



Marine Protection Rules

Part 120 – Discharge of Oil

MNZ Consolidation

1 February 2018

Marine Protection Rules

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Part objective

The technical standards contained in the International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL), are being incorporated into New Zealand law by means of marine protection rules. These rules enable New Zealand to be party to the Convention.

Specifically, the standards set out in Part 120 are drawn from Annex I of MARPOL, which is concerned with reducing the quantity of environmentally harmful oil and oily mixtures entering the sea from ships.

The discharge regime established by Part 120 prohibits the discharge of oil cargo residues into the sea from oil tankers within 50 nautical miles of land and in defined special areas and imposes controls on the flow, concentration and quantity of discharges in other areas. Controls, for both oil tankers and other ships, are also imposed on the discharge of machinery space bilge water containing oil.

Oil residues which cannot be discharged into the sea in compliance with the conditions specified in Part 120 must be retained on board or discharged to reception facilities.

The discharged provisions of Part 120 work in conjunction with the requirements for shipboard pollution prevention equipment, such as oily water separating and oil filtering equipment, and requirements for the provision of slop tanks for the collection of tank draining and washings.

Part 120, in accordance with the provisions of Part XIX of the Maritime Transport Act 1994, imposes a concurrent duty on the owner and the master of a ship to notify the nearest coastal state of any discharge or escape, or probable discharge or escape, other than an operational discharge permitted by Part 120.

The specific MARPOL standards given effect by Part 120 are those found in regulations 9, 10 and 11 of Annex I, and in Protocol I of the Convention.

The basis for Part 120 is found in sections 226, 227, 228, 386(1)(b), 388(a), 388(i)(i), 388(i)(ii), 388(j)(i), 388(j)(ii), and 390(2) of the Maritime Transport Act 1994.

Rules subject to Regulations (Disallowance) Act 1989

Marine Protection rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

Disclaimer

This document is the current consolidated version of Marine Protection Rules Part 120 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of Part 120

This part first came into force on 20 August 1998 and now incorporates the following amendments:

| Amendment | Effective Date |
|------------------|-----------------------|
| Amendment 1 | 14 December 2006 |
| Amendment 2 | 4 August 2008 |
| Amendment 3 | 30 July 2009 |
| Amendment 4 | 1 February 2018 |

Summary of Amendments

Amendment 1

Marine Protection Amendment (Parts 102, 121A, 123A, 132 & 170

Part Objective – insert new paragraph, 120.2 – amended definition “special areas”

Amendment 2

Marine Protection Amendment Rules – Marpol Annex 1

120.2 – amended definition “special areas”,
120.5(4) – revoked subrule,
120.6(3) – revoked subrule

Amendment 3

Marine Protection Amendment Rules 2009

120.2 “special areas” – inserted (i)
120.6 – revoked and replaced

Amendment 4

Marine Protection Rules Various Amendments [Changes Related to conventions] 2017

120.2, 120.3, 120.3A (New Rule); 120.4, 120.5 and 120.6 (Replacement Rules); 120.8 and 120.9 (Replacement Rules)

Contents

| | |
|---|-----------|
| Part objective | i |
| General | 1 |
| 120.1 Entry into force | 1 |
| 120.2 Definitions | 1 |
| 120.3 Application of Part 120 | 9 |
| Discharge of oil and oily mixtures into polar waters | 9 |
| 120.3A Discharges of oil and oily mixtures (harmful substances) in polar waters | 9 |
| Discharge of oil or oily mixtures into the sea outside special areas and Arctic waters | 9 |
| 120.4 Permitted discharges of oil and oily mixtures (harmful substances) – outside special areas and Arctic waters | 9 |
| 120.5 Discharge from oil tankers – outside special areas and Arctic Waters | 9 |
| 120.6 Discharge from ships other than oil tankers – outside special areas and Arctic waters | 11 |
| Discharge of oil and oily mixtures into the sea within special areas except the Antarctic area | 12 |
| 120.7 Application | 12 |
| 120.8 Discharge from oil tankers and ships other than oil tankers – within special areas except Antarctic area | 12 |
| 120.9 Discharge from ships of less than 400 tons gross tonnage, other than oil tankers – within special areas except Antarctic area | 12 |
| Reception of oil and oily mixtures onboard or discharge to reception facilities | 13 |
| 120.10 Retention of oil and oily mixtures on board or discharge to reception facilities | 13 |
| Discharge of ballast water and discharge of oil contaminated water from cargo tanks | 14 |
| 120.11 Application | 14 |
| 120.12 Discharge of ballast water and oil contaminated water from cargo tanks | 14 |
| Discharge of residues from tank cleaning operations | 15 |
| 120.13 Application | 15 |
| 120.14 Discharge of residues from tank cleaning operations | 16 |
| Reporting a discharge or escape of oil or a probable discharge or escape of oil, or damage, failure or breakdown of a ship | 17 |
| 120.15 Duty to report a discharge or escape of oil | 17 |
| 120.16 Duty to report a probably discharge or escape of oil | 18 |
| 120.17 Duty to report damage, failure or breakdown of a ship | 18 |
| 120.18 Reporting procedure | 19 |
| 120.19 Rendering assistance or undertaking salvage of a ship | 19 |
| Appendix List of oils | 21 |

