

Marine Protection Rules

Part 123B – Documents (Record Books and Manuals)

MNZ Consolidation

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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 a party to the Convention.

Specifically, Regulations 13A, 13B, 15, and 20 of Annex I of MARPOL are given effect by Part 123B. They contain requirements for the standardised recording of shipboard operations involving oil or oily mixtures and their discharge and escape, and the provision of shipboard manuals to guide crew involved in operations involving oil or oily mixtures and dedicated clean ballast tanks.

Part 123B applies the MARPOL oil record book requirements to New Zealand oil tankers of 150 tons gross tonnage or more, to ships other than oil tankers of 150 tons gross tonnage or more that carry oil in bulk of an aggregate capacity of 200 cubic metres or more, to other New Zealand tankers which discharge oil or oily mixtures and to New Zealand ships of 400 tons gross tonnage or more. Warships and other ships of the New Zealand Defence Force of the same tonnages are also covered by the Part. Foreign ships visiting New Zealand will be required to meet the same MARPOL standards.

Smaller New Zealand and foreign oil tankers of 150 tons gross tonnage are required by Part 123B to have oil record books if they retain oil on board and discharge contaminated washings at reception facilities.

The Part also contains the requirements for certain oil tankers to have operations and equipment manuals on board approved by the Director or by the ship's flag state.

The basis for Part 123B is found in sections 386 and 388 of the Maritime Transport Act 1994.

Marine protection rules are disallowable instruments under the Legislation Act 2012. 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 that Act.

Disclaimer:

This document is the current consolidated version of Marine Protection Rules Part 123B 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 123B

Part 123B first came into force on 20 August 1998 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	4 August 2008
Amendment 2	Multiple
Amendment 3	1 January 2015
Amendment 4	1 April 2015
Amendment 5	1 February 2018
Amendment 6	13 December 2019

Summary of Amendments

Amendment 1

Marine Protection Amendment Rules – Marpol Annex 1

123B.16(1)(a), 123B.16(3)(b),
123B.17(1)(a), 123B.17(1)(b),
123B.17(3)(b), 123B.17(3)(c),
123B.18(1)(a), 123B.18(3)(b),
123B.19(b)(i), 123B.20(b)(i),
123B.20(b)(ii), 123B.21(2)(b)(i),
Appendix 1, Appendix 2

Amendment 2

Marine Protection Various Amendments 2010

1 October 2010:

123B.8(1)(b), 123B.9(2), 123B.15(4),
123B.16, 123B.19, 123B.21

1 January 2011:

123B.2, 123B.3, 123B.4, 123B.5,
123B.7, 123B.9, 123B.10.

Appendices – revoked

Amendment 3

Marine Protection Rules Various Amendments 2014

123B.16(1)(a), 123B.16(1)(b),
123B.16(3)(b), 123B.16(3)(c),
123B.17(1)(a), 123B.17(1)(b),
123B.17(3)(b), 123B.17(3)(c),
123B.18(1)(a), 123B.18(3)(b),
123B.19(b)(i), 123B.19(b)(ii),
123B.20(b)(i), 123B.20(b)(ii),
123B.21(2)(b)(i)

Amendment 4

Marine Protection Rules Various Amendments 2015

Part Heading, Part Objective

Amendment 5

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

123B.2, 123B.5, 123B.11, 123B.16,
123B.17, 123B.18

Amendment 6

Marine Protection Rules Various Amendments 2019

Part Objective

All signed rules can be found on our website:

<https://www.maritimenz.govt.nz/Rules/>

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General

123B.1 Entry into Force

Part 123B shall come into force on the 28th day after the date of its notification in the *Gazette*.

