

GUIDANCE NOTE 03/2005

**APPLICATION OF MARPOL 73/78 AND THE “MERCHANT SHIPPING
(MARINE POLLUTION) LAW, 2001”**

To: OWNERS, MANAGERS, MASTERS AND CLASSIFICATION SOCIETIES

This Guidance Note was previously issued as Shipping Notice CISN 03/05 Rev 02 and the content remains unchanged. A copy of Shipping Notice CISN 03/05 Rev 02 is attached to, and forms part of, this Guidance Note.

Date of original publication: **08 July 2005**

Date of this publication: **01 September 2014**

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Shipping Notice CISN 03/05

Application of MARPOL 73/78 and The Merchant Shipping (Marine Pollution) Law, 2001,

To: OWNERS, MANAGERS, MASTERS, SURVEYORS AND CLASSIFICATION SOCIETIES

1. Background

- 1.1. Under Cayman Islands Law, the “*International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto*” (MARPOL 73/78) is enacted by *The Merchant Shipping (Marine Pollution) Law, 2001*.
- 1.2. This law and MARPOL 73/78 apply to all Cayman Islands registered ships regardless of their size, tonnage, age or service. This includes “*pleasure yachts not engaged in trade*”, ships below 500 gross tonnage and other ships which may be exempt from the other International Conventions of IMO.

2. Structure of MARPOL 73/78

- 2.1. In addition to the Convention itself, MARPOL 73/78 has 6 substantive annexes covering the prevention of pollution from various sources.
- 2.2. Although MARPOL 73/78 applies to all Cayman Islands ships, the application of each annex is dependent on ship tonnage, type and age.
- 2.3. The annexes to MARPOL 73/78 are:
 - 2.3.1. **Annex I; Regulations for the Prevention of Pollution by Oil.**

Applies to all ships. Oil tankers over 150 GT and other ships over 400 GT require an *International Oil Pollution Prevention Certificate (IOPPC)* which is subject to surveys as prescribed in Regulation 4 of Annex I. Oil tankers below 150 gross tonnage and other ships below 400 gross tonnage are still required to comply with the requirements of this annex even though they do not require an IOPPC. Yachts and small craft should note that Regulation 9(1)(b) and Regulation 16(3)(b) of this annex prohibit the automatic discharge of bilges from engine room spaces into the sea. Oily water separators and/or bilge water holding tanks are necessary if automatic bilge pumping of such spaces is required.

2.3.2. Annex II; Regulations for the Control of Pollution by Noxious Liquid Substances¹ in Bulk.

Applies to all ships carrying noxious liquid substances in bulk. Such ships require an *International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk* which is subject to surveys as prescribed in Regulation 10 of Annex II.

2.3.3. Annex III; Regulations for the Prevention of Pollution by Harmful Substances² Carried by Sea in Packaged Form.

Applies to all ships carrying harmful substances in packaged form. There are no specific survey or certification requirements.

2.3.4. Annex IV; Regulations for the Prevention of Pollution by Sewage from Ships.

Applies to ships as follows:

2.3.4.1. Ships built³ after September 2003 which are over 400 gross tonnage or are certified to carry more than 15 persons⁴ are required to comply with this annex.

2.3.4.2. Ships built before September 2003 which are over 400 gross tonnage or are certified to carry more than 15 persons will need to comply not later than 26 September 2008.

2.3.4.3. This annex does not apply to ships which are under 400 gross tonnage **and** are certified to carry less than 15 persons.

2.3.4.4. Ships to which this annex applies will require an *International Sewage Pollution Prevention Certificate* which is subject to surveys as prescribed in Regulation 4 of Annex IV.

2.3.5. Annex V; Regulations for the Prevention of Pollution by Garbage from Ships.

Applies to all ships. There are no specific survey or certification requirements.

2.3.6. Annex VI; Regulations for the prevention of Air Pollution from Ships⁵.

This annex will not fully enter force until 19 May, 2005, however Regulations 13 and 16 currently apply to Cayman Islands ships.

2.3.6.1. Regulation 13 relates to ships engines of more than 130 kW and is applicable to ships built, or subject to major conversion, after 01 January 2000. This regulation requires such engines to comply with limits imposed on the emission of nitrogen oxides (NO_x).

2.3.6.2. Regulation 16 relates to shipboard incinerators fitted on ships after 01 January 2000. This regulation requires such incinerators to meet the requirements of Appendix IV to Annex VI of MARPOL 73/78.

3. Required actions.

3.1. Persons with responsibilities relating to compliance matters on Cayman Islands ships are requested to ensure that such ships are in full compliance with the appropriate sections of MARPOL 73/78 and The Merchant Shipping (Marine Pollution) Law, 2001.

¹ Any substance referred to in appendix II of Annex II of MARPOL 73/78 or provisionally assessed under the provisions of regulation 3(4) of Annex II as falling into Category A, B, C or D.

² Substances identified as marine pollutants in the IMDG Code.

³ In this context "built" refers to the date which a building contract was placed, or to the date of keel laying but also includes all ships delivered after September 2006.

⁴ All persons onboard including passengers, crew, supernumeraries, etc.

⁵ See CI Shipping Notice CISN 09/05 for more details on the applicability of Annex VI