General

120.1 Entry into force

Part 120 shall come into force on the 28th day after the date of its notification in the *Gazette*.

120.2 Definitions

In Part 120 –

“**Administration**” means the Government of the state under whose authority a ship is operating of the Government of the state whose flag the ship is entitled to fly:

“**Antarctic area**” means the sea area south of latitude 60°S:

“**Approved substance**” means –

- (a) any substance –
 - (i) approved under Part 132 as suitable for discharging into the sea to contain or clean up an oil spill: and
 - (ii) gazetted under rule 132.4(c); and
 - (iii) not gazetted under rule 132.7(2)(a);
- and
- (b) any dispersant named in Appendix 1 of Part 132:\

“**Arctic waters**” means those waters which are located north of a line from the latitude 58°00′.0 N and longitude 042°00′.0 W to latitude 64°37′.0 N, longitude 035°27′.0 W and thence by a rhumb line to latitude 67°03′.9 N, longitude 026°33′.4 W and thence by a rhumb line to the latitude 70°49′.56 N and longitude 008°59′.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31′.6 N and 019°01′.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38′.29 N and longitude 043°23′.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37′.1 W and thence to the latitude 58°00′.0 N, longitude 042°00′.0 W:

“**Clean ballast**” means ballast carried in a tank which, since it was last used to carry oil, has been cleaned so that the outflow from that tanks if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. In the case of a foreign ship, where the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system to the effect that the oil content of the outflow did not exceed 15 parts per million shall be determinative that the ballast was clean, not withstanding the presence of visible traces. In the case of a New Zealand ship or a warship or other ship of the New Zealand Defence Force, where the ballast is discharged through an oil discharge monitoring and control system approved by the Director under Part 122, evidence based on such a system to the effect that the oil content of the outflow did not exceed 15 parts per million shall be determinative that the ballast was clean, not withstanding the presence of visible traces:

“**Coastal marine area**” means the foreshore, seabed, and coastal water, and the air space above the water –

- (a) of which the seaward boundary is the outer limits of the territorial sea;
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of –
 - (i) one kilometer upstream from the mouth of the river; or
 - (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5:

“Coastal state” means the country whose land is adjacent to those areas of the sea over which it exercises, or is entitled to exercise, jurisdiction for the purposes of marine environment protection, as provided for in international law:

“Director” means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

“Discharge” includes any release, disposal, spilling, leaking, pumping, emitting or emptying; but does not include –

- (a) dumping in accordance with a permit issued by the Director under section 262 of the Maritime Transport Act 1994; or
- (b) release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control; -

and **“to discharge”** and **“discharged”** have corresponding meanings:

“Dispersant” means any substance used or intended to be used for the dispersal or emulsification of an oil spill in the sea:

“En route” means that the ship is under way at sea on a course, or courses, which so far as practicable for navigational purposes will cause any discharge to be spread over as great an area of the sea as it reasonably practicable:

“Existing ship” means a ship which is not a new ship:

“Foreign ship” means any ship that is not a New Zealand ship:

“From the nearest land” means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that off the north eastern coast of Australia it means from a line drawn from a point on the coast of Australia in –

