, whether to or from a place on land or to or from another vessel, then subject to this Act, an offence is committed

- (a) if the discharge is from a vessel, by the owner or master of the vessel,
- (b) if the discharge is from a place on land, by the occupier of that place, or
- (c) if the discharge is from an apparatus used for transferring oil from or to a vessel, by the person in charge of the apparatus.

(2) This section applies

- (a) to the whole of the sea within the seaward limits of the territorial waters of the Republic, and
- (b) to any other waters, including inland waters which are within those limits and are navigable by sea-going ships.

(3) A port Authority may appoint a place within its jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the port at the times, and subject to the conditions, that the Authority may determine.

(4) Where a place is appointed under subsection (3), the discharge of ballast water from a vessel does not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water does not have an oil other than petroleum-spirit.

(5) In this Act, "**place on land**" includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and anything afloat, other than a vessel, if it is anchored or attached to the bed or shore of the sea or of any of those waters; and "**occupier**" in relation to a thing as is mentioned in this section, if it does not have an occupier, means the owner of that thing, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

4. Special defences under sections 1 and 3

(1) Where a person is charged with an offence under section 1, or is charged with an offence under section 3 as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture was discharged for the purpose of securing the safety of a vessel, or of preventing damage to a vessel or cargo, or of saving life.

(2) A defence under subsection (1) shall not have effect if the Court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(3) Where a person is charged as mentioned in subsection (1) it shall also be a defence to prove

- (a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred reasonable steps were taken for preventing, or, if it could not be prevented, for stopping or reducing, the escape of the oil or mixture, or
- (b) that the oil or mixture escaped by reason of leakage, that the leakage was not due to a want of reasonable care, and that as soon as practicable after the escape was discovered reasonable steps were taken for stopping or reducing it.

(4) Where a person is charged with an offence under section 3 as the occupier of a place on land, or as the person in charge of an apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to a want of reasonable care, and that as soon as practicable after the escape was discovered reasonable steps were taken for stopping or reducing it.

(5) Without prejudice to subsection (4), it shall be a defence for the occupier of a place on land, who is charged with an offence under section 3, to prove that the discharge was caused by the act of a person who was in that place without the permission, express or implied of the occupier.

(6) Where a person is charged with an offence under section 3 in respect of the discharge of a mixture containing oil from a place on land, it shall, without prejudice to any other defence under this section, be a defence to prove

- (a) that the oil was contained in an effluent produced by operations for the refining of oil,
- (b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which section 3 applies, and
- (c) that reasonably practicable steps had been taken for eliminating oil from the effluent.

(7) A defence under subsection (6) shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged, or land adjacent to those waters, was fouled by oil, unless the Court is satisfied that the fouling was not caused, or contributed to, by oil contained in an effluent discharge at or before that time from that place.

(8) Where an oil or a mixture containing oil is discharged in consequence of the exercise of a power conferred by the provisions of the Ghana Shipping Act, 2006 (Act 645) (which relate to the removal of wrecks), and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would have committed an offence under section 1 of this Act or under section 3 of this Act, in respect of that discharge the authority or person shall not be convicted of that offence unless it is shown that they or that person failed to take the steps that were reasonable in the circumstances for preventing, stopping or reducing the discharge.

5. Equipment in ships to prevent oil pollution

(1) Ships registered in the Republic which use oil as fuel for the engines or boilers shall be so fitted as to prevent oil fuel from leaking or draining into bilges unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Act.

(2) For the purposes of preventing or reducing discharges of oil and mixtures containing oil into the sea, the Minister may, by legislative instrument, make Regulations requiring ships registered in the Republic to be fitted with the prescribed equipment, and to comply with the prescribed requirements.

(3) Without prejudice to the generality of subsection (2), where the Regulations require ships to be fitted with equipment of a prescribed description, the Regulations may provide that equipment of that description shall not be installed in a ship to which the Regulations apply unless it is of a type approved by the Minister.

