

Marine Protection Rules

Part 142B – Documents (Record Books and Manuals) – Noxious Liquid Substances

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 a party to the Convention.

Specifically, Part 142B is concerned with the standardised recording of shipboard operations involving noxious liquid substances and their discharge, and the provision of shipboard manuals to guide crew involved in operations involving such substances.

Part 142B applies to all New Zealand ships, to warships and other ships of the New Zealand Defence Force, and to all foreign ships under New Zealand jurisdiction, that carry noxious liquid substances in bulk.

The basis for Part 142B is found in sections 386 and 388 of the Maritime Transport Act 1994.

Maritime 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 125 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 142B

Part 142B first came into force on 20 August 1998 and now incorporates the following amendments:

Amendment	Effective date
Amendment 1	4 August 2008
Amendment 2	1 April 2015
Amendment 3	1 February 2018

Summary of amendments

Amendment 1

Marine Protection Amendment Rules – Marpol Annex 2	142B.8(5)(b), Appendix - Form of Cargo Record Book
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Amendment 2

Marine Protection Rules Various Amendments 2015	Part Objective
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Amendment 3

Marine Protection Rules Various Amendments [Changes Related to Conventions] 2017	142B.2, 142B.5
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All signed rules can be found on our website.

Contents

Part objective	ii
Extent of consultation	iii
Commencement	iv
General	
142B.1 Entry into force	1
142B.2 Definitions	1
Cargo Record Book – New Zealand ships	
142B.3 Application and compliance dates	3
142B.4 Requirement to carry Cargo Record Book	3
142B.5 Entries in Cargo Record Book	3
Cargo Record Book – foreign ships	
142B.6 Application	5
142B.7 Requirement to carry Cargo Record Book	5
142B.8 Entries in Cargo Record Book	5
Manuals – New Zealand ships	
142B.9 Application and compliance dates	6
142B.10 Procedures and arrangements manual	7
Manuals – foreign ships	
142B.11 Procedures and arrangements manual	8
Appendix	
Form of Cargo Record Book - Cargo Record Book for ships carrying noxious liquid substances in bulk	9

General

142B.1 Entry into force

Part 142B shall come into force on the 28th day after the date of its notification in the Gazette.

142B.2 Definitions

In Part 142B –

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'pyskiy 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:

Cargo Record Book means –

- (a) for every New Zealand ship and every New Zealand Defence Force ship referred to in rule 142B.3(1), the Cargo Record Book required by rule 142B.4 and in the form shown in the Appendix to Part 142B; and
- (b) for every foreign ship referred to in rule 142B.6, the Cargo Record Book required by rule 142B.7 and in the form shown in the Appendix to Part 142B:

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:

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:

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

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:

Rules includes maritime rules and marine protection rules:

Ship carrying noxious liquid substances in bulk means a ship carrying any noxious liquid substance as defined in rule 140.2 in its cargo spaces without any form of intermediate containment or packaging.

Cargo Record Book – New Zealand ships

142B.3 Application and compliance dates

- (1) Rules 142B.4 and 142B.5 apply to –
- (a) every New Zealand ship carrying noxious liquid substances in bulk;
- (b) every New Zealand Defence Force ship, including warships, carrying noxious liquid substances in bulk.
- (2) (a) Subject to rule 142B.3(2)(b), compliance with rules 142B.4 and 142B.5 is not required until six months after the date on which Part 142B enters into force.
- (b) In respect of any ship referred to in rule 142B.3(1) which does not make an international voyage, compliance with rules 142B.4 and 142B.5 is not required until twenty-four months after the date on which Part 142B enters into force.
- (3) Where a rule in Part 142B 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.

142B.4 Requirement to carry Cargo Record Book

The owner and the master of any ship to which this rule applies must ensure that there is carried on board the ship a Cargo Record Book in the form shown in the Appendix.