Latitude 11° 00' S, longitude 142° 08' E,

To a point in latitude 10° 35' S, longitude 141° 55'E,

From there to a point latitude 10° 00' S, longitude 142° 00'E,

From there to a point latitude 9° 10' S, longitude 143° 52' E,

From there to a point latitude 9° 00' S, longitude 144° 30' E,

From there to a point latitude 13° 00' S, longitude 144° 00' E,

From there to a point latitude 15° 00' S, longitude 146° 00' E,

From there to a point latitude 18° 00' S, longitude 147° 00' E,

From there to a point latitude 21° 00' S, longitude 153° 00' E,

From there to a point on the coast of Australia in latitude 24° 42' S, longitude 153° 15' E:

“Instantaneous rate of discharge of oil content” means the rate of discharged of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant:

“Major conversion” means a conversion of an existing ship –

- (a) which substantially alters the dimension or carrying capacity of the ship; or
- (b) which changes the type of the ship; or
- (c) the intent of which, in the opinion of the Director is, in the case of a New Zealand ship, or a warship or other ship of the New Zealand Defence Force, to substantially prolong its life;
- (d) the intent of which, in the opinion of the Administration is, in the case of a foreign ship, to substantially prolong its life; or
- (e) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the marine protection rules giving effect to MARPOL not applicable to it as an existing ship;

but does not include the conversion of an existing ship which is –

- (i) an oil tanker of 20,000 tons deadweight or more that is a New Zealand ship, or a warship or other ship of the New Zealand Defence Force, that undergoes a conversion for the purpose of complying with the segregated ballast tank requirements of Part 121A; or
- (ii) an oil tanker of 20,000 tons deadweight or more that is a foreign ship that undergoes a conversion for the purpose of complying with the requirements for segregated ballast tanks of the Administration of the ship’s flag state; or
- (iii) an oil tanker that is a New Zealand ship, or a warship or other ship of the New Zealand Defence Force, that undergoes a conversion for the purpose in the event of collision; or
- (iv) an oil tanker that is a foreign ship that undergoes a conversion for the purpose of complying with the requirements for the prevention of pollution of complying with the requirements for the prevention of pollution in the event of collision of the Administration of the ship’s flag state:

“Marine operations” means any operations or operation for, or connect with, the exploration for, or the exploitation or associated processing of, any mineral in the sea of the seabed:

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and includes any subsequent protocol or amendment to, or revision of, that convention accepted or ratified by New Zealand:

“Master” means any person (except a pilot) having command or charge of any ship:

“New ship” means a ship –

- (a) for which the building contract was placed after 31 December 1975; or
- (b) in the absence of a building contract, the keel of which was laid or which was at a similar stage of construction after 30 June 1976; or
- (c) the delivery of which was after 31 December 1979; or
- (d) which has undergone a major conversion:
 - (i) for which the contract was placed after 31 December 1975; or
 - (ii) in the absence of a contract, the construction work of which was begun after 30 June 1976; or
 - (iii) which was completed after 31 December 1979:

“New Zealand continental waters” means –

- (a) New Zealand marine waters; and
- (b) The waters beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand:

“New Zealand Defence Force” has the same meaning as the term “Defence Force” in section 2(1) of the Defence Act 1990:

“New Zealand jurisdiction” means –

- (a) the internal waters of New Zealand; and
- (b) the territorial sea of New Zealand; and
- (c) the exclusive economic zone of New Zealand; and
- (d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

“New Zealand marine waters” means –

- (a) the territorial sea of New Zealand; and
- (b) the waters of the exclusive economic zone of New Zealand:

“New Zealand ship” means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

“New Zealand shipboard marine oil spill contingency plan” means a shipboard marine oil spill contingency plan as defined by section 281 of the Maritime Transport Act 1994 and includes any aspects of a plan prepared under Part 130A which provide for measures to be taken in respect of oil spill outside New Zealand marine waters:

“Offshore installation” or **“installation”** includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but does not include a pipeline:

“Oil” for the purposes of the marine protection rules and section 222 of the Maritime Transport Act 1994 means petroleum in any form including crude oil, fuel oil, sludge, oil refuse, and refined products (other than petrochemicals that are subject to the provisions of Part 140). Without limiting the generality of the foregoing, “oil” includes any of the substances declared to be oil in the appendix to Part 120, and any oily mixture. “Oil” as defined here is a “harmful substance” for the purposes of section 225 of the Maritime Transport Act 1994:

“Oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any “chemical tanker” as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk. And for the purposes of Part 120, oil tanker also includes a ship, other than an oil tanker, which is fitted with cargo spaces which are constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic metres or more:

“Oily mixture” means a mixture with any oil content:

