

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 47

Lagos- 15th June, 2012

Vol. 99

Government Notice No. 150

The following is published as Supplement to this *Gazette*:

<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
31	Merchant Shipping (Prevention of Pollution by Garbage) Regulations, 2012.. ..	B 513-528

Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 53/62012/650 (OL 36)

Annual Subscription from 1st January, 2012 is Local: ₦15,000.00 Overseas: ₦21,500.00 [Surface Mail] ₦24,500.00, [Second Class Air Mail]. Present issue ₦1,000.00 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

MERCHANT SHIPPING ACT, 2007**MARINE ENVIRONMENT (PREVENTION OF POLLUTION
BY GARBAGE) REGULATIONS, 2012**

ARRANGEMENT OF REGULATIONS

Regulation:

PART I-OBJECTIVE AND APPLICATION

1. Objectives.
2. Application.

PART II- DISPOSAL OF GARBAGE

3. Disposal of garbage outside Special Areas (plastics)
4. Disposal of garbage outside Special Areas (other than plastics)
5. Disposal of garbage within Special Areas
6. Disposal of garbage into the sea within 500 metres of fixed or floating installations
7. Placards on disposal requirements
8. Restriction on Nigerian ships entering the Antarctic area

PART III- GARBAGE MANAGEMENT

9. Application of Part III of these Regulations
10. Garbage management plan
11. Garbage Records Book
12. Inspection of ships and installations
13. Inspection of garbage Records Book
14. Power to detain

PART IV-CONTRAVENTIONS AND DEFENCES

15. Contraventions and Penalties
16. Restriction on jurisdiction over offences outside Nigeria limits
17. Suspension of proceedings at flag State request
18. Defences

PART V-MISCELLANEOUS

19. Service of documents
20. Provision of reception facilities
21. Interpretation
22. Citation

SCHEDULE

S. I. 29 of 2012

MERCHANT SHIPPING ACT, 2007
MERCHANT SHIPPING (PREVENTION OF POLLUTION BY
GARBAGE) REGULATIONS, 2012

	[1 st day of June. 2012]	Cornence- ment.
	In exercise of the powers conferred on me by sections 335 (1) and (3) of section 434 of the Merchant Shipping Act, 2007 (“Act”) and all other powers enabling me in that behalf, I, SENATOR IDRIS UMAR, Honourable Minister of Transport, hereby make the following Regulations-	
	PART I-OBJECTIVE AND APPLICATION	
1.	1. The objectives of these Regulations are to- (a) give effect in Nigeria to the International Convention for the Prevention of Pollution by garbage from ships (“MARPOL ANNEX IV”) (b) prohibit the disposal garbage in the marine environment save in accordance with the provisions of these Regulations: and (c) sets out operational requirements for garbage management on board ships.	Objective.
2.	These Regulations shall apply to- (a) Nigerian ships wherever they may be; and (b) Other ships while they are in Nigerian waters, controlled waters or any other water in relation to regulations 3 to 6 of these Regulations.	Application.
	PART II- DISPOSAL OF GARBAGE	
3.	The disposal of any plastics from a ship to the sea outside any special Area is prohibited	Disposal of garbage outside Special Areas (plastic).
4.	Subject to regulation 6 of these Regulations, the disposal of garbage other than plastics from a ship into the sea outside any Special Area is prohibited except where it is made as far from the nearest land as is practicable, and- (a) in the case of dunnage, lining-and packing materials which will float, not less than 25 miles from the nearest land; or (b) in the case of food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse, not less than 12 miles or, if such wastes and other garbage have been ground or comminuted, not less than 3 miles from the nearest land: such ground or comminuted garbage shall be capable of passing through a screen with openings no greater than 25mm,	Disposal of garbage outside Special Areas (other than plastics).
5.-(1) (2)	Subject to sub-regulation (2) of this regulation. the disposal of any garbage from a ship into the sea within any Special Area is prohibited. (2) The disposal of food wastes from a ship into the sea within any Special Area except the Antarctic area is permitted if the disposal is made as far as practicable and in any case not less than 12 miles, from the nearest land.	Disposal of garbage within Special Areas.
6.	The disposal of any garbage into the sea from a fixed or floating installation or from any other ship alongside or within 500 metres of such installation. is prohibited except that food wastes which have been comminuted or ground to the required standard may be disposed off into the sea from such installations or ships if the installation in question is located more than 12 miles from the nearest land.	Disposal of garbage into the sea within 500 metres of fixed or floating installations.
7.-(1) (2) (3)	Every ship of 12 metres or more in overall length shall display placards which notify the crew and passengers. If any, of the disposal requirements of regulations 3 to 6 of these Regulations. (2) In the case of a Nigerian ship, the information on the placards shall be written in English. (3) In the case of a ship which is not a Nigerian ship. the information on the placards shall be written in the working language of the ship.	Placards on disposal requirements

