Maritime Transport Act 1994

Marine Protection Rules

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

Pursuant to sections 386, 387, 388, 389, and 390 of the Maritime Transport Act 1994 I, Julie Anne Genter, Associate Minister of Transport, having had regard to the criteria for making Marine Protection Rules in section 392 of the Maritime Transport Act 1994, hereby make the following Marine Protection Rules.

Signed at Wellington

This 18th day of December 2017

By Hon JULIE ANNE GENTER

[Signature]

Associate Minister of Transport
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Objective

The objective of the Marine Protection Rules Various Amendments [Changes related to Conventions] 2017 is to update Marine Protection Rules Parts 100, 120, 121A, 121B, 122, 123B, 125, 130A, 140, 141, 142A, 142B, 143, and 170.

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.

Extent of consultation

In 2017, Maritime New Zealand consulted, via its website, with stakeholders and other members of the public on drafts of the proposed amendments to the Marine Protection Rules in accordance with the Maritime Transport Act 1994, including the expected costs and benefits. A notice regarding this consultation was placed in the *New Zealand Gazette* on 18 May 2017. The deadline for making a submission was 22 June 2016. One submission was received.

Entry into force

These rules come into force on 1 February 2018

except rules 2 and 3, which come into force 28 days after notice is given in the *Gazette* of the making of the Marine Protection Rules Various Amendments [Changes related to Conventions] 2017.
General Index Alignment

1 All Parts: Index of Contents
In each Part of the Marine Protection Rules, in the Index of Contents, amend the rule headings and pages to align with the rule headings and pages in that Part including changes made by these amendments.

Part 100: Port Reception Facilities – Oil, Noxious Liquid Substances and Garbage

2 Rule 100.2: Definitions
In rule 100.2, in the definition of "oil", replace “too” with “to”.

3 Rule 100.3: Application
In rule 100.3, after the word “inclusive” insert “and rule 100.13”.

Part 120: Discharge of Oil

4 Rule 120.2: Definitions
In rule 120.2—

4.1 in the appropriate order, insert the following definitions:

“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:

“polar waters” means any of the following:

(a) Arctic waters:
(b) the Antarctic area;"; and

4.2 in the definition of “Special areas”, replace the term ““Special areas” mean -", with ““Special area” means any of the following areas:"; and

4.3 in the definition of “Special areas”, at the end of each of subparagraph (a) to subparagraph (f), replace ", and" with a colon ":"; and

4.4 in the definition of “Special areas”, in subparagraph (d), replace "the Red Sea area means with "the Red Sea area comprising"; and

4.5 in the definition of “Special areas”, in subparagraph (e), replace "the Gulfs area means with "the Gulfs area comprising"; and

4.6 in the definition of “Special areas”, in subparagraph (f), replace "the Gulf of Aden area means with "the Gulf of Aden area comprising"; and

4.7 in the definition of “Special areas”, replace subparagraph (g) with the following:

"(g) the Antarctic area:"
5 Rule 120.3: Application
In rule 120.3—
5.1 in subrule (1), replace "120.4" with "120.3A"; and
5.2 in subrule (3), replace "Where are" with "Where a".

6 Rule 120.3A: (New Rule)
After rule 120.3, insert a new rule 120.3A, including its heading, as follows:

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

7 Rules 120.4, 120.5, and 120.6: (Replacement Rules)
Replace rules 120.4, 120.5, and 120.6, including headings, and the heading that is below the end of rule 120.6 and above rule 120.7, as follows:

"Discharge of oil or oily mixtures into the sea outside special areas and Arctic waters
120.4 Permitted discharges of oil or oily mixtures (harmful substances) – outside special areas and Arctic waters
Oil or oily mixtures may be discharged from—
(a) any New Zealand ship into the sea outside the coastal marine area excluding—
   (i) a special area; or
   (ii) Arctic waters; and
(b) any warship and any other ship of the New Zealand Defence Force into the sea outside the coastal marine area excluding—
   (i) a special area; or
   (ii) Arctic waters; and
(c) any foreign ship into the sea within the exclusive economic zone of New Zealand excluding a special area; and
(d) any foreign ship involved with the exploration or exploitation of the sea or the seabed, into the sea beyond the outer limits of the exclusive economic zone and over the continental shelf of New Zealand excluding a special area—
in accordance with rules 120.5 and 120.6.

