

# Marine Protection Rules

## Part 170: Prevention of Pollution from Garbage from Ships

MNZ Consolidation

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## **Part objective**

The objective of Part 170 is to incorporate into New Zealand law the technical standards contained in Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified (MARPOL) – Regulations for the Prevention of Pollution by Garbage from Ships.

This Part specifies that garbage is a harmful substance for the purposes of section 225 of the Maritime Transport Act 1994, and specifies a general prohibition on the discharge of garbage from ships. This Part provides for exceptions from the general prohibition in certain circumstances and in certain areas beyond the coastal marine area. These requirements work in concert with the Resource Management (Marine Pollution) Regulations 1998, which apply to garbage discharges from ships and offshore installations within the coastal marine area.

Part 170 also requires that specified ships have garbage management plans, use garbage record books, and display placards to indicate to all persons on board the discharge requirements that apply to the ship.

Other matters regulated by annexes to MARPOL, which are not covered under this Part, are oil, noxious liquid substances carried in bulk, harmful substances carried in package form, sewage, and air pollution. Rules relating to the discharge of garbage from offshore installations are set out in Part 200.

The basis for Part 170 is found in sections 226, 386, 388(a), 388(i)(i) and (ii), 388(j)(i) and (v) of the Maritime Transport Act 1994.

The Part 170 rules made in 1998 and subsequently amended in 2006, 2009, and 2010 are revoked. The new part is issued to recognise new definitions, reinforce a general prohibition on garbage discharges and strengthen operational requirements for ships and pleasure craft. as a result of the International Maritime Organisation's initiative to strengthen maritime garbage regulations in Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL).

### *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 170 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](http://www.maritimenz.govt.nz)

## History of Part 170

Part 170 first came into force on 20 August 1998 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective date</b>
Amendment 1	14 December 2008
Amendment 2	30 July 2009
Amendment 3	1 October 2010
Amendment 4	17 January 2013
Amendment 5	1 January 2015
Amendment 6	1 February 2018

### Summary of amendments

#### **Amendment 1**

Marine Protection Amendment (Parts 120, 121A, 123A, 132 & 170)

Part objective, 170.2, 170.5(a), 170.8, Appendix

#### **Amendment 2**

Marine Protection Amendment Rules 2009

170.16, 170.17, Appendix

#### **Amendment 3**

Marine Protection Various Amendments 2010

Part title, Appendix

#### **Amendment 4**

Part 170: Prevention of Pollution from Garbage from Ships

Replaced previous version

#### **Amendment 5**

Marine Protection Rules Various Amendments 2014

170.19(3)(c), 170.24(3)(c), 170.26

#### **Amendment 6**

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

170.1, 170.5, 170.6, 170.7, 170.8, 170.9A & 170.9B (new rules), 170.13, 170.16, 170.20, 170.25, Part 170: Appendix: Form of Garbage Record Book

All signed rules can be found on our website.

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## General

### 170.1 Definitions

In this Part—

**Act** means the Maritime Transport Act 1994:

**animal carcass** means the body of any animal that is carried on board as cargo and that dies or is euthanised during the voyage:

**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:

**cargo residue**—

- (a) means the remnants of any cargo that are not covered by any annex to MARPOL other than Annex V and which remain on the deck or in holds following loading or unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water; but
- (b) does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship:

**coastal marine area** has the same meaning as in section 2 of the Resource Management Act 1991:

**continental shelf** or **continental shelf of New Zealand** has the same meaning as in the Continental Shelf Act 1964:

**cooking oil** means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food that is prepared using such oil or fat:

**crew** has the same meaning as in section 2 of the Act:

**Director** has the same meaning as in section 2 of the Act:

**discharge** has the same meaning as in section 225 of the Act:

**domestic waste** means any type of waste not covered by any annex to MARPOL other than Annex V that is generated in the accommodation spaces on board the ship, but does not include grey water:

**en route**, in relation to a ship, means that the ship is underway at sea on a course which, as far as practicable for navigational purposes, will cause any discharge from the ship to be spread over as great an area of the sea as is reasonable and practicable:

**exclusive economic zone of New Zealand** has the same meaning as in section 222 of the Act:

**fast ice** means sea ice which forms and remains fast along the coast, where it is attached to the shore, to an ice wall, to an ice front, between shoals or grounded icebergs:

**fishing gear** means any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or fresh water organisms:

**food waste** means any spoiled or unspoiled food substance, and includes any fruit, vegetable, dairy product, poultry, meat product, and food scraps generated aboard a ship:

**foreign ship** has the same meaning as in section 2 of the Act:

**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 in relation to the part of the north eastern coast of Australia that lies between the points 11°00' S, 142°08' E and 24°42' S, 153°15' E,

**from the nearest land** means from the nearest of the straight lines joining consecutively the following points:

11°00' S, 142°08' E,  
10°35' S, 141°55' E,  
10°00' S, 142°00' E,  
09°10' S, 143°52' E,  
09°00' S, 144°30' E,  
10°41' S, 145°00' E,  
13°00' S, 145°00' E,  
15°00' S, 146°00' E,  
17°30' S, 147°00' E,  
21°00' S, 152°55' E,  
24°30' S, 154°00' E,  
24°42' S, 153°15' E:

**garbage—**

- (a) means all kinds of food waste, domestic waste, operational waste, plastic, cargo residue, incinerator ash, cooking oil, fishing gear, and any animal carcass generated during the normal operation of the ship and liable to be disposed of continuously or periodically; but
- (b) does not include—
  - (i) any substance that is defined or listed in any annex to MARPOL other than Annex V; or
  - (ii) fresh fish and parts of fresh fish generated as a result of fishing activity undertaken during a voyage, or as a result of aquaculture activity that involves the transport of fish including shellfish for placement in an aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing:

**ice-shelf** means a floating ice sheet of considerable thickness showing 2 to 50 m or more above sea-level, attached to the coast:

**incinerator ash** means ash and clinkers resulting from a shipboard incinerator used for the incineration of garbage:

**internal waters of New Zealand** has the same meaning as in section 2 of the Act:

**MARPOL** has the same meaning as in section 225 of the Act:

**master** has the same meaning as in section 2 of the Act:



**New Zealand Defence Force** has the same meaning as in section 2 of the Act:

**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** has the same meaning as in section 2 of the Act:

**operational waste**—

- (a) means any solid waste (including slurry) not covered by any annex to MARPOL other than Annex V that is collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling; and
- (b) includes any cleaning agent or additive contained in cargo hold and external wash water; but
- (c) does not include grey water, bilge water, or other similar discharges essential to the operation of a ship:

**offshore installation** has the same meaning as in section 222 of the Act:

**owner** has the same meaning as in section 222 of the Act:

**passenger** has the same meaning as in section 2 of the Act:

**plastic** means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat or pressure or both, and includes synthetic rope, synthetic fishing net, plastic garbage bag, and incinerator ash from the incineration of plastic:

**special area** means any of the following:

- (a) the Mediterranean Sea area comprising the Mediterranean Sea proper including the gulfs and seas 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 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 North Sea area comprising the North Sea proper including seas therein with the boundary between:
  - (i) the North Sea southwards of latitude 62° N and eastwards of longitude 4° W; and
  - (ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57° 44.8' N; and
  - (iii) the English Channel and its approaches eastwards of longitude 5° W and northwards of latitude 48° 30' N; and

- (g) the Antarctic area:
- (h) the Wider Caribbean Region comprising the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30' W meridian, from there to a rhumb line to the intersection of 20° N parallel and 59° W meridian, from there to a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, and from there to a rhumb line drawn southwesterly to the eastern boundary of French Guiana:

**territorial sea of New Zealand** has the same meaning as in section 2 of the Act:

**warship** has the same meaning as in section 2 of the Act.

#### **170.2 Application**

Unless expressly provided otherwise, Part 170 applies to every—

- (a) New Zealand ship outside the coastal marine area; and
- (b) warship or other ship of the New Zealand Defence Force outside the coastal marine area; and
- (c) foreign ship within the exclusive economic zone of New Zealand; and
- (d) foreign ship involved with the exploration or exploitation of the sea or the seabed beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand.

#### **170.3 General prohibition on discharge of garbage into the sea**

- (1) Garbage is a harmful substance for the purposes of section 225 of the Act.
- (2) The discharge of garbage into the sea from a ship is prohibited, except as provided in this Part or the Act.