“Owner” in relation to any ship includes –

- (a) any person who is the legal or equitable owner, or both, of the ship; and

- (b) any person in possession of the ship, and includes any salvor in possession of the ship, and any servant or agent of any salvor in possession of the ship; and
- (c) any charter, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship:

“**Part**” means a group of rules made under the Maritime Transport Act 1994:

“**polar waters**” means any of the following:

- (a) Arctic waters:
- (b) the Antarctic area:

“**Pollution incident**” means an event involving the probable discharge or escape into the sea or seabed of a harmful substance in contravention of the Maritime Transport Act 1994 or the Resource Management Act 1991:

“**Residue**” means any harmful substance which remains for disposal:

“**Rules**” includes maritime rules and marine protection rules:

“**Segregated ballast**” means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as defined in the marine protection rules:

“**Shipboard oil pollution emergency plan**” means a plan required by Regulation 26 of Annex I of MARPOL:

“**Special area**” means any of the following areas:

- (a) the Mediterranean Sea area comprising the Mediterranean Sea proper including the gulfs and sea therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5° 36' W:
- (b) the Baltic Sea area comprising the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.8' N:
- (c) the Black Sea area comprising the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41° N:
- (d) the Red Sea area comprising the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12° 28.5' N, 43° 19.6' E) and Husn Murad (12° 40.4' N, 43° 30.2' E):
- (e) the Gulfs area comprising the sea area located north-west of the rhumb line between Ras al Hadd (22° 30' N, 59° 48' E) and Ras Al Fasteh (25° 04' N, 61° 25' E):
- (f) the Gulf of Aden area comprising that part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12° 28.5' N, 43° 19.6' E) and Husn Murad (12° 40.4' N, 43° 30.2' E) and to the east by the rhumb line between Ras Asir (11° 50' N, 51° 16.9' E) and Ras Fartak (15° 35' N, 52° 13.8' E):
- (g) the Antarctic area:

- (h) the **North West European Waters** comprising the area bound by lines joining the following points:
- (i) 48°27' N on the French coast;
 - (ii) 48°27' N, 06°25' W;
 - (iii) 49°52' N, 07°44'W;
 - (iv) 50°30' N, 12° W;
 - (v) 56°30' N, 12° W;
 - (vi) 62°N, 03° W;
 - (vii) 62°N on the Norwegian coast;
 - (viii) 57°44.8' N on the Danish and Swedish coasts;
- (h) the **Oman area** of the Arabian Sea comprising the sea area enclosed by the following coordinates -
- 22° 30.00' N; 059° 48.00' E
 - 23° 47.27' N; 060° 35.73' E
 - 22° 40.62' N; 062° 25.29' E
 - 21° 47.40' N; 063° 22.22' E
 - 20° 30.37' N; 062° 52.41' E
 - 19° 45.90' N; 062° 25.97' E
 - 18° 49.92' N; 062° 02.94' E
 - 17° 44.36' N; 061° 05.53' E
 - 16° 43.71' N; 060° 25.62' E
 - 16° 03.90' N; 059° 32.24' E
 - 15° 15.20' N; 058° 58.52' E
 - 14° 36.93' N; 058° 10.23' E
 - 14° 18.93' N; 057° 27.03' E
 - 14° 11.53' N; 056° 53.75' E
 - 13° 53.80' N; 056° 19.24' E
 - 13° 45.86' N; 055° 54.53' E
 - 14° 27.38' N; 054° 51.42' E
 - 14° 40.10' N; 054° 27.35' E
 - 14° 46.21' N; 054° 08.56' E
 - 15° 20.74' N; 053° 38.33' E
 - 15° 48.69' N; 053° 32.07' E
 - 16° 23.02' N; 053° 14.82' E
 - 16° 39.06' N; 053° 06.52' E"
- (i) the Southern South African waters comprising the sea area enclosed by the following coordinates –
- 31° 14' S; 017° 50' E
 - 31° 30' S; 017° 12' E
 - 32° 00' S; 017° 06' E
 - 32° 32' S; 016° 52' E
 - 34° 06' S; 017° 24' E
 - 36° 58' S; 020° 54' E
 - 36° 00' S; 022° 30' E
 - 35° 14' S; 022° 54' E
 - 34° 30' S; 026° 00' E

33° 48' S; 027° 25' E
33° 27' S; 027° 12' E"

120.3 Application of Part 120

- (1) Nothing in rules 120.3A to 120.11 inclusive applies to the discharge into the sea of an approved substance to contain or clean up an oil spill, as provided for in Part 132.
- (2) Nothing in Part 120 affects any defence which a person may have to proceedings for an offence against section 237 of the Maritime Transport Act 1994 on the grounds contained in section 243 of that Act.
- (3) Where a rule in Part 120 places an obligation on the master of any New Zealand ship, the same obligation will apply to the master of any warship or any other ship of the New Zealand Defence Force to which that rule applies.