6. Penalties for offences under sections 1, 3 and 5

A person who commits an offence under section 1 or section 3, or under section 5, is liable

- (a) on conviction or indictment, to a fine not less than five hundred penalty units, or
- (b) on summary conviction, to a fine not exceeding five hundred penalty units.

7. Maintaining records of matters relating to oil

(1) The master of a ship registered in the Republic, which is not a tanker, of eighty tons gross tonnage or over which uses fuel as oil shall maintain a record

- (a) of an occasion on which oil or a mixture containing oil is discharged from that ship for the purpose of securing the safety of a vessel or of preventing damage to a vessel or cargo;
- (b) of an occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from that ship in consequence of damage to the ship, or by reason of leakage;
- (c) of the carrying out, on board or in connection with that ship or operations relating to
 - (i) the ballasting of oil tanks, whether cargo or bunker fuel tanks and the discharge of ballast from, and cleaning of, those tanks,

- (ii) the separation of oil from water, or from any other substances in a mixture containing oil,
- (iii) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in subparagraphs (a) and (b), or
- (iv) the disposal of any other oil residues.

(2) The records required to be maintained of the matters specified in paragraphs (a) and (b) of subsection (1) shall be in the form set out in Part One of the Second Schedule, and those to be maintained of the matters specified in paragraph (c) of subsection (1) in the form set out in Part Three of that Schedule.

(3) The master of a ship which is a tanker registered in the Republic shall maintain a record in the form set out in Part One of the Second Schedule of the matters specified in paragraphs (a) and (b) of subsection (1), and in the form set out in Part Two of the Second Schedule of the matters specified in paragraph (c) of that subsection.

(4) The records required to be maintained in accordance with this section shall be retained in the ship for a period of two years after the last entry has been made and shall be kept readily available for inspection at reasonable times.

8. Maintaining records of transfer of oil to or from vessels

(1) The master of a vessel, whether registered or not, and of whatever nationality, which is capable of carrying in bulk, whether for cargo or for bunker purposes, more than five tons of oil in any one space or container, shall maintain a record of the particulars specified in section 9 relating to the transfer of oil to and from the vessel while it is within the seaward limits of the territorial waters of the Republic.

(2) In the case of the transfer of oil to a barge the record shall be kept by the person supplying the oil and in the case of the transfer of oil from the barge the record shall be kept by the person to whom the oil is delivered.

9. Particulars to be specified in records

(1) The record required to be maintained in accordance with section 8 shall show clearly

- (a) the name and port of registry of the vessel or barge,
- (b) the date and time of transfer,
- (c) the place of transfer,
- (d) the amount and description of oil transferred, and
- (e) from what vessel, barge or place on land, and to what vessel, barge or place, the oil was transferred.

(2) The record of each operation shall be separately signed and dated by the master or any other person who is referred to in subsection (2) of section 8.

(3) If the record is kept in the official log of a vessel it shall not be necessary separately to state the name and port of registry of the vessel.

10. Offences under sections 7, 8 and 9

(1) A person who fails to comply with a requirement imposed by or under section 7, section 8 or section 9 commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.

(2) A person who makes an entry in a record kept under section 7 or section 8 which is false or misleading in a material particular to the knowledge of that person commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding six months, or to both the fine and imprisonment.

(3) In proceedings under this Act,

- (a) a record kept in pursuance of this Act is admissible as evidence of the facts stated in the record;
- (b) a copy of an entry in the record, which is certified by the person by whom the record is required to be kept to be a true copy of the entry, is admissible as evidence of the facts stated in the entry; and
- (c) a document purporting to be a record kept in pursuance of this Act, or purporting to be a certified copy as is mentioned in paragraph (b) shall, unless the contrary is proved, be presumed to be that record or the certified copy.

11. Facilities in ports for disposal of oil residues

(1) In respect of ports in the Republic, the powers of an Authority include a power to provide oil reception facilities for enabling vessels using the port to discharge or deposit oil residues.