#### **170.4 General exceptions to prohibition**

Nothing in this Part prohibits or restricts any person from discharging garbage from a ship if—

- (a) the discharge is necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
- (b) the discharge is an accidental loss of garbage resulting from damage to a ship or its equipment, and all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the accidental loss; or
- (c) the discharge is an accidental loss of fishing gear from a ship and all reasonable precautions have been taken to prevent such loss; or
- (d) the discharge is a discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew.

### **Subpart A: Exceptions to prohibition in respect of discharge of garbage from ships outside special areas**

#### **170.5 Application of rules 170.6 to 170.9B**

- (1) Rules 170.6 to 170.8 apply to a discharge of garbage from a ship outside a special area and outside Arctic waters.
- (2) Rule 170.9 applies to a discharge of garbage from a ship outside a special area.
- (3) Rules 170.9A and 170.9B apply to a discharge of garbage from a ship within Arctic waters.
- (4) Rules 170.6 to 170.9B do not apply to a discharge of garbage if the garbage is mixed with or contaminated by other harmful substances that are prohibited from discharge or have different discharge requirements, in which case the more stringent requirements apply.

**170.6 Discharge of food waste outside special area**

- (1) The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of food waste outside a special area and outside Arctic waters if—
  - (a) the discharge occurs—
    - (i) while the ship is en route; and
    - (ii) as far as practicable from the nearest land but in no case less than 3 nautical miles from the nearest land; and
  - (b) the food waste has been passed through a comminuter or grinder; and
  - (c) the comminuted or ground food waste is capable of passing through a screen with openings no greater than 25 millimetres.
- (2) The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of food waste outside a special area and outside Arctic waters if the discharge occurs—
  - (a) while the ship is en route; and
  - (b) as far as practicable from the nearest land but in no case less than 12 nautical miles from the nearest land.
- (3) Despite subrules (1) and (2), the requirement for the discharge of food waste to occur while a ship is en route does not apply if the discharge is necessary because the retention on board of the food waste presents an imminent health risk to the people on board.

**170.7 Discharge of cargo residue outside special area and Arctic waters**

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of cargo residue outside a special area and outside Arctic waters if—

- (a) the discharge occurs—
  - (i) while the ship is en route; and
  - (ii) as far as practicable from the nearest land but in no case less than 12 nautical miles from the nearest land; and
- (b) the cargo residue cannot be recovered using commonly available methods for unloading; and
- (c) the cargo residue does not contain any substance classified as harmful to the marine environment.<sup>1</sup>

**170.8 Discharge of animal carcass outside special area and Arctic waters**

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of an animal carcass outside a special area and outside Arctic waters if the discharge occurs—

- (a) while the ship is en route; and
- (b) as far from the nearest land as possible.<sup>2</sup>

**170.9 Discharge of cleaning agent or additive in wash water outside special area**

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of any cleaning agent or additive contained in cargo hold, deck, or external surfaces wash water outside a special area if the substances are not harmful to the marine environment.<sup>3</sup>

**170.9A Discharge of food waste within Arctic waters**

- (1) The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of food waste within Arctic waters if—
  - (a) the discharge occurs—
    - (i) while the ship is en route; and

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<sup>1</sup> See Advisory Circular for Part 170

<sup>2</sup> See Advisory Circular for Part 170

<sup>3</sup> See Advisory Circular for Part 170

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- (ii) 12 nautical miles or more from land, any ice-shelf, and any fast ice; and
  - (iii) as far as practicable, but no nearer than 12 nautical miles, from areas of ice concentration exceeding 1/10; and
- (b) the food waste—
- (i) has been passed through a comminuter or grinder; and
  - (ii) the comminuted or ground food waste is capable of passing through a screen with openings no greater than 25 millimetres; and
- (c) the food waste is not contaminated by any other garbage type; and
- (d) the food waste is not discharged onto ice.
- (2) Despite subrule (1), the requirement for the discharge of food waste to occur while a ship is en route does not apply if the discharge is necessary because the retention on board of the food waste presents an imminent health risk to the people on board.