(4)	Where the ship is engaged on voyages to ports or offshore terminals under the jurisdiction of a party to the International Convention for the Prevention of Pollution from Ships 1973, ("Convention") other than its flag State, the information on the placards shall be written in English, French or Spanish.	
(5)	Every fixed or floating installation shall display placards which notify all persons on board of the disposal requirements of regulation 6 of these Regulations.	
(6)	The information on such placards shall be written in English and, if different, the working language of the crew.	
(8)	A Nigerian ship shall not enter the Antarctic area unless- <ul style="list-style-type: none"> (a) it has sufficient capacity for the retention on board of all garbage while operating in the area; and (b) it has concluded arrangements for the discharge of retained garbage at a reception facility after it has left the area. 	Restriction on Nigerian ships entering the Antarctic area.
PART III- GARBAGE MANAGEMENT		
9.	This Part of these Regulations applies to- <ul style="list-style-type: none"> (a) every ship of 400 tons gross tonnage or above; (b) every ship certified to carry 15 persons or more which is engaged on voyages to ports or offshore terminals under the jurisdiction of a party to the Convention other than its flag State ; and (c) every fixed and floating installation. 	Application of Part III of these Regulations.
10.-(1)	Any ship or installation to which this Part of these Regulations applies shall carry a garbage management plan which shall- <ul style="list-style-type: none"> (a) provide written procedures for collecting, storing, processing and disposing of garbage, including the use of equipment on board; (b) designate the person in charge of carrying out the plan; (c) be in accordance with the guidelines developed by the International Maritime Organisation; and (d) be in the working language of the crew. 	Garbage management plan.
(2)	The crew of a ship or installation which is required to carry a garbage management plan under sub-regulation (1) of this regulation shall follow that plan.	
11.-(1)	Any ship or installation to which this Part of these Regulations applies shall carry a garbage records book, whether as part of the ship's official logbook or otherwise, in the form specified in the Convention and set out in the Schedule to these Regulations.	Garbage Records Book.
(2)	The officer in-charge of a discharge operation or incineration, shall make and sign an entry in the garbage records book in respect of the discharge or completed incineration on the date of the discharge or incineration in question.	
(3)	Such entries in the garbage records book shall include- <ul style="list-style-type: none"> (a) the date and time the discharge or incineration occurred; (b) the position of the ship at the time of the discharge or incineration; and (c) a description of and the estimated amount of the garbage discharged or incinerated. 	
(4)	Where a discharge, escape or accidental loss within the meaning of regulation 18(2)(a) of these Regulations occurs, an entry shall be made in the garbage records book of the circumstances and the reasons for the discharge, escape or accidental loss.	
(5)	Any entries' made in the garbage records book shall- <ul style="list-style-type: none"> (a) in the case of a Nigerian ship, be in English and, if different, the working language of the crew; (b) in the case of a ship which is not a Nigerian ship, be in the working language of the ship and in English, French or Spanish provided that the entries in the working language of the ship shall prevail in case of any discrepancy between the different language entries; and (c) in the case of an installation, be in English and, if different, the working language of the crew. 	
(6)	Each completed page of the garbage records book shall be signed by the master of the ship or the installation manager as the case may be.	
(7)	The garbage records book shall- <ul style="list-style-type: none"> (a) be kept on board the ship or installation and in such a place as to be available for inspection in a reasonable time; and (b) be preserved by the ship's or installation's owner for a period of two years after the final 	