Discharge of oil and oily mixtures into polar waters

120.3A Discharges of oil and oily mixtures (harmful substances) in polar waters

- (1) Oil and oily mixtures may be discharged from a New Zealand ship into polar waters as permitted in rule 120.3.
- (2) Oil and oily mixtures may be discharged from a New Zealand ship into Arctic waters as clean ballast or segregated ballast provided that the ballast—
 - (i) without dilution has an oil content not exceeding 15 parts per million; and
 - (ii) does not originate from cargo pump-room bilges; and
 - (iii) is not mixed with oil cargo residues.

Discharge of oil or oily mixtures into the sea outside special areas and Arctic waters

120.4 Permitted discharges of oil or oily mixtures (harmful substances) – outside special areas and Arctic waters

Oil or oily mixtures may be discharged from—

- (a) any New Zealand ship into the sea outside the coastal marine area excluding—
 - (i) a special area; or
 - (ii) Arctic waters; and
- (b) any warship and any other ship of the New Zealand Defence Force into the sea outside the coastal marine area excluding—
 - (i) a special area; or
 - (ii) Arctic waters; and
- (c) any foreign ship into the sea within the exclusive economic zone of New Zealand excluding a special area; and
- (d) any foreign ship involved with the exploration or exploitation of the sea or the seabed, into the sea beyond the outer limits of the exclusive economic zone and over the continental shelf of New Zealand excluding a special area—

in accordance with rules 120.5 and 120.6.

120.5 Discharge from oil tankers – outside special areas and Arctic waters

- (1) In respect of an oil tanker in an area to which rule 120.4 applies, discharge of—
 - (a) oil or oily mixtures from an oil tanker's cargo residues; or
 - (b) oil or oily mixtures from an oil tanker's machinery space bilges containing oil cargo residues; or
 - (c) effluent from an oil tanker's cargo pump-room bilges—

is permitted from the oil tanker in the area provided that—

 - (i) the oil tanker is more than 50 nautical miles from the nearest land; and
 - (ii) the oil tanker is proceeding en route; and
 - (iii) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile; and
 - (iv) the total quantity of oil discharged for the oil tanker if it is—
 - (aa) an existing ship does not exceed 1/15,000 of the total quantity of the particular cargo of which the residue or effluent formed a part; or
 - (bb) a new ship does not exceed 1/30,000 of the total quantity of the particular cargo of which the residue or effluent formed a part; and
 - (v) the oil tanker has in operation an oil discharge monitoring and control system as required by Part 122 and a slop tank arrangement as required by Part 121A.
- (2) In respect of an oil tanker in an area to which rule 120.4 applies, discharge of oil or oily mixtures from an oil tanker's machinery space bilges, excluding cargo pump-room bilges and other cargo residues, is permitted from the oil tanker in the area provided that—
 - (a) the oil tanker is proceeding en route; and
 - (b) the oil content of the effluent without dilution does not exceed 15 parts per million; and
 - (c) the oil tanker has equipment in operation as required by Part 122.
- (3) In respect of an oil tanker in an area to which rule 120.4 applies, discharge of clean ballast or segregated ballast or unprocessed oily mixtures is permitted from the oil tanker in the area provided that the content of the discharge—
 - (a) without dilution has an oil content not exceeding 15 parts per million; and
 - (b) does not originate from cargo pump-room bilges; and
 - (c) is not mixed with oil cargo residues.
- (4) *Revoked by Marine Protection Amendment Rules 2008 on the 4th August 2008.*
- (5) The owner and the master of an oil tanker must ensure that the content of the discharge permitted under subrule (1), (2), or (3), does not contain—
 - (a) chemicals or other substances in quantities or concentrations which are hazardous to the marine environment; or
 - (b) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in subrule (1), (2), or (3), as applicable.