142B.5 Entries in Cargo Record Book

- (1) The owner and the master of any ship to which this rule applies must ensure that the Cargo Record Book is completed in accordance with rule 142B.5(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship –
 - (a) loading of cargo:
 - (b) internal transfer of cargo:
 - (c) unloading of cargo:
 - (d) cleaning of cargo tanks:
 - (e) ballasting of cargo tanks:
 - (f) discharge of ballast from cargo tanks:
 - (g) disposal of residues to reception facilities:
 - (h) discharge into the sea or removal by ventilation of residues in accordance with Part 140.
- (2) For each operation described in rule 142B.5(1) –
 - (a) a full record must be entered in the Cargo Record Book without delay; and
 - (b) the completed entry in the Cargo 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 accordance with paragraph 2.1.2 of Chapter 2 of the Polar Code.
- (3) The master of any ship to which this rule applies must sign each page of the ship's Cargo Record Book 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 Cargo Record Book of the circumstances of, and the reasons for
 - (a) any discharge into the sea of a noxious liquid substance for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of a noxious liquid substance 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 a noxious liquid substance 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 Cargo Record Book is –
 - (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.

Marine Protection Rules

- (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 Cargo Record Book 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 Cargo Record Book required by rule 142B.4 must be preserved by the owner of the ship for three years after the last entry has been made.

Cargo Record Book – foreign ships

142B.6 Application

Rules 142B.7 and 142B.8 apply to every foreign ship carrying noxious liquid substances in bulk that is within New Zealand jurisdiction.

142B.7 Requirement to carry Cargo Record Book

The owner and the master of any ship to which this rule applies must ensure that there is carried on board the ship a Cargo Record Book in the form shown in the Appendix.

142B.8 Entries in Cargo Record Book

- (1) The owner and the master of any ship to which this rule applies must ensure that the Cargo Record Book is completed in accordance with rule 142B.8(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship –
 - (a) loading of cargo:
 - (b) internal transfer of cargo:
 - (c) unloading of cargo:
 - (d) cleaning of cargo tanks:
 - (e) ballasting of cargo tanks:
 - (f) discharge of ballast from cargo tanks:
 - (g) disposal of residues to reception facilities:
 - (h) discharge into the sea or removal by ventilation of residues in accordance with Part 140.
- (2) For each operation described in rule 142B.8(1) –
 - (a) a full record must be entered in the Cargo Record Book without delay; and
 - (b) the completed entry in the Cargo 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 Cargo Record Book 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 Cargo Record Book of the circumstances of, and the reasons for –
 - (a) any discharge into the sea of a noxious liquid substance for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of a noxious liquid substance 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 a noxious liquid substance being used for the purpose of combating 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 Cargo Record Book are –
- (a) in the national language of the state the ship is registered in; and
 - (b) in English, French or Spanish.
- (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 Cargo 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 ship to which this rule applies must ensure that the Cargo 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

142B.9 Application and compliance dates

- (1) Rule 142B.10 applies to –
- (a) every New Zealand ship carrying noxious liquid substances in bulk;
 - (b) every New Zealand Defence Force ship, including warships, carrying noxious liquid substances in bulk.
- (2) (a) Subject to rule 142B.9(2)(b), compliance with rule 142B.10 is not required until six months after the date on which Part 142B enters into force.
- (b) In respect of any ship referred to in rule 142B.9(1) which does not make an international voyage compliance with rule 142B.10 is not required until twenty four months after the date on which Part 142B enters into force.