(2) A power of an Authority to provide oil reception facilities include a power to join with any other person in providing them, and references in this section to the provision of oil reception facilities by an Authority shall be construed accordingly, and that power includes a power to arrange for the provision of those facilities by any other person.

(3) An Authority providing oil reception facilities, or a person providing those facilities by arrangement with an Authority may make reasonable charges for the use of the facilities, and may impose reasonable conditions in respect of the use of those facilities.

(4) Subject to subsections (5) to (6), the oil reception facilities provided by, or by arrangement with, an Authority shall be open to the vessels using the port on payment of the charges, and subject to compliance with the conditions, imposed in accordance with subsection (3).

(5) Where in the case of a port in the Republic it appears to the Minister, after consultation with the Authority and with an organisation appearing to the Minister to be representative of owners of ships registered in the Republic,

- (a) where the port has oil reception facilities, that those facilities are inadequate, or

- (b) where the port does not have those facilities, that the port has need of those facilities,

the Minister may, with the prior approval of the President, direct the Authority to provide, or arrange for the provision of, the oil reception facilities specified in the directions.

(6) Despite subsection (4), an Authority providing oil reception facilities or a person providing those facilities by arrangement with that Authority, shall not be obliged to make those facilities available for use by tankers, except at oil loading terminals, and the requirements of tankers shall be assessed accordingly by the Minister in exercising the powers under subsection (5).

(7) A provision of this section shall not be construed as requiring an Authority to allow untreated ballast water or tank washings which contain oil and have not been subjected to an effective process for separating the oil from the water to be discharged into the oil reception facilities provided by, or by arrangement with, the Authority, and the Minister shall exercise the powers under subsection (5) accordingly.

(8) In respect of a port in the Republic, subsections (1), (2) and (5) shall have effect in relation to arrangements for disposing of oil residues discharged or deposited by vessels using the port's oil reception facilities, and to the making of the arrangements, as those subsections have effect in relation to oil reception facilities and the provision of those facilities.

12. Restrictions on transfer of oil at night

(1) Oil shall not be transferred between sunset and sunrise to or from a vessel in a port in the Republic unless the requisite notice has been given in accordance with this section.

(2) Subsection (1) does not apply to the transfer of oil for the purposes of saving life or property.

(3) For the purposes of this section, a general notice may be given to the harbour master of a port, that transfers of oil between sunset and sunrise will be frequently carried out at a place in the port within a period specified in the notice, and if the notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice.

(4) The period specified in the notice shall not extend beyond the end of the period of twelve months beginning with the date on which the notice is given.

(5) Subject to subsections (3) and (4), the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than three hours nor more than ninety-six hours before the transfer of oil begins.

(6) In the case of a port which does not have a harbour master, references in subsections (3), (4) and (5) to the harbour master shall be construed as references to the port Authority.

(7) Where oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier

of that place, commits an offence and is liable on summary conviction to a fine not exceeding one thousand two hundred and fifty penalty units.

13. Duty to report discharges of oil into waters of ports

(1) Where oil or a mixture containing oil

- (a) is discharged from a vessel into the waters of a port in the Republic for the purposes of securing the safety of the vessel or of preventing damage to the vessel or her cargo, or of saving life, or
- (b) is found to be escaping, or to have escaped, into those waters from a vessel in consequence of damage to the vessel or by reason of leakage, or
- (c) is found to be escaping or to have escaped into those waters from a place on land,

the owner or master of the vessel or the occupier of the place on land, shall report the occurrence to the harbour master, or if there is no harbour master, to the port Authority stating in the case of a report by the owner or master of a vessel, whether it falls within paragraph (a) or paragraph (b) of this subsection, and the master or owner who fails to do so, commits an offence under this section.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding two thousand five hundred penalty units.