123B.2 Definitions

In Part 123B—

Act means the Maritime Transport Act 1994:

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

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

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:

Combination carrier means a ship designed to carry either oil or solid cargoes in bulk:

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

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

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 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 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:

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, oil fuel, 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 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 Record Book means—

- (a) for every New Zealand ship and every New Zealand Defence Force ship referred to in rule 123B.3, the Oil Record Book, Part I, “Machinery space operations” prescribed in MARPOL Annex I Appendix III, required under rule 123B.4(1); and in addition
- (b) for every New Zealand ship that is an oil tanker and every New Zealand Defence Force ship that is an oil tanker, referred to in rule 123B.3, the Oil Record Book, Part II, “Cargo/ballast operations” prescribed in MARPOL Annex I Appendix III, required under rule 123B.4(2); and
- (c) for every foreign ship referred to in rule 123B.6, the Oil Record Book, Part I, “Machinery space operations” prescribed in MARPOL Annex I Appendix III, required under rule 123B.7(1); and in addition
- (d) for every foreign ship that is an oil tanker referred to in rule 123B.6, the Oil Record Book, Part II, “Cargo/ballast operations” prescribed in MARPOL Annex I Appendix III required under rule 123B.7(2); and
- (e) for every New Zealand ship that is an oil tanker referred to in rule 123B.9, the oil record book required under rule 123B.10; and
- (f) for every foreign ship that is an oil tanker referred to in rule 123B.12, the oil record book required under rule 123B.13 and in a form required by the Administration of the flag state or other form recognised by the Director:

Oil residue (sludge) means the residual waste oil products generated during the normal operation of a ship such as those resulting from the purification of fuel or lubricating oil for main or auxiliary machinery, separated waste oil from oil filtering equipment, waste oil collected in drip trays, and waste hydraulic and lubricating oils:

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:

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 charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship:

Polar Code means the environment-related provisions in the Introduction, and all of Part II-A, of the International Code for Ships Operating in Polar Waters adopted by the International Maritime Organization:

polar waters means any of the following:

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

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

Rules includes maritime rules and marine protection rules.

Oil Record Books – New Zealand ships

123B.3 Application and compliance dates

- (1) Rules 123B.4 and 123B.5 apply to—
 - (a) every New Zealand ship that is an oil tanker of 150 tons gross tonnage or more; and
 - (b) every New Zealand ship, other than an oil tanker of 150 tons gross tonnage or more, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more; and
 - (c) every New Zealand ship that is an oil tanker of less than 150 tons gross tonnage which discharges oil or oily mixtures into the sea in compliance with the conditions specified in Part 120; and
 - (d) every New Zealand ship of 400 tons gross tonnage or more; and
 - (e) every warship and every other ship of the New Zealand Defence Force that is—
 - (i) an oil tanker of 150 tons gross tonnage or more; or
 - (ii) a ship, other than an oil tanker, of 150 tons gross tonnage or more fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more; or
 - (iii) an oil tanker of less than 150 tons gross tonnage which discharges oil or oily mixtures into the sea in compliance with the conditions specified in Part 120; or
 - (iv) a ship of 400 tons gross tonnage or more.
- (2) Where a rule in Part 123B 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.

123B.4 Requirement to carry Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that an Oil Record Book is carried on board the ship.
- (2) The owner and the master of—
 - (a) any oil tanker; or
 - (b) any ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more;

to which this rule applies, must ensure that an Oil Record Book is carried on board the ship.

123B.5 Entries in Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that the appropriate Oil Record Book is completed in accordance with rule 123B.5(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations (all ships):
 - (i) ballasting or cleaning of oil fuel tanks:
 - (ii) discharge of dirty ballast or cleaning water from tanks referred to in rule 123B.5(1)(a)(i):
 - (iii) disposal of oil residue (sludge):
 - (iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces:
 - (b) for cargo/ballast operations (oil tankers and ships, other than oil tankers, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more):