142B.10 Procedures and Arrangements Manual

- (1) The owner and the master of any ship to which this rule applies must ensure that there is a Procedures and Arrangements Manual for the ship that –
- (a) complies with the standards for the procedures and arrangements for the discharge of noxious liquid substances developed by the International Maritime Organization, as amended by that organization from time to time; and
 - (b) is approved in accordance rule 142B.10(2); and
 - (c) is carried on board the ship at all times.
- (2) The owner of a ship to which this rule applies must make application to the Director for approval of the ship's Procedures and Arrangements Manual.
- (3) Subject to rule 142B.10(4), the Director must give approval in writing to a ship's Procedures and Arrangements Manual which –

Marine Protection Rules

- (a) is, in the Director's opinion, appropriate for that ship; and
 - (b) complies with the standards for the procedures and arrangements for the discharge of noxious liquid substances developed by the International Maritime Organization, as amended by that organization 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 Procedures and Arrangements Manual submitted for approval such information as the Director may reasonably specify.
 - (5) The Procedures and Arrangements Manual must be revised and resubmitted to the Director by the owner of the ship for a new approval whenever alterations to the ship affect any of the procedures and arrangements covered by that Manual.
 - (6) Whenever a Procedures and Arrangements Manual is resubmitted to the Director by rule 142B.10(5), the provisions of rules 142B.10(2) to 142B.10(4) inclusive shall apply.
 - (7) The issue of a new Procedures and Arrangements Manual approval by the Director automatically replaces the ship's former Procedures and Arrangements Manual approval(s).

Manuals – foreign ships

142B.11 Procedures and arrangements manual

The owner and the master of any foreign ship carrying noxious liquid substances in bulk 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 a Procedures and Arrangements 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 which complies with the standards for the procedures and arrangements for the discharge of noxious liquid substances developed by the International Maritime Organization, as amended by that organization from time to time.

Appendix

FORM OF CARGO RECORD BOOK

**CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID
SUBSTANCES IN BULK**

Name of ship:

Distinctive number or letters:

IMO Number:

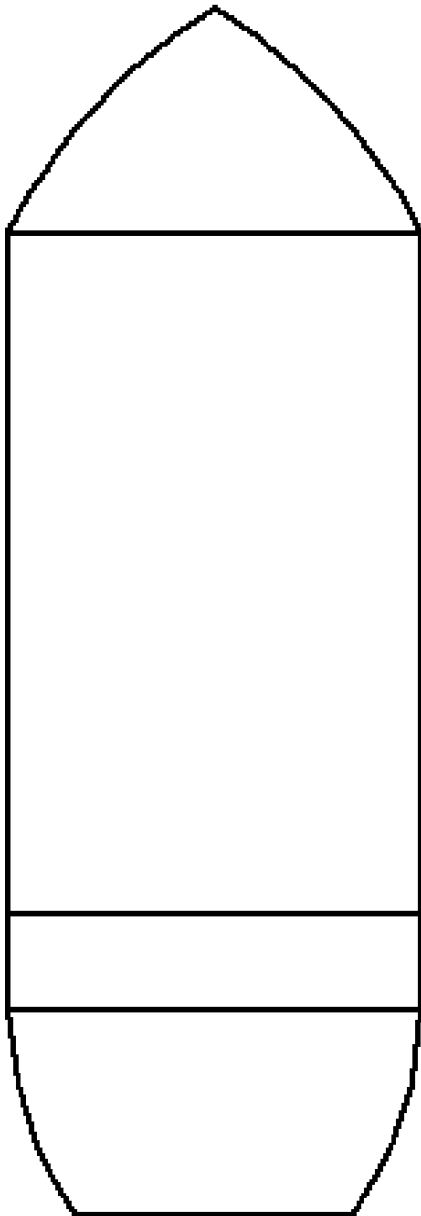
Gross tonnage:

Period from: to:

Name of ship.....

Distinctive number or letters.....

**PLAN VIEW OF CARGO AND SLOP TANKS
(to be completed on board)**



Identification of the tanks	Capacity

(Give the capacity of each tank in cubic metres.)

Introduction

The following pages show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Cargo Record Book on a tank-by-tank basis in accordance with regulation 15.2 of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended. The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Cargo Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge and, if applicable, by a surveyor authorised by the competent authority of the State in which the ship is unloading. Each completed page shall be countersigned by the master of the ship.