14. Powers of inspection

(1) The Minister may appoint a person as an inspector to report to the Minister

- (a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act, including prohibitions so imposed by the creation of offences under this Act, have been complied with;
- (b) what measures, other than measures made obligatory by regulations under section 5, have been taken to prevent the escape of oil and mixtures containing oil;
- (c) whether the oil reception facilities provided in ports are adequate,

and the inspector may report in a particular case or in a class of cases specified in the appointment.

(2) For the purposes of this section, a surveyor of ships is a person appointed generally under subsection (1) to report to the Minister in every kind of case falling within that subsection.

(3) The provisions of the Ghana Shipping Act, 2003 (Act 645) (which relate to the powers of surveyors) shall apply to persons appointed under subsection (1) of this section as they apply to the surveyors referred to in those provisions as if a reference to that Act were a reference to this Act and included a reference to Regulations made under this Act.

(4) The power of a surveyor under the Ghana Shipping Act, 2003 (Act 645) as so applied to require the production of the records required to be kept in accordance with sections 7 and 8 of this Act includes a power to copy an entry in those records and require the person by whom the records are kept to certify the copy as a true copy of the entry.

(5) Without prejudice to the powers exercisable by virtue of subsections (1) to (4) of this section, in the case of a vessel which is for the time being in a port in the Republic, the harbour master, and any other person appointed by the Minister under this subsection, generally or in relation to a particular vessel, may

- (a) go on board and inspect the vessel or a part of the vessel or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the port;
- (b) require the production of the records which by virtue of sections 7 and 8 of this Act are required to be kept in respect of that vessel; and
- (c) copy an entry in those records, and requires the person by whom the records are to be kept to certify the copy as a true copy of the entry.

(6) A person exercising a power conferred by subsection (5) shall not unnecessarily detain or delay the vessel from proceeding on a voyage.

(7) A person who fails to comply with a requirement duly made in paragraph (b) or paragraph (c) of subsection (5) commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units and if a person wilfully obstructs a person acting in the exercise of a power conferred by virtue of this section, that person commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.

15. Prosecutions

(1) Proceedings shall not be brought except by or with the consent of the Attorney-General in respect of

- (a) an offence under section 3 which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a port in the Republic,
- (b) an offence under section 8 relating to the keeping of records of the transfer of oil within that port,
- (c) an offence in relation to that port under section 12 or section 13, and
- (d) an offence under section 14 in respect of failure to comply with a requirement of a harbour master, or in respect of obstruction of a harbour master, acting in the exercise of a power conferred by virtue of that section.

(2) *Omitted.*²

(3) In respect of any other offence alleged to have been committed under this Act, proceedings shall not be brought except by or with the consent of the Attorney-General.³

2. In view of article 88 of the Constitution. The subsection reads:

“The Minister, or a person authorised by the general or special direction of the Minister, may bring proceedings for an offence as is mentioned in paragraph (a) of subsection (1).”

3. In view of article 88 of the Constitution, the words, “or by the Minister or a person authorised by any general or special direction of the Minister” appearing after the word, “Attorney-General”, have been omitted.

(4) Where, immediately before the date which, apart from this subsection, would be the date of expiry of the time for bringing proceedings in a court of summary jurisdiction in respect of an offence alleged to have been committed under this Act, the person to be charged is outside the Republic, the time for bringing the proceedings shall be extended until the end of the period of two months beginning with the date on which that person next enters the Republic.

(5) Proceedings for an offence under this Act may, without prejudice to a jurisdiction exercisable apart from the subsection, be taken against a person at a place at which that person is for the time being.

16. Enforcement and application of fines

(1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the Court, the Court shall, in addition to any other powers for enforcing payment, direct the amount remaining unpaid to be levied by distress or impounding and sale of the vessel, her tackle, furniture and apparel.