120.6 Discharge from ships other than oil tankers – outside special areas and Arctic waters

- (1) In respect of a ship other than an oil tanker in an area to which rule 120.4 applies, discharge of oil or oily mixtures from the ship is permitted in the area provided—
 - (a) the ship is proceeding en route; and
 - (b) the oil content of the effluent without dilution does not exceed 15 parts per million; and
 - (c) the ship has the appropriate oil filtering equipment, for that ship, in operation as required by rule 122.4.
- (2) The owner and the master of a ship must ensure the content of the discharge permitted under subrule (1) does not contain—
 - (a) chemicals or other substances in quantities or concentrations that are hazardous to the marine environment; or
 - (b) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in subrule (1).

Discharge of oil and oily mixtures into the sea within special areas except the Antarctic area

120.7 Application

Rules 120.8 and 120.9 apply to any oil tanker and any other ship that is –

- (a) a New Zealand ship; or
- (b) a warship or any other ship of the New Zealand Defence Force.

120.8 Discharge from oil tankers and ships other than oil tankers – within special areas except Antarctic area

- (1) Oil or oily mixtures may be discharged into the sea within any special area, except the Antarctic area, from any oil tanker, and any ship of 400 tons gross tonnage or more other than an oil tanker, to which this rule applies provided that the discharge is in accordance with subrule (2) and is either—
 - (a) clean ballast or segregated ballast; or
 - (b) processed bilge water from machinery spaces, and all the following conditions are satisfied:
 - (i) the bilge water does not originate from cargo pump-room bilges;
 - (ii) the bilge water is not mixed with oil cargo residues;
 - (iii) the ship is proceeding *en route*;
 - (iv) the oil content of the effluent without dilution does not exceed 15 parts per million;
 - (v) the ship has oil filtering equipment in operation as required by Part 122;
 - (vi) the filtering system is equipped with a stopping device which will automatically stop the discharge when the oil content of the effluent exceeds 15 parts per million.
- (2) The owner and the master of a ship must ensure the content of the discharge permitted under subrule (1) does not contain—
 - (a) chemicals or other substances in quantities or concentrations that are hazardous to the marine environment; or
 - (b) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in subrule (1)(b).

120.9 Discharge from ships of less than 400 tons gross tonnage, other than oil tankers – within special areas except Antarctic area

- (1) Oil or oily mixtures may be discharged into the sea within any special area, except the Antarctic area, from any ship of less than 400 tons gross tonnage other than an oil tanker, to which this rule applies, provided that the oil content of the discharge without dilution does not exceed 15 parts per million.
- (2) The owner and the master of a ship must ensure the content of the discharge permitted under subrule (1) does not contain—
 - (i) chemicals or other substances in quantities or concentrations that are hazardous to the marine environment; or
 - (ii) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in subrule (1).

Retention of oil and oily mixtures on board or discharge to reception facilities

120.10 Retention of oil and oily mixtures on board or discharge to reception facilities

The owner and the master of every ship to which this Part applies must ensure that oil residues from the ship that cannot be discharged into the sea in compliance with the conditions specified in this Part retained on board or discharged to reception facilities.

Discharge of ballast water and discharge of oil contaminated water from cargo tanks

120.11 Application

Rule 120.12 applies to –

- (a) any New Zealand ship that is an oil tanker;
- (b) any warships and any other ship of the New Zealand Defence Force that is an oil tanker;
- (c) any foreign ship that is an oil tanker and is within New Zealand jurisdiction.

120.12 Discharge of ballast water and oil contaminated water from cargo tanks

- (1) The owner and the master of any oil tanker to which this rule applies must ensure that any discharge into the sea of ballast water or oil contaminated water from cargo tanks which may be permitted under rule 120.5 or rule 120.8 takes place –
 - (1) above the waterline; and
 - (2) by way of the pipelines required by rule 122.11(b)(i).Provided however that such discharge may take place below the waterline where there is compliance with rules 120.12(2) to 120.12(6) inclusive.
- (2) Segregated ballast and clean ballast may be discharged into the sea below the waterline –
 - (a) in ports or at offshore terminals; and
 - (b) at sea by gravity;provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.
- (3) An existing oil tanker to which this rule applies which, without modification, is not capable of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline at sea, provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.