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- (i) loading of oil cargo:
 - (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks and dedicated clean ballast tanks:
 - (v) cleaning of cargo tanks including crude oil washing:
 - (vi) discharge of ballast except from segregated ballast tanks:
 - (vii) discharge of water from slop tanks:
 - (viii) closing of all applicable valves or similar devices after slop tank discharge operations:
 - (ix) closing of valves necessary to isolate dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations:
 - (x) disposal of oil residues (sludge).
- (2) For each operation described in rule 123B.5(1)—
- (a) a full record must be entered in the Oil Record Book without delay; and
 - (b) the completed entry in the Oil Record Book must be signed by the officer(s) in charge of the operation; and
 - (c) if the ship is in polar waters, that operation in polar waters must be taken into account in the Oil Record Book in accordance with paragraph 1.1.4 of Chapter 1 of the Polar Code.
- (3) The master of any ship to which this rule applies must sign each page of the ship's Oil Record Book(s) once that page is complete.
- (4) The owner and the master of any ship to which this rule applies must ensure that a statement is made in the appropriate Oil Record Book of the circumstances of, and the reasons for—
- (a) any discharge into the sea of oil for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of oil resulting from damage to the ship or its equipment or resulting from any accidental or other exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combating specific pollution incidents; and
 - (d) any other accidental or exceptional discharge.
- (5) The owner and the master of any ship to which this rule applies must ensure that the Oil Record Book(s) is (are)—
- (a) available for inspection by the Director and by authorised persons acting on behalf of a state party to MARPOL at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.
- (6) Where the Director or an authorised person acting on behalf of a state party to MARPOL makes a copy of any entry in the Oil Record Book(s) of any ship to which this rule applies, the master of that ship must, when requested to do so, certify that the copy is a true copy of such entry where this is the case.
- (7) The Oil Record Book(s) required by rule 123B.4 must be preserved by the owner of the ship for three years after the last entry has been made.

Oil Record Book – foreign ships

123B.6 Application

Rules 123B.7 and 123B.8 apply to—

- (a) every foreign ship that is an oil tanker of 150 tons gross tonnage or more that is within New Zealand jurisdiction; and

- (b) every foreign ship, other than an oil tanker of 150 tons gross tonnage or more, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more that is within New Zealand jurisdiction; and
- (c) every foreign ship that is an oil tanker of less than 150 tons gross tonnage that is within New Zealand jurisdiction which discharges oil or oily mixtures into the sea in compliance with the conditions specified in Part 120; and
- (d) every foreign ship of 400 tons gross tonnage or more that is within New Zealand jurisdiction.

123B.7 Requirement to carry Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that an Oil Record Book is carried on board the ship.
- (2) The owner and the master of—
 - (a) any oil tanker; or
 - (b) any ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more;

to which this rule applies, must ensure that an Oil Record Book is carried on board the ship.

123B.8 Entries in Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that the appropriate Oil Record Book is completed in accordance with rule 123B.8(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations (all ships):
 - (i) ballasting or cleaning of oil fuel tanks:
 - (ii) discharge of dirty ballast or cleaning water from tanks referred to in rule 123B.8(1)(a)(i):
 - (iii) disposal of oily residues (sludge):
 - (iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces:
 - (b) for cargo/ballast operations (oil tankers and ships, other than oil tankers fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more):
 - (i) loading of oil cargo:
 - (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks and dedicated clean ballast tanks:
 - (v) cleaning of cargo tanks including crude oil washing:
 - (vi) discharge of ballast except from segregated ballast tanks:
 - (vii) discharge of water from slop tanks:
 - (viii) closing of all applicable valves or similar devices after slop tank discharge operations:
 - (ix) closing of valves necessary to isolate dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations:
 - (x) disposal of oily residues.
- (2) For each operation described in rule 123B.8(1)—
 - (a) a full record must be entered in the Oil Record Book without delay; and
 - (b) the completed entry in the Oil Record Book must be signed by the officer(s) in charge of the operation.

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- (3) The master of any ship to which this rule applies must sign each page of the ship's Oil Record Book(s) once that page is complete.
- (4) The owner and the master of any ship to which this rule applies must ensure that a statement is made in the appropriate Oil Record Book of the circumstances of, and the reasons for—
 - (a) any discharge into the sea of oil for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of oil resulting from damage to the ship or its equipment or resulting from any accidental or other exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combatting specific pollution incidents; and
 - (d) any other accidental or exceptional discharge.
- (5) If any ship to which this rule applies is engaged in international trade, the owner and the master of that ship must ensure that the entries in the Oil Record Book(s) are—
 - (a) in the national language of the state the ship is registered in; and
 - (b) in English or French.
- (6) If any ship to which this rule applies is engaged in trade that is other than international trade, the owner and the master of that ship must ensure that the entries in the Oil Record Book(s) are—
 - (a) in the national language of the state the ship is registered in; and
 - (b) in English.
- (7) The owner and the master of any ship to which this rule applies must ensure that the Oil Record Book(s) is (are)—
 - (a) available for inspection by the Director at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.