(2) Where a person is convicted of an offence under section 1 or section 3, and the Court imposes a fine in respect of the offence, then if it appears to the Court that a person has incurred, or will incur, expenses in removing a pollution, or making good a damage, which is attributable to the offence, the Court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

17. General provisions as to application of the Act

The provisions of this Act, except provisions which are expressed to apply only to ships registered in the Republic, shall, subject to the exemptions expressly conferred by or under this Act, apply to all vessels, whether registered or not, and of whatever nationality.

18. Power of Minister to grant exemptions

The Minister may exempt a vessel or classes of vessels from a provision of this Act or of the Regulations absolutely or subject to the conditions determined by the Minister.

19. Application of Act to Government ships

(1) This Act does not apply to ships of the Ghana Navy, nor to ships for the time being used as Naval Auxiliaries.

(2) Subject to subsection (1),

- (a) provisions of this Act which are expressed to apply only to ships registered in the Republic apply to Government ships so registered and to Government ships not so registered, as they apply to other ships which are registered in the Republic;
- (b) provisions of this Act which are expressed to apply to ships generally apply to Government ships as they apply to other ships.

20. Enforcement of Conventions relating to oil pollution

(1) Without prejudice to the powers exercisable by surveyors of ships whether by virtue of this Act or otherwise, a surveyor of ships is hereby empowered to go on board a ship to which the Convention of 1954 applies, while the ship is within a port in the Republic, and to require production of the records required to be kept in accordance with that Convention, and to copy an entry in those records and require the master of the ship to certify the copy as a true copy of the entry.

(2) For the purposes of this section, in proceedings under this Act

- (a) the records kept in pursuance of the Convention of 1954 are admissible as evidence of the facts stated in those records;
- (b) a copy of an entry in those records, which is certified by the master of the ship to be a true copy of the entry, is admissible as evidence of the facts stated in the entry; and
- (c) a document purporting to be a record kept in pursuance of the Convention of 1954, or purporting to be a certified copy as is mentioned in paragraph (b), shall, unless the contrary is proved, be presumed to be the record or a certified copy of those records.

(3) A person who fails to comply with a requirement of this section, commits an offence and is liable on summary conviction to a fine not exceeding one hundred and twenty-five penalty units and a person who wilfully obstructs a surveyor acting in the exercise of a power conferred under this section, commits an offence and is liable on summary conviction to a fine not exceeding one thousand two hundred and fifty penalty units.

(4) This section shall apply to a subsequent Convention, in so far as it relates to the prevention of pollution of the sea by oil, as it applies to the Convention of 1954.

21. Interpretation

(1) In this Act, unless the context otherwise requires,

“**Authority**” in relation to a port, means an Authority constituted under the Ghana Ports and Harbours Authority Act, 1986;⁴

“**barge**” includes a lighter or a similar vessel;

“**court**” means a court of competent jurisdiction;

“**discharged**” in relation to oil or an oily mixture means a discharge or escape however caused;

“**harbour master**” includes a person appointed by an Authority for the purpose of enforcing the provisions of this Act in relation to the harbour;

“**heavy diesel oil**” means marine diesel oil, other than those distillates of which more than half the volume distils at a temperature not exceeding 340° Centigrade when tested by the American Society for Testing Materials Standard Method D. 86/59;

“**mile**” means nautical mile, that is, a distance of six thousand and eighty feet;

4. P.N.D.C.L. 160.

“**Minister**” means the Minister responsible for Shipping;

“**oil**” includes oil of any description and spirit produced from oil of any description, and coal tar, and a power conferred by a provision of this Act to prescribe descriptions of oil for the purposes of that provision shall be construed accordingly;

“**oil reception facilities**” has the meaning assigned to it by section 11;

“**oil residues**” means a waste material consisting of, or arising from, oil or a mixture containing oil;

“**outside the territorial waters of the Republic**” means outside the seaward limits of those waters;

“**place on land**” has the meaning assigned to it by section 3;

“**port**” has the meaning assigned to it by the Ports Act, 1962 (Act 115);

“**prescribed**” means prescribed by the Regulations;

“**Regulations**” means the Regulations made under this Act;

“**sea**” includes an estuary or arm of the sea;

“**subsequent Convention**” has the meaning assigned to it by section 1;

“**territorial waters**” in relation to the Republic has the meaning assigned to it by the Territorial Waters and Continental Shelf Act, 1963 (Act 175);

“**transfer**” in relation to oil means transfer in bulk.

