

1971/104

**THE OIL IN NAVIGABLE WATERS (RECORDS, TRANSFER,
AND ENFORCEMENT OF CONVENTION) REGULATIONS 1971**

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 3rd day of May 1971

Present:

THE HON. J. RAE PRESIDING IN COUNCIL

PURSUANT to the Oil in Navigable Waters Act 1965, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Oil in Navigable Waters (Records, Transfer, and Enforcement of Convention) Regulations 1971.

(2) These regulations shall come into force on the 1st day of September 1971.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Convention” means the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962, or any subsequent Convention:

“Ship” has the same meaning as in the Shipping and Seamen Act 1952:

“Surveyor of ships” means a surveyor of ships appointed or recognised as such under section 13 of the Shipping and Seamen Act 1952: Other expressions defined in the Oil in Navigable Waters Act 1965 shall have the meaning so defined.

3. Duty to keep records—(1) Subject to the provisions of subclauses (2) and (3) of this regulation, records shall be kept by the master of every New Zealand ship in an oil record book in respect of the following matters:

- (a) Of any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any ship, or of preventing damage to any ship or cargo or of saving life:

- (b) Of any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship or by reason of leakage:
- (c) Of the carrying out, on board or in connection with the ship, of such operations as may be prescribed, being operations relating to—
 - (i) The ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and the cleaning of, such tanks; or
 - (ii) The separation of oil from water, or from other substances, in any mixture containing oil; or
 - (iii) The disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in subparagraphs (i) and (ii) of this paragraph; or
 - (iv) The disposal of any other oil residues or sediments.

(2) The master of every New Zealand ship (not being a tanker) of 250 tons gross tonnage or over shall keep a record in an oil record book, in the form set out in the First Schedule to these regulations of the matters specified in paragraphs (a) and (b) of subclause (1) of this regulation, and in the form set out in the Second Schedule to these regulations of the matters specified in paragraph (c) of that subclause.

(3) The master of every New Zealand ship, being a tanker, shall keep a record in an oil record book, in the form set out in the First Schedule to these regulations of the matters specified in paragraphs (a) and (b) of subclause (1) of this regulation and in the form set out in the Third Schedule to these regulations of the matters specified in paragraph (c) of that subclause.

4. Transfer records—(1) Subject to the provisions of subclause (2) of this regulation, the master of every ship of 250 tons gross tonnage or over and of every tanker, whether registered or not and of whatever nationality, shall keep in the oil record book a record of the particulars specified in regulation 5 hereof relating to the transfer of oil to and from the vessel while it is within the territorial sea or internal waters of New Zealand.

(2) In the case of the transfer of oil to a barge, the records shall be kept by the person supplying the oil and in the case of the transfer of oil from the barge the record shall be kept by the person to whom the oil is delivered.

5. Particulars to be shown in transfer records—(1) The record which, by regulation 4 of these regulations, is required to be kept shall show clearly the following particulars:

- (a) The name and port of registry (if any) of the ship or barge:
- (b) The date and time of transfer:
- (c) The place of transfer:
- (d) The amount and description of oil transferred:
- (e) From what ship, barge, or place on land, and to what ship, barge, or place, the oil was transferred.

(2) The record of each operation shall be separately signed and dated by the master or the person who is required by regulation 4 hereof to sign it.

6. Duty to retain records—The records required to be kept in accordance with regulations 3 and 4 of these regulations shall be kept in the ship for a period of two years after the date on which the last entry was made:

Provided that in the case of a ship which is unmanned or under tow the records shall be kept at the principal office in New Zealand of the owners of the ship.

7. Production of records—Without prejudice to any powers exercisable by surveyors of ships otherwise than by virtue of these regulations, every surveyor of ships is hereby designated as a person empowered to go on board any ship to which the Convention applies, while the ship is within a harbour in New Zealand, and to require production of any records required to be kept in accordance with the Convention and these regulations.

8. Application of Act—The provisions of the Act specified in the first column of the Fourth Schedule to these regulations shall apply for the purposes of these regulations as if they were modified so as to read as specified in the second column of that Schedule.