Oil Record Book – small New Zealand oil tankers

123B.9 Application and compliance dates

- (1) Rules 123B.10 and 123B.11 apply to—
 - (a) every New Zealand ship that is an oil tanker of less than 150 tons gross tonnage that retains all oil on board and discharges all contaminated washings to reception facilities; and
 - (b) every warship and every other ship of the New Zealand Defence Force that is an oil tanker of less than 150 tons gross tonnage that retains all oil on board and discharges all contaminated washings to reception facilities.
- (2) *Revoked by Marine Protection Various Amendments 2010 on 1 October 2010.*

123B.10 Requirement to carry Oil Record Book

The owner and the master of any ship to which this rule applies must ensure that an Oil Record Book defined as applicable to this rule is—

- (a) in a form prescribed by the Director; and
- (b) carried on board the ship.

123B.11 Entries in Oil Record Book

- (1) The owner and the master of any oil tanker to which this rule applies must ensure that the Oil Record Book is completed in accordance with rule 123B.11(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations:
 - (i) ballasting or cleaning of oil fuel tanks:

- (ii) disposal of dirty ballast or cleaning water from tanks referred to in rule 123B.11(1)(a)(i):
 - (iii) disposal of oily residues (sludge):
 - (iv) disposal of bilge water which has accumulated in machinery spaces; and
- (b) for cargo/ballast operations:
 - (i) loading of oil cargo:
 - (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks:
 - (v) cleaning of cargo tanks:
 - (vi) discharge of dirty ballast or cleaning water from cargo tanks:
 - (vii) disposal of oily residues.
- (2) For each operation described in rule 123B.11(1)—
 - (a) a full record must be entered in the Oil Record Book without delay; and
 - (b) the completed entry in the Oil Record Book must be signed by the officer(s) in charge of the operation; and
 - (c) if the ship is in polar waters, that operation in polar waters must be taken into account in the Oil Record Book in accordance with paragraph 1.1.4 of Chapter 1 of the Polar Code.
- (3) The master of any ship to which this rule applies must sign each page of the ship's Oil Record Book(s) once that page is completed.
- (4) The owner and the master of any oil tanker to which this rule applies must ensure that a statement is made in the Oil Record Book of the circumstances of, and the reasons for—
 - (a) any discharge into the sea of oil for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of oil resulting from damage to the ship or its equipment or resulting from any accidental or other exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combating specific pollution incidents; and
 - (d) any other accidental or exceptional discharge.
- (5) The owner and the master of any oil tanker to which this rule applies must ensure that the Oil Record Book is—
 - (a) available for inspection by the Director and the port state authority at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.
- (6) The Oil Record Book required by rule 123B.10 must be preserved by the owner of the ship for a period of three years after the last entry has been made.

Oil Record Book – small foreign oil tankers

123B.12 Application

Rules 123B.13 and 123B.14 apply to every foreign ship that is within New Zealand jurisdiction, that is an oil tanker of less than 150 tons gross tonnage that retains all oil on board and discharges all contaminated washings to reception facilities.

123B.13 Requirement to carry oil record book

The owner and the master of any oil tanker to which this rule applies must ensure that there is carried on board the ship an oil record book detailing machinery space and cargo/ballast operations—

- (a) in the form required by the administration of the flag state; or

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- (b) in any other form acceptable to the Director.

123B.14 Entries in oil record book

- (1) The owner and the master of any oil tanker to which this rule applies must ensure that the oil record book is completed in accordance with rule 123B.14(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations:
 - (i) ballasting or cleaning of oil fuel tanks:
 - (ii) disposal of dirty ballast or cleaning water from tanks referred to in rule 123B.14(1)(a)(i):
 - (iii) disposal of oily residues (sludge):
 - (iv) disposal of bilge water which has accumulated in machinery spaces; and
 - (b) for cargo/ballast operations:
 - (i) loading of oil cargo:
 - (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks:
 - (v) cleaning of cargo tanks:
 - (vi) discharge of dirty ballast or cleaning water from cargo tanks:
 - (vii) disposal of oily residues.
- (2) For each operation described in rule 123B.14(1)—
 - (a) a full record must be entered in the oil record book without delay; and
 - (b) the completed entry in the oil record book must be signed by the officer(s) in charge of the operation.
- (3) The master of any ship to which this rule applies must sign each page of the ship's oil record book once that page is complete.
- (4) *Revoked by Marine Protection Various Amendments 2010 on 1 October 2010.*
- (5) If any oil tanker to which this rule applies is engaged in international trade, the owner and the master of that ship must ensure that the entries in the oil record book are—
 - (a) in the national language of the state the ship is registered in; and
 - (b) in English or French.
- (6) If any ship to which this rule applies is engaged in trade that is other than international trade, the owner and the master of that ship must ensure that the entries in the oil record book are—
 - (a) in the national language of the state the ship is registered in; and
 - (b) in English.
- (7) The owner and the master of any oil tanker to which this rule applies must ensure that the oil record book is—
 - (a) available for inspection by the Director at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.

