

A BILL

FOR

AN ACT TO AMEND THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIP 1973 AND 1978 PROTOCOL (RATIFICATION AND ENFORCEMENT) ACT CAP. I28 THE REVISED EDITION (LAWS OF THE FEDERATION OF NIGERIA), 2004 BY REPLACING MARPOL ANNEX III TO 1973 AND 1978 CONVENTION AND FOR RELATED MATTERS

Sponsored by Hon. Gabriel Onyenwufe

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 1. The International Convention for the Prevention of Pollution
2 from Ships 1973 and 1978 Protocol (Ratification and Enforcement) Act,
3 Cap. I28 Revised Edition (Laws of the Federation of Nigeria), 2004 (in this
4 Bill referred to as the "Principal Act") is amended as set out in this Bill.

Amendment of
CAP. I28 Revised
Edition I.F.N. 2004

5 2. Substitute for Annex III of the Schedule to the Principal Act, a
6 new "Annex III":

Amendment of
Annex III

7 "REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL
8 SUBSTANCES CARRIED BY SEA IN PACKAGED FORM

9 Regulation 1

10 Application

11 1. Unless expressly provided otherwise, the regulations of this
12 Annex apply to all ships carrying harmful substances in packaged form:

13 1. For the purpose of this Annex, "harmful substances" are those
14 substances which are identified as marine pollutants in the International
15 Maritime Dangerous Goods Code (IMDG Code)" or which meet the criteria
16 in the Appendix of this Annex:

17 2. For the purpose of this Annex, "packaged form" is defined as the
18 forms of containment specified for harmful substances in the IMDG Code.

1 2. The carriage of harmful substances is prohibited, except in
2 accordance with the provisions of this Annex.

3 3. To supplement the provisions of this Annex, the Government of
4 each Party to the Convention shall issue, or cause to be issued, detailed
5 requirements on packing, marking, labelling, documentation, stowage,
6 quantity limitations and exceptions for preventing or minimizing pollution of
7 the marine environment by harmful substances.

8 4. For the purposes of this Annex, empty packagings which have
9 been used previously for the carriage of harmful substances shall themselves
10 be treated as harmful substances unless adequate precautions have been taken
11 to ensure that they contain non residue that is harmful to the marine
12 environment.

13 5. The requirements of this Annex do not apply to ship's stores and
14 equipment.

Regulation 2:
Packing

15 Packages shall be adequate to minimize the hazard to the marine environment,
16 having regard to their specific contents.

Regulation 3:
Marking and
labelling

17 1. Packages containing a harmful substance shall be durably marked
18 or labelled to indicate that the substance is a harmful substance in accordance
19 with the relevant provisions of the IMDG Code.

20 2. The method of affixing marks or labels on packages containing a
21 harmful substance shall be in accordance with the relevant provisions of the
22 IMDG Code.

Regulation 4:
Documentation

23 1. Transport information relating to the carriage of harmful
24 substances shall be in accordance with the relevant provisions of the IMDG
25 Code and shall be made available to the person or organization designated by
26 the port State authority.

27 2. Each ship carrying harmful substances shall have a special list,
28 manifest or stowage plan setting forth, in accordance with the relevant
29 provisions of the IMDG Code, the harmful substances on board and the
30 location thereof. A copy of one of these documents shall be made available

1 before departure to the person or organization designated by the port State
2 authority.

3 Harmful substances shall be properly stowed and secured so as to minimize
4 the hazards to the marine environment without impairing the safety of the
5 ship and persons on board.

Regulation 5:
Stowage

6 Certain harmful substances may, for sound scientific and technical reasons,
7 need to be prohibited for carriage or be limited as to the quantity which may
8 be carried aboard any one ship. In limiting the quantity, due consideration
9 shall be given to size, construction and equipment of the ship, as well as the
10 packaging and the inherent nature of the substances.

Regulation 6:
Quantity limitations

11 1. Jettisoning of harmful substances carried in packaged form
12 shall be prohibited, except where necessary for the purpose of securing the
13 safety of the ship or saving life at sea.

Regulation 7:
Quantity limitations

14 2. Subject to the provisions of the present Convention, appropriate
15 measures based on the physical, chemical and biological properties of
16 harmful substances shall be taken to regulate the washing of leakages
17 overboard, provided that compliance with such measures would not impair
18 the safety of the ship and persons on board.

19 1. A ship when in a port or an offshore terminal of another Party is
20 subject to inspection by officers duly authorized by such Party concerning
21 operational requirements under this Annex.

Regulation 8:
Port State control
on operational
requirements

22 2. Where there are clear grounds for believing that the master or
23 crew are not familiar with essential shipboard procedures relating to the
24 prevention of pollution by harmful substances, the Party shall take such
25 steps, including carrying out detailed inspection and, if required, will ensure
26 that the ship shall not sail until the situation has been brought to order in
27 accordance with the requirements of this Annex.

28 3. Procedures relating to the port State control prescribed in article
29 5 of the present Convention shall apply to this regulation.

30 4. Nothing in this regulation shall be construed to limit the rights

and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention.

APPENDIX TO ANNEX III

Criteria for the identification of harmful substances in packaged form

For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances:

(a) **Acute (short-term) aquatic hazard**

Category: Acute 1

96 hr LC ₅₀ (for fish)	≤1 mg/l and/or
48 hr EC ₅₀ (for crustacea)	≤1 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	≤1 mg/l

(b) **Long-term aquatic hazard**

(i) **Non-rapidly degradable substances for which there are adequate chronic toxicity data available**

Category Chronic 1:

Chronic NOEC or ECx (for fish)	≤0.1 mg/l and/or
Chronic NOEC or ECx (for crustacea)	≤0.1 mg/l and/or
Chronic NOEC or ECx (for algae or other aquatic plants)	≤0.1 mg/l

Category Chronic 2:

Chronic NOEC or ECx (for fish)	≤1 mg/l and/or
Chronic NOEC or ECx (for crustacea)	≤1 mg/l and/or
Chronic NOEC or ECx (for algae or other aquatic plants)	≤1 mg/l

(ii) **Rapidly degradable substances for which there are adequate chronic toxicity data available**

Category Chronic 1:

Chronic NOEC or ECx (for fish)	≤0.01 mg/l and/or
Chronic NOEC or ECx (for crustacea)	≤0.01 mg/l and/or
Chronic NOEC or ECx (for algae or other aquatic plants)	≤0.01 mg/l

Category Chronic 2:

Chronic NOEC or ECx (for fish)	≤0.1 mg/l and/or
Chronic NOEC or ECx (for crustacea)	≤0.1 mg/l and/or
Chronic NOEC or ECx (for algae or other aquatic plants)	≤0.1 mg/l

3. This Bill may be cited as the International Convention for the Prevention of Pollution from Ships 1973 and 1978 Protocol (Ratification and Enforcement) (Amendment) Bill, 2015. Citation

OBSERVATIONS

1. International Convention For The Safety Of Life At Sea (Ratification and Enforcement) Act, cap. I26 Laws of the Federation of Nigeria, 2004.

Comment:

The SOLAS Regulations are not attached to the Act and the proposal seeks to amend said the regulations.

2. International Centre for Settlement of Investment Disputes (Enforcement of Awards) Act Cap. I20 Laws of the Federation of Nigeria, 2004.

Comment:

The content of the Convention cannot be found in the Act and the proposal seeks to amend the said content.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the International Convention for the Prevention of Pollution from Ships 1973 and 1978 Protocol (Ratification and Enforcement) Act Cap. I28 the Revised Edition (Laws of the Federation of Nigeria), 2004 to replace Annex III to the 1973 and 1978 Conventions.