(8)	<p>entry is made in it.</p> <p>The Minister may waive the requirement for a garbage record book in respect of-</p> <p>(a) any ship certified to carry 15 Persons or more, engaged on a voyage of one hour or less in duration ; or</p> <p>(b) any fixed or floating installation.</p>	
12.-(1) (2)	<p>An inspector may inspect any ship to which these Regulations apply in any port in Nigeria.</p> <p>An inspector may investigate any operation regulated by these Regulations if he has clear grounds for believing that the master or crew is not familiar with the ship's on-board 'procedures for preventing pollution by garbage.</p> <p>Where the inspector is satisfied, following any such inspection of a ship, that either the master or crew is not familiar with the ship's on-board procedures for preventing pollution by garbage, he, shall take such steps as he considers necessary, including detaining the ship, to ensure that the ship does not sail until the situation has been brought into accordance with the requirements of these Regulations.</p> <p>The Agency may appoint any person, either generally or in relation to a particular case, as an inspector under these Regulations in relation to fixed and floating platforms.</p> <p>Any person appointed under sub-regulation (4) may at all reasonable hours go on board a platform and inspect it for the purpose of seeing that these Regulations are complied with.</p>	Inspection of ships and installations.
13.-(1)	<p>An inspector may-require-</p> <p>(a) in respect of a ship to which regulation 11 of these Regulations applies, the owner, master or any member of the crew of the ship while the ship is in any Nigerian port or offshore terminal; and.</p> <p>(b) in respect of an installation to which regulation 11 of these Regulations applies, the installation manager or any member of the crew of the installation, to produce the garbage records book for inspection.</p> <p>An inspector may make a copy of any entry in the garbage records book and may require the master of the ship or installation manager to certify that the copy is a true copy of such an entry .</p> <p>Any copy so made which has been certified by the master of the ship or installation manager as a true copy shall be admissible in any judicial proceedings as evidence of the facts stated therein.</p> <p>The inspection of a garbage records book and the taking of a certified copy by the inspector under this regulation shall be performed as expeditiously as possible without causing the ship to be unduly delayed.</p>	Inspection of garbage records book
14.-(1) (2)	<p>Where an inspector has reason to believe that the owner, manager, demise charterer or master of a ship has committed an offence under regulations 3, 4, 5 or 6 of these Regulations by the disposal from the ship of garbage, the inspector may detain the ship.</p> <p>Where the steps taken by an inspector under these Regulations involve detention of the ship, section 414 of the Act (which relates to the detention of a ship) shall have effect in relation to that ship.</p>	Power to detain.
PART IV-CONTRAVENTIONS AND DEFENCES		
15.-(1) (2)	<p>Any breach of the requirements of these Regulations (other than of the requirements of regulations 3, 4, 5 or 6) of these Regulations-</p> <p>(a) in respect of a ship, shall be an offence on the part of the owner, manager, demise charterer and master of the ship; and</p> <p>(b) in respect of an installation, shall be an offence on the part of the owner and installation manager,</p> <p>punishable on conviction by a fine of not less than N10,000,000.00.</p> <p>Any breach of the requirements of regulation 3,4, 5 or 6 of these Regulations-</p> <p>(a) in respect of a ship, shall be an offence on the part of the owner, manager, demise charterer and master of the ship; and</p> <p>(b) in respect of an installation, shall be an offence on the part of the owner and installation manager, and each of them shall be liable on conviction to a fine of not less than N10,000,000.00.</p>	Contraventions and Penalties.
16.-(1)	<p>Proceedings in respect of a ship other than a Nigerian ship for an offence contravening any provision of regulations 3 to 5 of these Regulations which relates to a breach of the said 'provisions committed in the internal waters, Territorial Sea or Exclusive Economic Zone of a State outside Nigeria (in this regulation referred to as "the other State") shall not be instituted in Nigeria unless-</p> <p>(a) the other State, the flag State or a State damaged or threatened by the breach of the regulation requests that proceedings be taken; or</p>	Restriction on jurisdiction over offences outside Nigeria