120.5 Discharge from oil tankers – outside special areas and Arctic waters
(1) In respect of an oil tanker in an area to which rule 120.4 applies, discharge of—
   (a) oil or oily mixtures from an oil tanker’s cargo residues; or
Marine Protection Rules Various Amendments [Changes Related to Conventions] 2017

(b) oil or oily mixtures from an oil tanker's machinery space bilges containing oil cargo residues; or
(c) effluent from an oil tanker's cargo pump-room bilges—is permitted from the oil tanker in the area provided that—

(i) the oil tanker is more than 50 nautical miles from the nearest land; and
(ii) the oil tanker is proceeding en route; and
(iii) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile; and
(iv) the total quantity of oil discharged for the oil tanker if it is—

(aa) an existing ship does not exceed 1/15,000 of the total quantity of the particular cargo of which the residue or effluent formed a part; or
(bb) a new ship does not exceed 1/30,000 of the total quantity of the particular cargo of which the residue or effluent formed a part; and
(v) the oil tanker has in operation an oil discharge monitoring and control system as required by Part 122 and a slop tank arrangement as required by Part 121A.

(2) In respect of an oil tanker in an area to which rule 120.4 applies, discharge of oil or oily mixtures from an oil tanker's machinery space bilges, excluding cargo pump-room bilges and other cargo residues, is permitted from the oil tanker in the area provided that—

(a) the oil tanker is proceeding en route; and
(b) the oil content of the effluent without dilution does not exceed 15 parts per million; and
(c) the oil tanker has equipment in operation as required by Part 122.

(3) In respect of an oil tanker in an area to which rule 120.4 applies, discharge of clean ballast or segregated ballast or unprocessed oily mixtures is permitted from the oil tanker in the area provided that the content of the discharge—

(a) without dilution has an oil content not exceeding 15 parts per million; and
(b) does not originate from cargo pump-room bilges; and
(c) is not mixed with oil cargo residues.


(5) The owner and the master of an oil tanker must ensure that the content of the discharge permitted under subrule (1), (2), or (3), does not contain—

(a) chemicals or other substances in quantities or concentrations which are hazardous to the marine environment; or
(b) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in subrule (1), (2), or (3), as applicable.

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

(1) In respect of a ship other than an oil tanker in an area to which rule 120.4 applies, discharge of oil or oily mixtures from the ship is permitted in the area provided—

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

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

8 Rules 120.8 and 120.9: (Replacement Rules)
Replace rules 120.8 and 120.9 as follows:

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

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

(2) The owner and the master of a ship must ensure the content of the discharge permitted under subrule (1) does not contain—
   (a) chemicals or other substances in quantities or concentrations that are hazardous to the marine environment; or
   (b) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in subrule (1)(b).

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

(1) Oil or oily mixtures may be discharged into the sea within any special area, except the Antarctic area, from any ship of less than 400 tons gross tonnage other than an oil tanker, to which this rule applies, provided that the oil content of the discharge without dilution does not exceed 15 parts per million.

(2) The owner and the master of a ship must ensure the content of the discharge permitted under subrule (1) does not contain—
   (i) chemicals or other substances in quantities or concentrations that are hazardous to the marine environment; or
   (ii) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in subrule (1)."
Part 121A: Ship Design and Construction – Oil Tankers

9 Rule 121A.2: Definitions

In rule 121A.2, in the appropriate order, insert the following definitions:

"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 Bjørneya, 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 Etoin 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:

category A ship means a ship designed for operation in polar waters in at least medium first-year ice, which may include old ice inclusions:

category B ship means a ship not included in category A, designed for operation in polar waters in at least thin first-year ice, which may include old ice inclusions:

category C ship means a ship designed for operation in open water or in ice conditions less severe than those included in categories A and B:

first-year ice means sea ice of not more than one winter growth developing from young ice with thickness from 30 cm to 200 cm:

medium first-year ice means first-year ice of 70 cm to 120 cm thickness:

old ice means sea ice which has survived at least one summer’s melt:

open water means a large area of freely navigable water in which sea ice is present in concentrations less than 1/10 and no ice of land origin is present:

polar waters means any of the following:

(a) Arctic waters:

(b) the Antarctic area:

thin first-year ice means first-year ice 30 cm to 70 cm thick”.