LIST OF ITEMS TO BE RECORDED

(A) Loading of cargo

1. Place of loading.
2. Identify tank(s), name of substances(s) and category(ies).

(B) Internal transfer of cargo

3. Name and category of cargo(es) transferred.

Identity of tanks:

1 from:

2 to:

5. Was (were) the tank(s) in 4.1 emptied?
6. If not, state quantity remaining in tank(s).

(C) Unloading of cargo

7. Place of unloading.
8. Identity of tank(s) unloaded.
9. Was (were) the tank(s) emptied?
 1. If yes, confirm the procedure for emptying and stripping has been performed in accordance with the ship's Procedures and Arrangements Manual (i.e. list, trim, stripping temperature).
 2. If not, quantity remaining in tanks(s).
10. Does the ship's Procedures and Arrangements Manual require a prewash with subsequent disposal to reception facilities?
11. Failure of pumping and/or stripping system:
 1. time and nature of failure;
 2. reasons for failure;
 3. time when system has been made operational.

(D) Mandatory prewash in accordance with the ship's Procedures and Arrangements Manual

12. Identify tank(s), substance(s) and category(ies).
13. Washing method:
 1. number of washing machines per tank;
 2. duration of wash/washing cycles;
 3. hot/cold wash.
14. Prewash slops transferred to:
 1. reception facility in unloading port (identify port)¹;
 2. reception facility otherwise (identify port).

(E) Cleaning of cargo tanks except mandatory prewash (other prewash operations, final wash, ventilation etc.)

15. State time, identify tank(s), substance(s) and category(ies) and state:

¹ Ship's masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate specifying the quantity of tank washings transferred, together with the time and date of the transfer. The receipt or certificate should be kept together with the Cargo Record Book.

Marine Protection Rules

- 1 washing procedure used;
 - 2 cleaning agent(s) (identify agent(s) and quantities);
 - 3 ventilation procedure used (state number of fans used, duration of ventilation).
16. Tank washings transferred:
- 1 into the sea;
 - 2 to reception facility (identify port);
 - 3 to slops collecting tank (identify tank).

(F) Discharge into the sea of tank washings

17. Identify tank(s):
 - 1 Were tank washings discharged during cleaning of tank(s)? If so at what rate?
 - 2 Were tank washing(s) discharged from a slop tank? If so, state quantity and rate of discharge.
18. Time pumping commenced and stopped.
19. Ship's speed during discharge.

(G) Ballasting of cargo tanks

20. Identity of tank(s) ballasted.
21. Time at start of ballasting.

(H) Discharge of ballast water from cargo tanks

22. Identity of tank(s).
23. Discharge of ballast:
 - 1 into the sea;
 - 2 to reception facilities (identify port)².
24. Time ballast discharge commenced and stopped.
25. Ship's speed during discharge.

(I) Accidental or other exceptional discharge

26. Time of occurrence.
27. Approximate quantity, substance(s) and category(ies).
28. Circumstances of discharge or escape and general remarks.

(J) Control by authorised surveyors

29. Identify port.
30. Identify tank(s), substance(s), category(ies) discharged ashore.
31. Have tank(s), pump(s), and piping system(s) been emptied?
32. Has a prewash in accordance with the ship's Procedures and Arrangements Manual been carried out?
33. Have tank washings resulting from the prewash been discharged ashore and is the tank empty?
34. An exemption has been granted from mandatory prewash.
35. Reasons for exemption.
36. Name and signature of authorised surveyor.

² Ship's masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate specifying the quantity of tank washings transferred, together with the time and date of the transfer. The receipt or certificate should be kept together with the Cargo Record Book.

37. Organisation, company, government agency for which surveyor works.

(K) Additional operational procedures and remarks

Name of ship.....

Distinctive number or letters.....

IMO Number.....

CARGO/ BALLAST OPERATIONS

Date	Code (letter)	Item (number)	Record of operations/ signature of officer in charge/ name of and signature of authorised surveyor

Signature of master.....