### **170.9B Discharge of cargo residue within Arctic waters**

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of cargo residue within Arctic waters if—

- (a) the discharge occurs—
  - (i) while the ship is en route; and
  - (ii) where both the port of departure and the next port of destination are within Arctic waters and the ship will not transit outside Arctic waters between those ports; and
  - (iii) where no adequate reception facilities are available at those ports; and
- (b) the cargo residue cannot be recovered using commonly available methods for unloading; and
- (c) the cargo residue does not contain any substance classified as harmful to the marine environment; and
- (d) where the discharge is hold washing water containing residues, the discharge occurs—
  - (i) 12 nautical miles or more from land, any ice shelf, and any fast ice; and
  - (ii) as far as practicable, but no nearer than 12 nautical miles, from areas of ice concentration exceeding 1/10.

## **Subpart B: Exceptions to prohibition in respect of discharge of garbage near offshore installations**

### **170.10 Application of rule 170.11**

Rule 170.11 applies to a discharge of garbage if the discharge is from a New Zealand ship or a foreign ship that is—

- (a) within 500 metres of an offshore installation; and
- (b) within the exclusive economic zone of New Zealand or over the continental shelf of New Zealand.

### **170.11 Discharge of food waste near offshore installations**

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of food waste from a ship to which this rule applies if—

- (a) the food waste has been passed through a comminuter or grinder; and
- (b) the comminuted or ground food waste is capable of passing through a screen with openings no greater than 25 millimetres.

## Subpart C: Exceptions to prohibition in respect of discharge of garbage from ships within special areas

### 170.12 Application of rules 170.13 to 170.16

- (1) Rules 170.13 to 170.16 apply to a discharge of garbage if the discharge is within a special area and the discharge is from—
  - (a) a New Zealand ship; or
  - (b) a warship or other ship of the New Zealand Defence Force.
- (2) Rules 170.13 to 170.16 do not apply to a discharge of garbage if the garbage is mixed with or contaminated by other harmful substances that are prohibited from discharge or have different discharge requirements, in which case the more stringent requirements apply.

### 170.13 Discharge of food waste within special area other than the Antarctic area

- (1) The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of food waste within a special area other than the Antarctic area if—
  - (a) the discharge occurs—
    - (i) while the ship is en route; and
    - (ii) as far as practicable from the nearest land but in no case less than 12 nautical miles from the nearest land or ice shelf; and
  - (b) the food waste has been passed through a comminuter or grinder; and
  - (c) the comminuted or ground food waste is capable of passing through a screen with openings no greater than 25 millimetres; and
  - (d) the food waste is not contaminated by any other garbage type.
- (1A) The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of food waste within the Antarctic area if—
  - (a) the discharge occurs—
    - (i) while the ship is en route; and
    - (ii) as far as practicable from areas of ice concentration exceeding 1/10, but in any case not less than 12 nautical miles from land, any ice shelf, and any fast ice; and
  - (b) the food waste has been passed through a comminuter or grinder; and
  - (c) the comminuted or ground food waste is capable of passing through a screen with openings no greater than 25 millimetres; and
  - (d) the food waste is not contaminated by any other garbage type; and
  - (e) the food waste is not discharged onto ice.
- (2) Despite subrules (1) and (1A), the requirement for the discharge of food waste to occur while a ship is en route does not apply if the discharge is necessary because the retention on board of the food waste presents an imminent health risk to the people on board.
- (3) Despite subrule (1A), the discharge of avian products, including poultry and poultry parts, from a ship into the sea in the Antarctic area is prohibited, unless the products have been treated to be made sterile.

### 170.14 Discharge of cargo residue within special area

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of cargo residue within a special area if—

- (a) the discharge occurs—
  - (i) while the ship is en route; and
  - (ii) as far as practicable from the nearest land or ice shelf but in no case less than 12 nautical miles from the nearest land or ice shelf; and
- (b) the cargo residue cannot be recovered using commonly available methods for unloading; and

- (c) the cargo residue is a cargo residue, cleaning agent or additive contained in hold washing water and does not contain any substance classified as harmful to the marine environment;<sup>4</sup> and
- (d) the port of departure of the ship and the next port of destination are within the special area, and the ship will not transit outside the special area between those ports; and
- (e) no adequate reception facilities are available at those ports.<sup>5</sup>

**170.15 Discharge of cleaning agent or additive in wash water within special area**

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of any cleaning agent or additive contained in deck and external surfaces wash water within a special area if the substances are not harmful to the marine environment.<sup>6</sup>

**170.16 Ships operating in Antarctic area**

The owner and the master of any ship to which this rule applies must, prior to entering the Antarctic area, ensure that—

- (a) the ship has sufficient capacity for the retention of all garbage on board while the ship is in the Antarctic area; and
- (b) arrangements have been made to discharge garbage at a reception facility after leaving the Antarctic area.