10 Rule 121A.10E: (New Rule)

After rule 121A.10D, insert the following new rule 121A.10E:

"121A.10E Oil tankers less than 5000 tonnes deadweight in polar waters

(1) This rule applies to an oil tanker—

(a) that is a category A or category B ship; and

(b) that is in polar waters; and

(c) of less than 5,000 tonnes deadweight; and

(d) the keel of which was laid or which was at a similar stage of construction on or after 1 February 2018.

(2) The owner of an oil tanker to which this rule applies must ensure that the entire cargo tank length is protected with—

(a) double bottom tanks or spaces meeting the applicable standards of regulation 19.6.1 of Annex I of MARPOL; and
(b) wing tanks or spaces—
   (i) arranged in accordance with regulation 19.3.1 of Annex I of MARPOL; and
   (ii) meeting the applicable standards for distance in regulation 19.6.2 of Annex I of MARPOL."

11 Rule 121A.18A: (New Rule)

After rule 121A.18, insert the following new rule 121A.18A:

*121A.18A Oil residue (sludge) tanks and oily bilge water holding tanks in polar waters

(1) This rule 121A.18A applies to an oil tanker—
   (a) that is a category A or category B ship; and
   (b) with an oil residue (sludge) tank or oily bilge water holding tank with a maximum individual capacity of more than 30 m³, and
   (c) that is in polar waters; and
   (d) the keel of which was laid or which was at a similar stage of construction on or after 1 February 2018.

(2) The owner of an oil tanker to which this rule applies must ensure that each oil residue (sludge) tank and oily bilge water holding tank that has a maximum individual capacity of more than 30 m³ is separated from the outer shell by a distance of not less than 0.76 m."

12 Rule 121A.19A: (New Rule)

After rule 121A.19, insert the following new rule 121A.19A:

*121A.19A Oil fuel tank protection in polar waters

(1) This rule 121A.19A applies to an oil tanker—
   (a) that is a category A or category B ship; and
   (b) with an aggregate oil fuel capacity of less than 600 m³, excluding oil fuel tanks with a maximum individual capacity of 30 m³ or less; and
   (c) that is in polar waters; and
   (d) the keel of which was laid or which was at a similar stage of construction on or after 1 February 2018.

(2) The owner of a ship to which this rule applies must ensure that each oil fuel tank is separated from the outer shell by a distance of not less than 0.76 m."

Part 121B: Ship Design and Construction – Ships other than Oil Tankers

13 Rule 121B.2: Definitions

In rule 121B.2, in the appropriate order, insert the following definitions:

"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°00'0.0 N and longitude 042°00'0.0 W to latitude 64°37'0.0 N, longitude 035°27'0.0 W and thence by a rhumb line to latitude 67°03'0.9 N, longitude 026°33'4.2 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°31'0.6 N and 019°01'0.0 E by the Island of Bjørnaya, 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 Ifpyrskiy and following the 60th North parallel eastward as far as and including Etoin 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°37'1.1 W and thence to the latitude 58°00'0.0 N, longitude 042°00'0.0 W."
**category A ship** means a ship designed for operation in polar waters in at least medium first-year ice, which may include old ice inclusions.

**category B ship** means a ship not included in category A, designed for operation in polar waters in at least thin first-year ice, which may include old ice inclusions.

**category C ship** means a ship designed for operation in open water or in ice conditions less severe than those included in categories A and B.

**first-year ice** means sea ice of not more than one winter growth developing from young ice with thickness from 30 cm to 200 cm.