	<p>(b) the breach of the regulation has caused or is likely to cause pollution in Nigerian waters or controlled waters.</p> <p>(2) Where such proceedings have been instituted but not concluded they shall be suspended upon request by the other State and the Minister shall transmit all the evidence and court records and documents relating to the case, together with any sum paid or security given, to the other State.</p>	limits.
17.-(1)	<p>This regulation applies to proceedings instituted but not concluded in Nigeria in respect of a breach of these Regulations committed outside Nigerian waters by a ship other than a Nigerian ship.</p> <p>(2) Any such proceedings shall be suspended if the court is satisfied that the flag State has instituted proceedings corresponding to the proceedings in Nigeria in respect of the breach of these Regulations within six months of the institution of the proceedings in Nigeria.</p> <p>(3) Sub-regulation (2) of this regulation does not apply -</p> <p>(a) where the breach of the Regulations resulted in major damage to Nigeria; or</p> <p>(b) the Minister certifies that the flag State has repeatedly disregarded its obligations to enforce effectively the requirements of the Convention in respect of its ships.</p> <p>(4) Where proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated.</p>	Suspension of proceedings at flag State request.
18.-(1)	<p>In any proceedings for an offence under these Regulations, it shall be a defence for the person charged to prove that-</p> <p>(a) he took all reasonable steps and exercised all due diligence to ensure that these Regulations were complied with;</p> <p>(b) the disposal was necessary for the purpose of securing the safety of the ship or installation or those on board or of saving life at sea; or</p> <p>(c) the escape of garbage resulted from damage to the ship or installation or the ship's or installation's equipment and that all reasonable precautions were taken before and after the damage occurred to prevent or minimise the escape.</p> <p>(2) Without prejudice to sub-regulation (1) of this Regulation, it shall be a defence for a person charged to prove-</p> <p>(a) in any proceedings in respect of a ship for contravening regulation 3 or 5 of these Regulations by the disposal into the sea of synthetic fishing nets or synthetic material incidental to the repair of such nets, that the disposal was accidental and that all reasonable precautions were taken to prevent the occurrence; or</p> <p>(b) in any proceedings in respect of a ship for contravening any provision of regulations 3 to 5 of these Regulations, that the-</p> <p>(i) ship is not a Nigerian ship;</p> <p>(ii) offence took place outside Nigerian waters and controlled waters; and</p> <p>(iii) ship was in a port in Nigeria at the time of institution of proceedings by reason only of stress of weather or any other reason beyond the control of the master, owner, charterer or manager as the case may be.</p>	Defences.
	PART V-MISCELLANEOUS	
19.-(1)	<p>Any document required or authorised, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under these regulations alleged to have been committed by the company as the owner of the ship shall be treated as duly served on that company if the document is served on the master of the ship.</p> <p>(2) Sub-regulation (1) of this regulation shall apply mutatis mutandis in respect of proceedings on offences under these regulations as if-</p> <p>(a) in respect of an offence in respect of a ship, for the word "owner" there were substituted the words "owner, manager or demise charterer"; and</p> <p>(b) in respect of an offence in respect of an installation-</p> <p>(i) for the word "ship" on the first occasion it occurs there were substituted the word "installation"; and</p> <p>(ii) for the words "master of the ship" there were substituted the words "installation manager".</p>	Service of documents.
20.-(1)	<p>Subject to the provisions of the Merchant Shipping (Waste Reception Facilities) Regulations, 2012, the Agency shall ensure the provision of reception facilities at ports, terminals and offshore locations for the reception of garbage, without causing undue delay to ships and adequate to meet the needs of ships using them.</p> <p>(2) The master should obtain from the operator of port reception facilities, or from the master of the</p>	Provision of reception facilities.