Manuals – New Zealand ships

123B.15 Application and compliance dates

- (1) Rule 123B.16 applies to—
 - (a) every New Zealand ship that is an oil tanker permitted by Part 121A to operate with dedicated clean ballast tanks; and

- (b) every warship and every other ship of the New Zealand Defence Force that is an oil tanker permitted by Part 121A to operate with dedicated clean ballast tanks.
- (2) Rule 123B.17 applies to—
 - (a) every New Zealand ship that is an oil tanker required by Part 122 to be fitted with a crude oil washing system; and
 - (b) every warship and every other ship of the New Zealand Defence Force that is an oil tanker required by Part 122 to be fitted with a crude oil washing system.
- (3) Rule 123B.18 applies to—
 - (a) every New Zealand ship that is an oil tanker required by Part 122 to be fitted with an oil discharge monitoring and control system; and
 - (b) every New Zealand ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more required by Part 122 to be fitted with an oil discharge monitoring and control system; and
 - (c) every warship and every other ship of the New Zealand Defence Force that is an oil tanker required by Part 122 to be fitted with an oil discharge monitoring and control system; and
 - (d) every warship and every other ship of the New Zealand Defence Force, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more required by Part 122 to be fitted with an oil discharge monitoring and control system.
- (4) (a) Subject to rule 123B.15(4)(b), compliance with rules 123B.16 to 123B.18 inclusive is not required until six months after the date on which Part 123B enters into force.
- (b) In respect of any ship referred to in rule 123B.15 which does not make an international voyage compliance with rules 123B.16 to 123B.18 inclusive is not required until twenty four months after the date on which Part 123B enters into force.

123B.16 Operation Manual – dedicated clean ballast tanks

- (1) The owner and the master of any ship to which this rule applies must ensure that there is a Dedicated Clean Ballast Tank Operation Manual detailing the system and specifying operational procedures for the ship which—
 - (a) contains all the information set out in the revised Specification for Oil Tankers with Dedicated Clean Ballast Tanks adopted by the International Maritime Organization by resolution A.495(XII), as amended by that organisation from time to time; and
 - (b) meets all the requirements for the form and content of a Dedicated Clean Ballast Tank Operation Manual adopted by the International Maritime Organization by resolution A.495(XII), as amended by that organisation from time to time; and
 - (c) is approved in accordance with rules 123B.16(2) to 123B.16(5) inclusive; and
 - (d) is carried on board the ship at all times.
- (1A) If the ship is in polar waters, that operation in polar waters must be taken into account in the Dedicated Clean Ballast Tank Operation Manual in accordance with paragraph 1.1.4 of Chapter 1 of the Polar Code.
- (2) The owner of a ship to which this rule applies must make application to the Director for approval of the ship's Dedicated Clean Ballast Tank Operation Manual.
- (3) Subject to rule 123B.16(4), the Director must give approval in writing to a ship's Dedicated Clean Ballast Tank Operation Manual which—
 - (a) is, in the Director's opinion, appropriate for that ship; and
 - (b) contains all the information set out in the revised *Specifications for Oil Tankers with Dedicated Clean Ballast Tanks* adopted by the International Maritime Organization by resolution A.495(XII) as amended by that organisation from time to time; and