**medium first-year ice** means first-year ice of 70 cm to 120 cm thickness.

**old ice** means sea ice which has survived at least one summer’s melt.

**open water** means a large area of freely navigable water in which sea ice is present in concentrations less than 1/10 and no ice of land origin is present.

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

(a) Arctic waters;

(b) the Antarctic area;

**thin first-year ice** means first-year ice 30 cm to 70 cm thick.

14 **Rule 121B.7A: (New Rule)**

After rule 121B.7, insert the following new rule 121B.7A:

**121B.7A Oil residue (sludge) tanks and oily bilge water holding tanks in polar waters**

(1) This rule 121B.7A applies to a ship—

(a) that is a category A or category B ship that is not an oil tanker; and

(b) with an oil residue (sludge) tank or oily bilge water holding tank with a maximum individual capacity of more than 30 m³; and

(c) that is in polar waters; and

(d) the keel of which was laid or which was at a similar stage of construction on or after 1 February 2018.

(2) The owner of a ship to which this rule applies must ensure that each oil residue (sludge) tank and oily bilge water holding tank that has a maximum individual capacity of more than 30 m³ is separated from the outer shell by a distance of not less than 0.76 m. “.

15 **Rule 121B.8A: (New Rule)**

After rule 121B.8, insert the following new rule 121B.8A:

**121B.8A Oil fuel tank protection in polar waters**

(1) This rule 121B.8A applies to a ship—

(a) that is a category A or category B ship that is not an oil tanker; and

(b) with an aggregate oil fuel capacity of less than 600 m³, excluding oil fuel tanks with a maximum individual capacity of 30 m³ or less; and

(c) that is in polar waters; and

(d) the keel of which was laid or which was at a similar stage of construction on or after 1 February 2018.

(2) The owner of a ship to which this rule applies must ensure that each oil fuel tank is separated from the outer shell by a distance of not less than 0.76 m. “.
Part 122: Marine Protection Products – Oil

16 Rule 122.2: Definitions

In rule 122.2—

16.1 in the definition of "Antarctic area", replace "Antarctic area comprising the" with "sea"; and

16.2 in the appropriate order, insert the following definitions:

"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 Bjørnoya, 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:

"polar waters" means any of the following:

(a) Arctic waters:

(b) the Antarctic area: ".

17 Rule 122.5: Ships that do not have to carry oil filtering equipment

In rule 122.5—

17.1 in subrule (1)(a), replace "a oily bilge water holding tank, which" with "an oily bilge water holding tank that".

17.2 delete subrule (2) and footnote 1 and insert the following subrules (2) and (3):

(2) Subrule (3) applies to the owner of—

(a) a ship engaged exclusively on voyages within special areas or Arctic waters; or

(b) a high speed craft engaged on—

(i) a scheduled service with a turn-around time not exceeding 24 hours; or

(ii) relocation voyages on which no passengers or cargo is carried.

(3) The owner of a ship referred to in subrule (2) is not required to meet the requirements of rule 122.4 provided—

(a) the ship is fitted with an oily bilge water holding tank that the Director is satisfied is large enough to hold all of the ship’s oily bilge water; and

(b) all oily bilge water is stored on board or discharged to reception facilities; and

(c) adequate reception facilities, as determined by the Director, are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at; and

(d) the IOPP Certificate required by Part 123A held in respect of that ship is endorsed to the effect that the ship is—

(i) engaged exclusively on voyages within special areas or Arctic waters; or
(ii) a high-speed craft to which rule 122.5(2)(b)\(^1\) applies; and

(e) when oil is discharged, the quantity of oil and the time and port of discharge are recorded in Part I of the ship's Oil Record Book.”.

18 **New Footnote**

At the bottom of the page that subrule 122.5(3)(d)(ii) ends, insert the following footnote:

\(^1\) That is MARPOL Regulation 14.5.2.”.

19 **Rule 122.7: Sludge tanks**

In subrule 122.7(5)—

19.1 at the end of subrule (b), replace the full stop (“.”) with “; and”; and

19.2 after subrule (b), insert the following new subrule (c):

“(c) has adequate capacity, having regard to the type of machinery and length of voyage, to receive the oil residues (sludge) that cannot be dealt with otherwise in accordance with the requirements of the marine protection rules.”.