**Subpart D: Placards, garbage management plans, and garbage record-keeping**

**Placards, garbage management plans, and Garbage Record Books - New Zealand ships**

**170.17 Application of rules 170.18 to 170.21**

Rules 170.18 to 170.21 apply to—

- (a) any New Zealand ship (including any New Zealand ship within the coastal marine area); and
- (b) any warship or other ship of the New Zealand Defence Force (including any warship or other ship of the New Zealand Defence Force within the coastal marine area).

**170.18 Placards**

The owner and the master of any ship of 12 metres or more in length must ensure that placards in the working language of the crew and in English are displayed to notify all persons on board of the discharge requirements set out in this Part and regulation 13 of the Resource Management (Marine Pollution) Regulations 1998 that are applicable to the ship.

**170.19 Garbage management plans**

- (1) This rule applies to every ship—
  - (a) of 100 gross tonnage or more; or
  - (b) certified to carry 15 or more persons.
- (2) The owner and the master of a ship to which this rule applies must ensure that—
  - (a) the ship has a garbage management plan that complies with this rule; and
  - (b) an up-to-date copy of the ship's garbage management plan is carried on board the ship; and
  - (c) all persons on board comply with the garbage management plan at all times.
- (3) The garbage management plan required under this rule must—

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<sup>4</sup> See Advisory Circular for Part 170

<sup>5</sup> See Advisory Circular for Part 170

<sup>6</sup> See Advisory Circular for Part 170

- (a) prescribe written procedures for minimising, collecting, storing, processing, and disposing of garbage, including the use of garbage related equipment on board; and
  - (b) designate the person in charge of carrying out the plan; and
  - (c) be written in the working language of the crew and in English.<sup>7</sup>
- (4) Every person on board a ship to which this rule applies must comply with the garbage management plan at all times.

**170.20 Garbage Record Books**

- (1) This rule applies to every ship—
- (a) of 400 gross tonnage or more; or
  - (b) certified to carry 15 or more persons engaged on any voyage to a port or offshore terminal under the jurisdiction of another state party to Annex V of MARPOL.
- (2) The owner and the master of a ship to which this rule applies must ensure that—
- (a) there is a Garbage Record Book for the ship that is—
    - (i) in the form specified in the Appendix of Annex V of MARPOL; and
    - (ii) in the working language of the crew and in English; and
    - (iii) carried on board the ship at all times; and
    - (iv) readily available for inspection by the Director and by authorised persons acting on behalf of a state party to Annex V of MARPOL at all reasonable times; and
  - (b) for each discharge of garbage into the sea, and each completed incineration of garbage, an entry is promptly made in the Garbage Record Book that includes—
    - (i) the date and time of the discharge or incineration; and
    - (ii) the position of the ship at the time of the discharge or incineration; and
    - (iii) the category of the garbage discharged or incinerated; and
    - (iv) the estimated amount of garbage discharged or incinerated; and
    - (v) the signature of the officer in charge of the discharge or incineration; and
  - (c) for each discharge or accidental loss referred to in rule 170.4, an entry is made in the Garbage Record Book that includes—
    - (i) the location, circumstances of, and reasons for the discharge or loss; and
    - (ii) details of the items discharged or lost; and
    - (iii) the reasonable precautions taken to prevent or minimise such discharge or accidental loss.
- (3) Each completed page of the Garbage Record Book must be signed by the master of the ship.
- (4) The Garbage Record Book required by subrule (2) must be preserved by the owner of the ship for 24 months after the last entry has been made.
- (5) The Garbage Record Book required by subrule (2) may be included in a ship's official logbook.