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- (c) meets all the requirements for the form and content of a Dedicated Clean Ballast Tank Operation Manual adopted by the International Maritime Organization by resolution A.495(XII), as amended by that organisation from time to time.
- (4) The Director may require the owner of a ship to which this rule applies to include or omit from the Dedicated Clean Ballast Tank Operation Manual submitted for approval such information as the Director may reasonably specify.
- (5) The Dedicated Clean Ballast Tank Operation Manual must be revised and re-submitted to the Director by the owner of the ship for a new approval whenever an alteration affecting the dedicated clean ballast tank system is made to the ship.
- (6) Whenever a Dedicated Clean Ballast Tank Operation Manual is re-submitted to the Director under rule 123B.16(5), the provisions of rules 123B.16(2) to 123B.16(4) inclusive shall apply.
- (7) The issue of a new Dedicated Clean Ballast Tank Operation Manual approval by the Director automatically replaces the ship's former Dedicated Clean Ballast Tank Operation Manual approval(s).

123B.17 Operations and Equipment Manual – crude oil washing

- (1) The owner and the master of any ship to which this rule applies must ensure that there is an Operations and Equipment Manual detailing the system and equipment and specifying operational procedures for the ship that—
 - (a) contains all the information set out in the revised Specification for the design, operation and control of crude oil washing systems adopted by the International Maritime Organization by resolution A.446(XI) and amended by resolution A.497(XII) and as further amended by resolution A.897(21); and
 - (b) meets all the requirements for the form and content of an Operations and Equipment Manual adopted by the International Maritime Organization by resolution A.446(XI), and amended by resolution A.497(XII) and as further amended by resolution A.897(21); and
 - (c) is approved in accordance with rules 123B.17(2) to 123B.17(5) inclusive; and
 - (d) is carried on board the ship at all times.
- (1A) If the ship is in polar waters, that operation in polar waters must be taken into account in the Operations and Equipment Manual in accordance with paragraph 1.1.4 of Chapter 1 of the Polar Code.
- (2) The owner of a ship to which this rule applies must make application to the Director for approval of the ship's Operations and Equipment Manual.
- (3) Subject to rule 123B.17(4), the Director must give approval in writing to a ship's Operations and Equipment Manual which—
 - (a) is, in the Director's opinion, appropriate for that ship; and
 - (b) contains all the information set out in the revised Specification for the design, operation and control of crude oil washing systems adopted by the International Maritime Organization by resolution A.446(XI) and amended by resolution A.497(XII) and as further amended by resolution A.897(21).
 - (c) meets all the requirements for the form and content of an Operations and Equipment Manual adopted by the International Maritime Organization by resolution A.446(XI), and amended by resolution A.497(XII) and as further amended by resolution A.897(21).
- (4) The Director may require the owner of a ship to which this rule applies to include or omit from the Operations and Equipment Manual submitted for approval such information as the Director may reasonably specify.
- (5) The Operations and Equipment Manual must be revised and re-submitted to the Director by the owner of the ship for a new approval whenever an alteration affecting the crude oil washing system is made to the ship.

- (6) Whenever an Operations and Equipment Manual is re-submitted to the Director under rule 123B.17(5), the provisions of rules 123B.17(2) to 123B.17(4) inclusive shall apply.
- (7) The issue of a new Operations and Equipment Manual approval by the Director automatically replaces the ship's former Operations and Equipment Manual approval(s).