20 **122.21 Discharge to reception facilities**

In subrule 122.21(2)—

20.1 in subrule (b)(i), after “areas”, insert “or Arctic waters”; and

20.2 in subrule (b)(iv), replace “in subparagraphs (b)(i) and (b)(ii)(2) of this paragraph” with “in subrules (b)(i) and (b)(ii)”.

21 **122.24 Ships entering the Antarctic area**

In rule 122.24—

21.1 replace the heading “Ships entering the Antarctic area” with “Ships entering polar waters”; and

21.2 in the paragraph before subrule (a), replace “the Antarctic area” with “polar waters”; and

21.3 in subrule (a), replace “the area” with “polar waters”.

21.4 in subrule (b), replace “the area” with “polar waters”.

**Part 123B: Documents (Record Books and Manuals)**

22 **123B.2: Definitions**

In rule 123B.2, in the appropriate order, insert the following definitions:

“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 It’tyryakskiy 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.

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.

23 123B.5: Entries in Oil Record Book(s)
In subrule 123B.5(2)—
23.1 at the end of subrule (b), replace the full stop (".") with "; and"; and
23.2 after subrule (b), insert the following new subrule (c):
(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.

24 123B.11: Entries in Oil Record Book
In subrule 123B.11(2)—
24.1 at the end of subrule (b), replace the full stop (".") with "; and"; and
24.2 after subrule (b), insert the following new subrule (c):
(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.

25 123B.16: Operation Manual – dedicated clean ballast tanks
Before subrule 123B.16(2), insert the following new subrule (1A):
(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.

26 123B.17: Operations and Equipment Manual – crude oil washing
In rule 123B.17—
26.1 in the first paragraph of subrule (1), replace the last word “which” with “that”; and
26.2 at the end of subrule (1)(a), replace the full stop (".") with "; and"; and
26.3 at the end of subrule (1)(b), replace the full stop (".") with "; and"; and
26.4 before subrule (2), insert the following new subrule (1A):
(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.

27 123B.18: Operations Manual – oil discharge and monitoring
Before subrule 123B.18(2), insert the following new subrule (1A):
(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.

Part 125: Shipboard Operations: Oil

28 125.2: Definitions
In rule 125.2, replace the definition of “antarctic area” with the following:
Antarctic area means the sea area south of latitude 60°S."
29 125.10: Carriage of oils in the Antarctic area
In rule 125.10—
29.1 in subrule (1), after "This rule", insert "125.10"; and
29.2 in subrule (2)—
   29.2.1 delete "to which this rule applies"; and
   29.2.2 after "bulk as cargo", insert ", or use as ballast."

Part 130A: Shipboard Marine Oil Spill Contingency Plans

30 130A.2: Definitions
In rule 130A.2, in the appropriate order, insert the following definitions:

"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 Etohan 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:

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:"

31 130A.6 Elements of the New Zealand shipboard marine oil spill contingency plan
In rule 130A.6—
31.1 before the first paragraph, insert "(1)"; and
31.2 after subrule (1)(d), insert a new subrule (2) as follows:
   "(2) If the ship is operating in polar waters, the New Zealand shipboard marine oil spill contingency plan must take into account that operation in polar waters in accordance with paragraph 1.1.4 of Chapter 1 of the Polar Code."

Part 140: Discharge of Noxious Liquid Substances in Bulk

32 140.2: Definitions
In rule 140.2, in the appropriate order, insert the following definition:

"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 Etoil 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."

33 140.3: Application of Part 140

In subrule 140.3(1)(a)—

33.1 after "New Zealand ship," insert "and every"; and
33.2 after "Defence Force" insert a comma (",")

34 Heading: Discharges in special area prohibited

In the heading above rule 140.4, after "special area" insert "and Arctic waters".