- (4) An existing oil tanker to which this rule applies, operating with dedicated clean ballast tanks which, without modification, is not capable of discharging ballast water from dedicated clean ballast tanks above the waterline may discharge this clean ballast below the waterline, provided that the discharge of the ballast water is supervised using an oil content meter of the type required by rule 122.17.
- (5) On any oil tanker en route to which this rule applies, dirty ballast water or oil contaminated water from tanks in the cargo area, other than slop tanks, may be discharged into the sea by gravity below the waterline, provided that –
 - (a) sufficient time has elapsed in order to allow oil/water separation to have taken place; and
 - (b) the ballast water has been examined immediately before the discharge with an oil/water interface detector of a type approved by the Director under rule 122.20 in order to ensure that the height of the interface is such that the discharge does not involve any increased risk of harm to the marine environment.
- (6) Where part flow arrangements described in rule 122.14 are fitted in an existing oil tanker to which this rule applies, dirty ballast water or oil contaminated water from cargo tank areas may be discharged into the sea below the waterline subsequent to or instead of discharge by the method referred to in rule 120.12(5).

Discharge of residues from tank cleaning operations

120.13 Application

Rule 120.14 applies to –

- (a) any New Zealand ship that is an oil tanker; and
- (b) any warship and any other ship of the New Zealand Defence Force that is an oil tanker; and
- (c) any foreign ship that is an oil tanker and is within New Zealand jurisdiction;

that is carrying asphalt or other oil products which through their properties inhibit effective product/water separation and monitoring.

120.14 Discharge of residues from tank cleaning operations

- (1) Subject to paragraphs (2) and (3) of this rule, the owner and the master of every ship to which this rule applies must ensure that every oil cargo tank which has been unloaded is washed and that all contaminated washings, cargo residues and any solvents, are discharged to reception facilities at the port or terminal of unloading.
- (2) At the request of the master of a ship which has unloaded oil at a place under New Zealand jurisdiction, the Director may exempt the ship from the requirements referred to in paragraph (1) of this rule, provided he or she is satisfied that –
 - (a) The tank unloaded is to be reloaded with the same substance or another compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or
 - (b) The tank unloaded is neither washed or ballasted at sea if the ship is to proceed to another port unless it has been confirmed in writing that reception facility at that port is available and adequate for the purpose of receiving the residues and solvents necessary for the cleaning operation; and
 - (c) The ship is engaged in a voyage to either –
 - (i) A port, or to an offshore terminal or offshore installation under New Zealand jurisdiction; or

- (ii) A port, or to an offshore terminal or offshore installation under the jurisdiction of a state other than New Zealand which is party to MARPOL.
- (3) The master of a New Zealand ship which has unloaded oil at a place under the jurisdiction of a state outside New Zealand which is party to MARPOL may apply to the port state authority to exempt the ship from the requirements of paragraph (1) of this rule.

Reporting a discharged or escape of oil or a probable discharge or escape of oil, or damage, failure or breakdown of ship

120.15 Duty to report a discharge or escape of oil

- (1) Any discharge or escape of oil –
 - (a) from any ship, including any warship and any other ship of the New Zealand Defence Force –
 - (i) into the waters of the coastal marine area or onto or into the foreshore of the seabed below those waters; or
 - (ii) into the sea within the exclusive economic zone of New Zealand or onto or into the seabed below that sea; or
 - (b) from any ship, including any warship and any other ship of the New Zealand Defence Force, involved with the exploration or exploitation of the sea or the seabed –
 - (i) into the sea beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand; or
 - (ii) onto or into the seabed below that sea; or
 - (c) from any New Zealand ship, or any warship or other ship of the New Zealand Defence Force –
 - (i) into the sea beyond the outer limits of the exclusive economic zone of New Zealand; or
 - (ii) onto or into the seabed below that sea;

that is in breach of Part 120, or section 15B of the Resource Management Act 1991, must be reported by the owner and the master of that ship in accordance with section 227 of the Maritime Transport Act 1994 and rule 120.18.
- (2) The reporting of a discharge or escape in accordance with section 227 of the Maritime Transport Act 1994 and rule 120.18 by one person shall be sufficient to relieve every other person from a duty to give such notice in respect of that discharge or escape.