9. The Convention countries—(1) For the purposes of subsection (3) of section 25 of the Oil in Navigable Waters Act 1965 it is hereby declared that the countries specified in the Fifth Schedule to these regulations have accepted the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962.

(2) Nothing in subclause (1) of this regulation shall prevent proof that any other country has accepted the said Convention as so amended, or that any country has denounced the said Convention as so amended, or that it has ceased to extend to any territory.

SCHEDULES

FIRST SCHEDULE

Reg. 3 (2), (3)

RECORD OF ACCIDENTAL AND OTHER EXCEPTIONAL DISCHARGES AND ESCAPES OF OIL FROM CERTAIN NEW ZEALAND SHIPS

1. Date and time of occurrence				
2. Place or position of ship at time of occurrence				
3. Approximate quantity and type of oil				
4. Circumstances of discharge or escape and general remarks				
Signature of officer or officers in charge of the operations concerned and date of entry				
Signature of Master and date of entry				

RECORDS REGARDING BUNKER FUEL TANKS AND OILY RESIDUES IN RESPECT OF SHIPS OTHER THAN TANKERS

(a) Ballasting, or cleaning during voyage, of bunker fuel tanks

1. Identity number(s) of tank(s) concerned .....	.....	.....	.....	.....
2. Type of oil previously contained in tank(s) .....	.....	.....	.....	.....
3. Date and place of ballasting .....	.....	.....	.....	.....
Signature of officer or officers in charge of the operations concerned and date of entry .....	.....	.....	.....	.....
Signature of Master and date of entry .....	.....	.....	.....	.....
4. Date and time of discharge of ballast or washing water .....	.....	.....	.....	.....
5. Place or position of ship at time of disposal .....	.....	.....	.....	.....
6. Whether separator used; if so, give period of use .....	.....	.....	.....	.....
7. Disposal of oily residue retained on board .....	.....	.....	.....	.....
Signature of officer or officers in charge of the operations concerned and date of entry .....	.....	.....	.....	.....
Signature of Master and date of entry .....	.....	.....	.....	.....

(b) Disposal of oily residues from bunker fuel tanks and other sources

8. Date and method of disposal .....	.....	.....	.....	.....
9. Place or position of ship at time of disposal .....	.....	.....	.....	.....
10. Sources and approximate quantities .....	.....	.....	.....	.....
Signature of officer or officers in charge of the operations concerned and date of entry .....	.....	.....	.....	.....
Signature of Master and date of entry .....	.....	.....	.....	.....

THIRD SCHEDULE

Reg. 3 (3)

TANKERS' RECORDS IN RESPECT OF CARGO AND SLOP TANKS AND OILY RESIDUES

(a) Ballasting of and discharge of ballast from cargo tanks

1. Identity number(s) of tank(s) concerned	.....			
2. Type of oil previously contained in tank(s)	.....			
3. Date and place of ballasting	.....			
4. Date and time of discharge of ballast water	.....			
5. Place or position of ship at time of discharge	.....			
6. Approximate amount of oil-contaminated water transferred to slop tank(s)	.....			
7. Identity number(s) of slop tank(s)	.....			
Signature of officer or officers in charge of the operations concerned and date of entry	.....			
Signature of Master and date of entry	.....			

(b) Cleaning of cargo tanks

8. Identity number(s) of tank(s) cleaned	.....			
9. Type of oil previously contained in tank(s)	.....			
10. Identity numbers of slop tanks to which washings transferred	.....			
11. Dates and times of cleaning	.....			
Signature of officer or officers in charge of the operations concerned and date of entry	.....			
Signature of Master and date of entry	.....			

THIRD SCHEDULE—*continued**(c) Settling in slop tank(s) and discharge of water*

12. Identity number(s) of slop tank(s) .....	.....	.....	.....	.....	.....
13. Period of settling (in hours) .....	.....	.....	.....	.....	.....
14. Date and time of discharge of water .....	.....	.....	.....	.....	.....
15. Place or position of ship .....	.....	.....	.....	.....	.....
16. Approximate quantities of residue .....	.....	.....	.....	.....	.....
17. Approximate quantities of water discharged .....	.....	.....	.....	.....	.....
Signature of officer or officers in charge of the operations concerned and date of entry .....	.....	.....	.....	.....	.....
Signature of Master and date of entry .....	.....	.....	.....	.....	.....