123B.18 Operations Manual – oil discharge and monitoring

- (1) The owner and the master of any ship to which this rule applies must ensure that there is an Operations Manual for the operation of the oil discharge monitoring and control system for the ship which—
 - (a) contains all the information set out in the *Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers* adopted by the International Maritime Organization in resolution A.586(14), or the Revised Guidelines and specifications for oil discharge and monitoring and control systems for oil tankers adopted by the Organization by resolution MEPC.108(49) as applicable; and
 - (b) contains instructions covering manual as well as automatic operations intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in Part 120; and
 - (c) is approved in accordance with rules 123B.18(2) to 123B.18(5) inclusive; and
 - (d) is carried on board the ship at all times.
- (1A) If the ship is in polar waters, that operation in polar waters must be taken into account in the Operations Manual in accordance with paragraph 1.1.4 of Chapter 1 of the Polar Code.
- (2) The owner of a ship to which this rule applies must make application to the Director for approval of the ship's Operations Manual.
- (3) Subject to rule 123B.18(4), the Director must give approval in writing to a ship's Operations Manual which—
 - (a) is, in the Director's opinion, appropriate for that ship; and
 - (b) contains all the information set out in the *Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers* adopted by the International Maritime Organization in resolution A.586(14), or the Revised Guidelines and specifications for oil discharge and monitoring and control systems for oil tankers adopted by the Organization by resolution MEPC.108(49) as applicable; and
 - (c) contains instructions covering manual as well as automatic operations intended to ensure that oil is at no time discharged except in compliance with the conditions specified in Part 120.
- (4) The Director may require the owner of a ship to which this rule applies to include or omit from the Operations Manual submitted for approval such information as the Director may reasonably specify.
- (5) The Operations Manual must be revised and re-submitted to the Director by the owner of the ship for a new approval whenever an alteration affecting the oil discharge monitoring and control system is made to the ship.
- (6) Whenever an Operations Manual is re-submitted to the Director under rule 123B.18(5), the provisions of rules 123B.18(2) to 123B.18(4) inclusive shall apply.
- (7) The issue of a new Operations Manual approval by the Director automatically replaces the ship's former Operations Manual approval(s).

Manuals – foreign ships

123B.19 Operation Manual – dedicated clean ballast tanks

The owner and the master of any foreign ship that is an oil tanker operating with dedicated clean ballast tanks and that is within New Zealand jurisdiction must ensure that—

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- (a) if the ship is registered in a state party to MARPOL, there is carried on board the ship a Dedicated Clean Ballast Tank Operation Manual for the ship approved by the administration of the state the ship is registered in; or
- (b) if the ship is registered in a state which is not party to MARPOL, there is carried on board the ship a manual for the ship:
 - (i) containing all the information set out in the revised Specification for Oil Tankers with Dedicated Clean Ballast Tanks adopted by the adopted by the International Maritime Organization by resolution A.495(XII), as amended by that organisation from time to time; and
 - (ii) meeting all the requirements for the form and content of a Dedicated Clean Ballast Tank Operation Manual adopted by the International Maritime Organization by resolution A.495(XII) as amended by that organisation from time to time.

123B.20 Operations and Equipment Manual – crude oil washing

The owner and the master of any foreign ship that is an oil tanker that has a crude oil washing system and that is within New Zealand jurisdiction must ensure that—

- (a) if the ship is registered in a state party to MARPOL, there is carried on board the ship an Operations and Equipment Manual for the ship approved by the administration of the state the ship is registered in; or
- (b) if the ship is registered in a state which is not party to MARPOL, there is carried on board the ship a manual for the ship:
 - (i) containing all the information set out in the revised Specification for the design, operation and control of crude oil washing systems adopted by the International Maritime Organization by resolution A.446(XI) and amended by resolution A.497(XII) and as further amended by resolution A.897(21).
 - (ii) meeting all the requirements for the form and content of an Operations and Equipment Manual adopted by the International Maritime Organization by resolution A.446(XI), and amended by resolution A.497(XII) and as further amended by resolution A.897(21).

123B.21 Operations Manual – oil discharge and monitoring

(1) Rule 123B.21(2) applies to any foreign ship that is—

- (a) an oil tanker; or
- (b) a ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more;

which has an oil discharge monitoring and control system and that is within New Zealand jurisdiction.

(2) The owner and the master of any ship to which this rule applies must ensure that—

- (a) if the ship is registered in a state party to MARPOL, there is carried on board the ship a manual, for the operation of the ship's oil discharge monitoring and control system, approved by the administration of the state the ship is registered in; or
- (b) if the ship is registered in a state which is not party to MARPOL, there is carried on board the ship a manual for the ship:
 - (i) contains all the information set out in the *Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers* adopted by the International Maritime Organization in resolution A.586(14), or the Revised Guidelines and specifications for oil discharge and monitoring and control systems for oil tankers adopted by the Organization by resolution MEPC.108(49) as applicable; and
 - (ii) containing instructions covering both manual and automatic operations and all other matters required to ensure that at no time oil or oily mixtures are discharged into the sea except in compliance with the conditions specified in Annex I of MARPOL.

Appendices

Appendix 1,2 and 3 were revoked by Marine Protection Various Amendments 2010 on 1 January 2011.