(2) Subject to subsection (1), expressions used in this Act and in the Merchant Shipping Act, 1963 have the same meaning in this Act as in that Act.

22. Revocation

*Spent.*⁵

5. The section provided for the repeal of Regulation No. 6 of 1931 entitled the Harbours (Discharge of Oil Proclamation) Regulations.

SCHEDULES

FIRST SCHEDULE

[Section 2 (2)]

Prohibited Zones

1. The prohibited zones are the sea areas within fifty miles from land and outside the territorial waters of the Republic with the following exceptions:

- (a) The North Sea Zone. This zone extends for a distance of 100 miles from the coasts of the following countries:

Belgium,
Denmark,
the Federal Republic of Germany,
the Netherlands,
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

- (b) The Atlantic Zone. This zone comprises the sea area

- (i) within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 64° north, longitude 14° west; thence to latitude 54°, 30° north, longitude 30° west; thence to latitude 44°, 20° north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastward along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France:

Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oil residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land;

- (ii) the sea area within 100 miles from land on the Atlantic coast of Canada.

- (c) The Australian Zone extends for a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.
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SECOND SCHEDULE

PART ONE

[Section 7]

Accidental and Other Exceptional Discharges or Escapes of Oil

1. Date and time of occurrence
2. Place or position of ship at time of occurrence
3. Approximate quantity and type of oil
4. Circumstances of discharge or escape and general remarks
5. Signature of Officer or Officers in charge of the operations concerned
6. Date of entry
7. Signature of Master
8. Date

PART TWO

Date of Entry

A

Ballasting of and discharge of ballast from cargo tanks

1. Identity number(s) of tank(s) concerned
2. Type of oil previously contained in tank(s)
3. Date and place of ballasting
4. Date and time of discharge of ballast water
5. Place or position of ship at time of discharge
6. Approximate amount of oil-contaminated water transferred to slop tank(s)
7. Identity number(s) of slop tank(s)

B

Cleaning of cargo tanks

8. Identity number(s) of tank(s) cleaned
9. Type of oil previously contained in tank(s)

PART TWO—continued

- 10. Identity number(s) of slop tank(s) to which washings transferred
- 11. Dates and times of cleaning

C

Settling in slop tank(s) and discharge of water

- 12. Identity number(s) of slop tank(s)
- 13. Period of settlings (in hours)
- 14. Date and time of discharge of water
- 15. Place or position of ship
- 16. Approximate quantities of residue
- 17. Approximate quantities of water discharged

D

Disposal of oily residues from slop tank(s) and other sources

- 18. Date and method of disposal
- 19. Place or position of ship at time of disposal
- 20. Sources and approximate quantities

Signature of Officer or Officers in charge of the operations concerned

Signature of Master

PART THREE

(a) Ballasting or cleaning during voyage, of bunker fuel tanks

- 1. Identity number(s) of tank(s) concerned
- 2. Type of oil previously contained in tank(s)
- 3. Date and place of ballasting

Signature of Officer in charge of operations and date of entry

Signature of Master and date

- 4. Date and time of discharge of ballast or washing water
- 5. Place or position of ship at time of disposal
- 6. Whether separator used; if so, state period of use

PART THREE—continued

7. Disposal of oily residue retained on board

.....
*Signature of Officer in charge of operations
and date of entry*

.....
Signature of Master and date

(b) Disposal of oily residues from bunker fuel tanks and other sources

8. Date and method of disposal

9. Place or position of ship at time of disposal

10. Sources and approximate quantities

.....
*Signature of Officer in charge of operations
and date of entry*

.....
Signature of Master and Date