(3)	<p>ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred.</p> <p>The receipts or certificates under sub-regulation (2) of these Regulations must be kept on board the ship with the Garbage Records Book for two years and be readily produced upon request by an inspector.</p>	
21,-(1)	<p>In these Regulations-</p> <p><i>"Act"</i> means the Merchant Shipping Act, 2001;</p> <p><i>"Agency"</i> means the Nigerian Maritime Administration and Safety Agency established under the Nigerian Maritime Administration and Safety Agency Act,2001;</p> <p><i>"certified"</i> means, in relation to a ship, certified in accordance with the Convention;</p> <p><i>"Comminuted"</i> means the process in which solid materials are reduced in size, by crushing, grinding and other processes;</p> <p><i>"controlled waters"</i> means the waters specified as areas within which the jurisdiction and rights of Nigeria are exercisable, being the territorial waters and exclusive economic zone of Nigeria;</p> <p><i>"Convention"</i> means the International Convention for the Prevention of Pollution from Ships 1913, including its protocols and Annex V (but no other Annex) and appendices thereto as amended by the Protocol of 1918 to that Convention and includes all the amendments adopted by the Organisation's Marine Environment Protection Committee before December 2012 and any subsequent amendment which is considered by the Minister to be relevant from time to time;</p> <p><i>"discharge"</i> means a release or discharge, howsoever caused, which part of the operation of a vessel and includes escape, disposal, spilling, leaking, pumping or emitting;</p> <p><i>"dunnage"</i> means inexpensive or waste material used to protect and support loads or prop tools or materials up off the ground such as jacks, pipes;</p> <p><i>"from the nearest land"</i> means, in relation to all land other than the part of Australia specified, from the nearest baseline from which the territorial sea of any territory is established in accordance with international law; and in relation to the part of the north-eastern coast of Australia which lies between the points 11°00'S, 142°08'E and 24°42'S, 153°15'E, 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; 9°10'S, 143°52'E; 9°00'S,144°30'E; 13°00'S,144°00'E; 15°00'S,146°00'E; 18°00'S,147°00'E; 21°00'S,153°00'E and 24°42'S, 153°15'E;</p> <p><i>"garbage"</i> means all kinds of victual, domestic and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship and includes food residues, glass, earthenware and china, metal protective and packing material, dunnage and sweepings from cargo spaces; and liable to be disposed of continuously or periodically except sewage originating from ships;</p> <p><i>"harmful substances in packaged form"</i> means those substances which are identified as marine pollutants in the IMDG Code and which are in the form of containment specified in the schedules of that Code;</p> <p><i>"IMDG Code"</i> means the International Maritime Dangerous Goods Code published by the International Maritime Organisation, as amended;</p> <p><i>"installation"</i> means any drilling or production platform or any other platform used in connection with the exploration, exploitation or associated offshore processing of seabed mineral resources;</p> <p><i>"MARPOLANNEX IV"</i> means Regulations for the Prevention of Pollution by Sewage from Ships;</p> <p><i>"mile"</i> means an international nautical mile, or a distance of 1,852 metres;</p> <p><i>"Minister"</i> means the Federal Minister for the time being charge with responsibility for matters relating to maritime transport;</p> <p><i>"Nigerian ship"</i> has the same meaning as is assigned to it in section 444 of the Merchant Shipping Act;</p> <p><i>"non-polluting substance"</i> means a substance listed in Chapter 17 or 18 of the mc Code having against it in column "c" the entry III;</p> <p><i>"oil"</i> means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II of the Convention);</p> <p><i>"oily mixture"</i> means a mixture with any oil content;</p> <p><i>"operational wastes"</i> means all maintenance wastes, cargo associated wastes and cargo residues except residues or wastes from oil or oily mixtures, noxious liquid substances, non-polluting liquid</p>	Interpretation.

	<p>substances or harmful substances in packaged form; <i>"Organisation"</i> means the International Maritime Organisation; <i>"overall length"</i> means the extreme length of the hull measured between the foremost part of the bow and the aftmost part of the stem; <i>"plastics"</i> includes, but is not limited to, synthetic ropes, synthetic fishing nets, plastic bags and foam plastics (polystyrene and styrofoam); <i>"plastic wastes"</i> means all plastics comprising products, including plastic- coated packaging materials, synthetic ropes, fishing nets; plastic bags and foam plastics (polystyrene and styrofoam); <i>"required standard"</i> means, in relation to comminuted or ground garbage, comminuted or ground sufficiently fine to be capable of passing through a screen with openings no greater than 25 millimetres; <i>"sea"</i> includes any estuary or arm of the sea; <i>"sewage"</i> means drainage and other wastes from any form of toilets, urinals, wash basins, wash tubs and water closet scuppers; <i>"ship"</i> means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and hovercraft.</p> <p>(2) For the purposes of these Regulations, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red sea area, the "Gulfs area", the North Sea area, the Antarctic area and the Wider Caribbean' Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows-</p> <p>(a) the Mediterranean Sea area means 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;</p> <p>(b) the Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and 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;</p> <p>(c) the Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N;</p> <p>(d) the Red Sea area means 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);</p> <p>(e) the Gulfs area means 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, 61~5' E);</p> <p>(f) the North Sea area means the North Sea proper including seas therein with the boundary between-</p> <p>(i) the North Sea southwards of latitude 62° N and eastwards of longitude 4°W;</p> <p>(ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57° 44.8' N; and</p> <p>(iii) the English Channel and its approaches eastwards of longitude 5° Wand northwards of latitude 48° 30' N;</p> <p>(g) the Antarctic area means the sea area south of latitude 60°S;</p> <p>(h) the Wider Caribbean Region, as defined in article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means 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, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7° 20' N parallel and 50° W meridian, thence a rhumb line drawn south-westerly to the eastern boundary of French Guiana.</p> <p>(3) In the application of these Regulations to a hovercraft, references to the master of a ship shall be taken to include references to the captain of the hovercraft.</p>	
22.	These Regulations may be cited as the Merchant Shipping (Prevention of Pollution by Garbage) Regulations, 2012.	Citation.