(d) Disposal of oily residues from slop tank(s) and other sources

18. Date and method of disposal .....	.....	.....	.....	.....	.....
19. Place or position of ship at time of disposal .....	.....	.....	.....	.....	.....
20. Sources and approximate quantities .....	.....	.....	.....	.....	.....
Signature of officer or officers in charge of the operations concerned and date of entry .....	.....	.....	.....	.....	.....
Signature of Master and date of entry .....	.....	.....	.....	.....	.....

FOURTH SCHEDULE

Reg. 8

PROVISIONS OF OIL IN NAVIGABLE WATERS ACT 1965 APPLIED

Provisions of Act	Text as Modified
<p>Subsection (7) of section 12</p>	<p>In any proceedings under this Act—</p> <ul style="list-style-type: none"> (a) Any records kept in pursuance of the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962, or any subsequent Convention, shall be admissible as evidence of the facts stated in those records: (b) Any copy of an entry in any such records, which is certified by the master of the ship to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry: (c) Any document purporting to be a record kept in pursuance of the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962, or any subsequent Convention, or purporting to be such a certified copy as is mentioned in paragraph (b) of this subsection, shall, unless the contrary is proved, be presumed to be such a record or such a certified copy, as the case may be.
<p>Subsection (6) of section 17</p>	<p>Any power conferred upon a surveyor of ships by regulations made under section 25 of this Act to require production of any records required to be kept in accordance with the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962, or any subsequent Convention, shall include power to copy any entry in those records and require the master of the ship to certify the copy as a true copy of the entry.</p>
<p>Subsection (8) of section 17</p>	<p>Any person who fails to comply with any requirement duly made in pursuance of any power conferred by regulations made under section 25 of this Act or by any provision of this Act as applied for the purpose of any such regulations is liable on summary conviction to a fine not exceeding \$20.</p>

FOURTH SCHEDULE—*continued*

Provisions of Act	Text as Modified
Subsection (9) of section 17	Any person who wilfully obstructs a person acting in the exercise of any power so conferred is liable on summary conviction to a fine not exceeding \$200.

Reg. 9

FIFTH SCHEDULE

COUNTRIES WHICH HAVE ACCEPTED THE CONVENTION

Algeria	Malagasy Republic
Australia	Mexico
Belgium	Monaco
Canada	Morocco
Denmark	Netherlands
Dominican Republic	Nigeria
Federal Republic of Germany	Norway
Finland	Panama
France	Philippines
Ghana	Poland
Greece	Portugal
Hong Kong (Associate)	Republic of South Yemen
Iceland	Spain
Ireland	Sweden
Israel	Switzerland
Italy	Syria
Ivory Coast	Union of Soviet Socialist Republics
Japan	United Arab Republic
Jordan	United Kingdom
Kuwait	United States of America
Lebanon	Venezuala
Liberia	

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations—

- (a) Apply to certain classes of New Zealand ships and require records to be kept of the matters relating to oil specified in section 12 of the Oil in Navigable Waters Act 1965:
- (b) Apply to certain classes of ships, whether registered or not and of whatever nationality, and require records to be kept of transfers of oil to and from such a ship while it is within the territorial sea or internal waters of New Zealand:

- (c) Empower surveyors of ships to go on board any ship to which the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962 applies, while the ship is within a harbour in New Zealand, and to require production of any records required to be kept in accordance with the Convention:
- (d) Apply, for the purposes of the regulations and with modifications, certain provisions of the Oil in Navigable Waters Act 1965 relating to the taking of copies of entries in such records, and their certification as true copies, and to the admissibility in evidence of such records and copies:
- (e) Provide for penalties for failure to comply with requirements duly made under the regulations or under the provisions of the Act applied by the regulations, and for wilfully obstructing a person acting in the exercise of any power conferred by the regulations or by any provisions of the Act so applied.

Issued under the authority of the Regulations Act 1936.

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These regulations are administered in the Marine Department.