35 140.4: Discharge in special area prohibited

In rule 140.4—

35.1 in the heading, after "special area" insert "and Arctic waters"; and
35.2 after "liquid substances", replace "may" with "must"; and
35.3 after "special area", insert "or in Arctic waters"; and
35.4 after "New Zealand ship," insert "or any"; and
35.5 after "Defence Force", delete "to which this Part applies".

Part 141: Ship Design, Construction, Equipment and Operation – Noxious Liquid Substances in Bulk

36 141.2: Definitions

In rule 141.2—

36.1 in the definition of "BCH Code", replace "published" with "adopted"; and
36.2 in the definition of "IBC Code", replace "published" with "adopted"; and
36.3 in the appropriate order, insert the following definitions:

**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 Bjørneoya, 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 Etoil 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.

polar waters means any of the following:

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

37 141.3: Application
In subrule 141.3(1)—
37.1 after "New Zealand ship," insert "and every"; and
37.2 after "Defence Force" insert a comma (".").

38 141.7: Chemical tankers
In rule 141.7, replace subrule (1) with the following:

"(1) The owner and the master of every chemical tanker to which this rule applies, carrying noxious liquid substances in bulk as cargo, must ensure that—

(a) the operation of the ship is such as to minimise the uncontrolled discharge into the sea of such substances: and

(b) if the voyage is in polar waters, the operation of the ship in polar waters is taken into account, as appropriate, in the Cargo Record Book, Manual, and emergency plans in accordance with paragraph 2.1.2 of Chapter 2 of the Polar Code.".

39 141.8: Ships other than chemical tankers
In rule 141.8, replace subrule (1) with the following:

"(1) The owner and the master of a ship to which this rule applies, which is carrying noxious liquid substances in bulk as cargo, but which is not a chemical tanker, must ensure that—

(a) the operation of the ship is such as to minimise the uncontrolled discharge into the sea of such substances: and

(b) if the voyage is in polar waters, the operation of the ship in polar waters is taken into account, as appropriate, in the Cargo Record Book, Manual, and emergency plans in accordance with paragraph 2.1.2 of Chapter 2 of the Polar Code.".

Part 142A: Documents (Certificates) – noxious liquid substances

40 142A.2: Definitions
In rule 142A.2, in the appropriate order, insert the following definitions:

"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°00'0.0 N and longitude 042°00'0.0 W to latitude 64°37'0.0 N, longitude 035°27'0.0 W and thence by a rhumb line to latitude 67°03'9.0 N, longitude 026°33'4.4 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 Etorof 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°00'0.0 N, longitude 042°00'.0 W:

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:.

41 142A.5: Issue, duration and renewal of a certificate

In rule 142A.5, after subrule (4), insert the following new subrule (5):

"(5) The Director may identify the operation in polar waters in the Form of the Certificate in the Appendix in accordance with paragraph 2.1.3 of Chapter 2 of the Polar Code."

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

42 142B.2: Definitions

In rule 142B.2, in the appropriate order, insert the following definitions:

"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.

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:.

43 142B.5: Entries in Cargo Record Book

In rule 142B.5—

43.1 at the end of subrule (2)(b), replace the full stop (".") with "; and; and

43.2 after subrule (2)(b), insert the following new subrule (2)(c):

"(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."

Part 143: Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances

44 143.2: Definitions

In rule 143.2, in the appropriate order, insert the following definitions:

"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 Etoin 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 058°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W.

**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:"

45 143.10: Requirement to carry emergency plans
In rule 143.10—
45.1 in subrule (2)(a), replace "Regulation 17" with "Regulations 17 and 22"; and
45.2 in subrule (2)(b), replace "Regulation 16" with "Regulations 16 and 22".

46 Part 143: Schedule: Contents of a Noxious Liquid Substances Plan
In the Schedule of Part 143—
46.1 under the heading "Contents of a Noxious Liquid Substances Plan", above clause 1, insert the following new line:

"(This Schedule is referenced in rules 143.4 and 143.9)"; and

46.2 under clause 3—
46.2.1 in subclause (1), replace "rule 140.29 or rule 140.30 and rule 140.32" with "rule 140.10, rule 140.11, and rule 140.13"; and
46.2.2 at the end of subclause (2)(c), replace "Resolution A.851(20)." with "Resolution A.851(20); and"
46.2.3 after subclause (2)(c)(iii), insert the following new subclause (d):

"(d) if a voyage includes polar waters, take into account the operation in polar waters in accordance with paragraph 2.1.2 of Chapter 2 of the Polar Code."