120.16 Duty to report a probable discharge or escape of oil

- (1) Any probably discharge or escape of oil involving –
 - (a) a ship, including any warship and any other ship of the New Zealand Defence Force, in the internal waters of New Zealand or New Zealand marine waters; or
 - (b) a ship, including any warship and any other ship of the New Zealand Defence Force, involved with marine operations within New Zealand continental waters; or
 - (c) a New Zealand ship, or a warship or other ship of the New Zealand Defence Force, in waters beyond the outer limits of the exclusive economic zone of New Zealand –

must be reported by the master of the ship in accordance with section 228 of the Maritime Transport Act 1994 and rule 120.18, and in the case of a ship

involved in marine operations by the person in charge of and the person carrying out those operations.

- (2) The reporting of a probable discharge or escape in accordance with section 228 and rule 120.18 by one person shall be sufficient to discharge every other person from a duty to give such notice in respect of that probable discharge or escape

120.17 Duty to report damage, failure or breakdown of a ship

- (1) Any damage, failure or breakdown of a ship of 15 metres in length or more involving any of the ships referred to in rule 120.15 which –
- (a) affects the safety of the ship, including but not limited to collisions, grounding, fire, explosion, structural failure, flooding, and cargo shifting; or
 - (b) results in impairment of the safety of navigation, including but not limited to failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential shipborne navigational aids;

must be reported by the master of the ship in accordance with section 228 of the Maritime Transport Act 1994 and rule 120.18, and in the case of a ship involved in marine operations by the person in charge of and the person carrying out those operation.

- (2) The reporting of damage, failure or breakdown of a ship of 15 metres in length or more in accordance with section 228 of the Maritime Transport Act 1994 and rule 120.18 by one person shall be sufficient to discharge every other person from a duty to give such notice in respect of that damage, failure, or breakdown.

120.18 Reporting procedure

Every report required by rule 120.15, rule 120.16 or rule 120.17 must –

- (a) be made by the fastest telecommunications channels available and with the highest possible priority to the appropriate authority in the nearest coastal state; and
- (b) where the ship carries a New Zealand shipboard oil spill contingency plan or a shipboard oil pollution emergency plan, be made according to the procedure contained in that plan; and
- (c) where the ship does not carry a New Zealand shipboard oil spill contingency plan or a shipboard oil pollution emergency plan, be made in accordance with the Annex and the Appendix to the International Maritime Organization Assembly resolution A.648(16) as revised by the International Maritime Organization from time to time, and in accordance with the following procedures –
 - (i) Every report must include the identity of the ships involved, the time, type and location of the incident, the quantity and type of oil involved and any assistance and salvage measures proposed or underway; and
 - (ii) the initial report must be supplemented as necessary, and when possible, and information concerning further developments must be provided; and
 - (iii) requests from affected states for additional information must be complied with as fully as possible.

120.19 Rendering assistance or undertaking salvage of a ship

The master of –

- (a) any New Zealand ship; or
- (b) any warship or other ship of the New Zealand Defence Force; or
- (c) any foreign ship that is within New Zealand jurisdiction;

which is engaged in or requested to engage in an operation to render assistance to or to undertake salvage of another ship which is involved in a discharge or escape or a probably discharge or escape of oil into the sea in the circumstances described in rule 120.15 or rule 120.16, or which sustains damage, failure or breakdown with the consequences set out in rule 120.17 must –

- (i) report to the nearest coastal state particulars of action undertaken or planned; and
- (ii) keep the coastal state informed of developments.

Appendix

LIST OF OILS*

Asphalt solutions

Blending stocks
Roofers flux
Straight run residue

Oils

Clarified
Crude oil
Mixtures containing crude oil
Diesel oil
Fuel oil No.4
Fuel oil No.5
Fuel oil No.6
Residual fuel oil
Road oil
Transformer oil
Aromatic oil (excluding vegetable oil)
Lubricating oils and blending stocks
Mineral Oil
Motor Oil
Penetrating oil
Spindle oil
Turbine oil

Distillates

Straight run
Flashed feed stocks

Gas oil

Cracked

Gasoline blending stocks

Alkylates - Fuel
Reformats
Polymer – fuel

Gasoline

Casinghead (natural)
Automotive
Aviation
Straight run
Fuel oil no.1 (kersosene)
Fuel oil no.1-D
Fuel oil no.2
Fuel oil no.2-D

Jet fuels

JP-1 (kerosene)
JP-3
JP-4
JP-5 (kerosene, heavy)
Turbo fuel
Kerosene
Mineral spirit

Naphtha

Solvent
Petroleum
Heartcut distillate oil

* This list of oils shall not necessarily be considered as comprehensive.