**170.21 Reporting accidental loss or discharge of fishing gear**

In the event of an accidental loss or discharge of fishing gear referred to in 170.4(c) or (d) that poses a significant threat to the marine environment or navigation, the owner and the master of a ship to which this rule applies must report the accidental loss or discharge—

- (a) to the Director; and
- (b) if the accidental loss or discharge occurs within waters subject to the jurisdiction of a coastal State, to the appropriate authority in that coastal State.

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<sup>7</sup> See Advisory Circular for Part 170.

**Placards, garbage management plans, and Garbage Record Books – foreign ships**

**170.22 Application of rules 170.23 to 170.25**

Rules 170.23 to 170.25 apply to any foreign ship within New Zealand jurisdiction.

**170.23 Placards**

The owner and the master of any ship of 12 metres or more in length must ensure that—

- (a) placards are displayed to notify all persons on board of the discharge requirements set out in this Part and regulation 13 of the Resource Management (Marine Pollution) Regulations 1998 that are applicable to the ship; and
- (b) if a ship is engaged in international trade, the placards are written—
  - (i) in the working language of the crew; and
  - (ii) in English, French, or Spanish; and
- (c) if a ship is engaged in trade other than international trade, the placards are written—
  - (i) in the working language of the crew; and
  - (ii) in English.

**170.24 Garbage management plans**

- (1) This rule applies to every ship—
  - (a) of 100 gross tonnage or more; or
  - (b) certified to carry 15 or more persons.
- (2) The owner and the master of a ship to which this rule applies must ensure that—
  - (a) the ship has a garbage management plan that complies with this rule; and
  - (b) an up-to-date copy of the ship's garbage management plan is carried on board the ship; and
  - (c) all persons on board comply with the garbage management plan at all times.
- (3) The garbage management plan required under this rule must—
  - (a) prescribe written procedures for minimising, collecting, storing, processing and, disposing of garbage, including the use of garbage-related equipment on board; and
  - (b) designate the person in charge of carrying out the plan; and
  - (c) be written in the working language of the crew.<sup>8</sup>
- (4) Every person on board a ship must comply with the garbage management plan at all times.

**170.25 Garbage Record Books**

- (1) This rule applies to every ship—
  - (a) of 400 gross tonnage or more; or
  - (b) certified to carry 15 or more persons on any voyage.
- (2) The owner and the master of a ship to which this rule applies must ensure that—
  - (a) there is a Garbage Record Book for the ship that is—
    - (i) in the form specified in the Appendix of Annex V of MARPOL; and
    - (ii) carried on board the ship at all times; and
    - (iii) readily available for inspection by the Director at all reasonable times; and
  - (b) for each discharge of garbage into the sea, and each completed incineration of garbage, an entry is promptly made in the Garbage Record Book that includes—
    - (i) the date and time of the discharge or incineration; and
    - (ii) the position of the ship at the time of the discharge or incineration; and

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<sup>8</sup> See Advisory Circular for Part 170.



- (iii) the category of the garbage discharged or incinerated; and
  - (iv) the estimated amount of garbage discharged or incinerated; and
  - (v) the signature of the officer in charge of the discharge or incineration; and
- (c) for each discharge or accidental loss referred to in rule 170.4, an entry is made in the Garbage Record Book that includes—
- (i) the location, circumstances of, and reasons for the discharge or loss; and
  - (ii) details of the items discharged or lost; and
  - (iii) the reasonable precautions taken to prevent or minimise such discharge or accidental loss.
- (3) If a ship to which this rule applies is engaged in international trade, entries in the Garbage Record Book—
- (a) must be in English, French, or Spanish; and
  - (b) may also be in the official language of the state whose flag the ship is entitled to fly.
- (4) If a ship to which this rule applies is engaged in trade other than international trade, entries in the Garbage Record Book—
- (a) must be in English; and
  - (b) may also be in the official language of the state whose flag the ship is entitled to fly.
- (5) Each completed page of the Garbage Record Book for a ship to which this rule applies must be signed by the master of the ship.
- (6) The Garbage Record Book required by subrule (2) must be preserved by the owner of the ship for 24 months after the last entry has been made.
- (7) The Garbage Record Book required by subrule (2) may be included in a ship's official logbook.

## **Subpart E – Revocation**

### **170.26 Revocation**

Part 170 as in force prior to the commencement of this Part is revoked.