Part 170: Prevention of Pollution from Garbage from Ships
47 170.1: Definitions
In rule 170.1—
47.1 in the appropriate order, insert the following definitions:

"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 Etoin 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:

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.

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

47.2 in the definition of “special area”, replace “special area means—”, with “special area means any of the following:”; and

47.3 in the definition of “special area”, at the end of each of subparagraph (a) to subparagraph (f), replace “; and” with a colon “:”; and

47.4 in the definition of “special area”, in subparagraph (f), indent subrule (i) to align with subrules (ii) and (iii); and

47.5 in the definition of “special area”, in subparagraph (g), replace “the Antarctic area comprising the sea area south of latitude 60° S; and “the Antarctic area.”.

48 170.5: Application of rules 170.6 to 170.9
In rule 170.5—

48.1 in the heading, replace “170.9” with “170.9B”; and

48.2 in subrule (1), replace “170.9” with “170.8”; and

48.3 in subrule (1), after “special area”, insert “and outside Arctic waters”; and

48.4 replace subrule (2) with the following new subrules (2), (3), and (4):

“(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.”.

49 170.6: Discharge of food waste outside special area
In rule 170.6—

49.1 in subrule (1), before subrule (a), after “a special area”, insert “and outside Arctic waters”; and

49.2 in subrule (2), before subrule (a), after “a special area”, insert “and outside Arctic waters”.

50 170.7: Discharge of cargo residue outside special area
In rule 170.7—

50.1 in the heading, after “a special area”, insert “and Arctic waters”; and

50.2 before subrule (a), after “a special area”, insert “and outside Arctic waters”.

51 170.8: Discharge of animal carcass outside special area
In rule 170.8—

51.1 in the heading, after “a special area”, insert “and Arctic waters”; and

51.2 before subrule (a), after “a special area”, insert “and outside Arctic waters”.
52 170.9A and 170.9B: (New Rules)

After rule 170.9, insert the following new rules 170.9A and 170.9B:

"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
   (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."

53 170.13: Discharge of food waste within special area

In rule 170.13—

53.1 in the heading, after "a special area", insert "other than the Antarctic area"; and

53.2 in subrule (1), after "a special area", insert "other than the Antarctic area"; and

53.3 before subrule (2), insert the following new subrule (1A):
"(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."; and

53.4 in subrule (2), replace "Despite subrule (1)" with "Despite subrules (1) and (1A)"; and

53.5 in subrule (3), replace "Despite subrule (1)" with "Despite subrule (1A)".

54 170.16: Ships operating in Antarctic special area
In rule 170.16—

54.1 in the heading, replace “Antarctic special area” with “the Antarctic area”; and

54.2 in the paragraph before subrule (a), delete "special"; and

54.3 in subrule (a), delete "special"; and

54.4 in subrule (b), delete "special".

55 170.20: Garbage Record Books
In subrule 170.20(2)(a)(i), replace "shown in the Appendix" with "specified in the Appendix of Annex V of MARPOL".

56 170.25: Garbage Record Books
In subrule 170.25(2)(a)(i), replace "shown in the Appendix" with "specified in the Appendix of Annex V of MARPOL".

57 Part 170: Appendix: Form of Garbage Record Book
In Part 170, delete the Appendix.
Summary of submissions

The proposed Maritime and Marine Protection Rules Various Amendments [Changes Related to Conventions] 2017 were consulted between 18 May 2017 and 22 June 2017. One submission was received in relation to the proposed rules, supporting the proposal. The Marine Protection Rules Various Amendments [Changes Related to Conventions] 2017 is the result of that consultation in respect of those rules proposed relating to marine protection rules.