SCHEDULE

Appendix to Annex V-Form of Garbage Record Book

GARBAGE RECORD BOOK

Name of ship:.....

Distinctive number or letters:.....

IMO No.:.....

Period:..... From:..... To:.....

1.	In accordance with regulation 9 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78), a record is to be kept of each discharge operation or completed incineration. This includes discharges at sea, to reception facilities, or to other ships.	Introduction.
2.	Garbage includes all kinds of food, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL 73/78 (such as oil, sewage or noxious liquid substances). The Guidelines for the Implementation of Annex V of MARPOL 73/78 ¹ should also be referred to for relevant information.	Garbage and garbage management.
3.	The garbage is to be grouped into categories for the purposes of this record book as follows: (1) Plastics; (2) Floating dunnage, lining, or packing material; (3) Ground-down paper products, rags, glass, metal, bottles, crockery, etc.; (4) Cargo residues, paper products, rags, glass, metal, bottles, crockery, etc.; (5) Food waste; (6) Incinerator ash.	Description of the garbage.
4.-(4.1)	Entries in the Garbage Record Book shall be made on each of the following occasions: (a) When garbage is discharged into the sea: (i) Date and time of discharge; (ii) Position of the ship (latitude and longitude). Note: for cargo residue discharges include discharge start and stop positions; (iii) Category of garbage discharged; (iv) Estimated amount discharged for each category in cubic metres (v) Signature of the officer in charge of the operation; (b) When garbage is discharged to reception facilities ashore or to other ships: (i) Date and time of discharge; (ii) Port or facility, or name of ship; (iii) Category of garbage discharged; (iv) Estimated amount discharged for each category in cubic metres; (v) Signature of officer in charge of the operation. (c) When garbage is incinerated: (i) Date and time of start and stop of incineration; (ii) Position of the ship (latitude and longitude); (iii) Estimated amount incinerated in cubic metres; (iv) Signature of the officer in charge of the operation; (d) Accidental or other exceptional discharges of garbage: (i) Time of occurrence; (ii) Port or position of the ship at time of occurrence; (iii) Estimated amount and category of garbage; (iv) Circumstances of disposal, escape or loss, the reason therefor and general remarks.	Entries in the garbage Records Book.
4.2	The master should obtain from the operator of port reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Records Book for two years.	Receipts.

4.3	The amount of garbage on board should be estimated in cubic metres, if possible separately according to category. The Garbage Records Book contains many references to estimated amount of garbage. It is recognized that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g. the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.	Amount of garbage.
-----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

¹Refer to the Guidelines for the Implementation of Annex V of MARPOL 73/78, as amended by resolutions MEPC.59(33) and MEPC.92(45)

RECORD OF GARBAGE DISCHARGES

Ship's Name:..... Distinctive No. or Letters:.....

IMO No.:.....

Garbage Categories:

1. Plastic
2. Floating dunnage, lining or packing materials.
3. Ground paper products, rags, glass, metal, bottles, crockery, etc.
4. Cargo residues, paper products, rags, metal, bottles, crockery, etc.
5. Food waste.
6. Incinerator ash except from plastic products which may contain toxic or heavy metal residues.

NOTE: THE DISCHARGE OF ANY GARBAGE OTHER THAN FOOD WASTE IS PROHIBITED IN SPECIAL AREAS. ONLY GARBAGE DISCHARGED INTO THE SEA MUST BE CATEGORIZED. GARBAGE OTHER THAN CATEGORY 1 DISCHARGED TO RECEPTION FACILITIES NEED ONLY BE LISTED AS A TOTAL ESTIMATED AMOUNT. DISCHARGES OF CARGO RESIDUES REQUIRE START AND STOP POSITIONS TO BE RECORDED

Date/ Time	Position of the ship	Estimated amount discharged into sea (m ³)					Estimated amount discharge to reception facilities or other ship (m ³)		Estimated amount incinerated (m ³)	Certification/ Signature
		Cat. 2	Cat. 3	Cat. 4	Cat. 5	Cat. 6	Cat. 1	Other		

Master's Signature:..... Date:.....

MADE at Abuja this 1st day of June, 2012.

SENATOR IDRIS UMAR,
Honourable Minister of Transport

EXPLANATORY NOTES

(This note does not form part of the these Regulations but is intended to explain their purport)

These Regulations give effect in Nigeria to the MARPOL ANNEX IV on prevention of marine pollution by garbage from ships. It prohibits the disposal of garbage in the marine environment save in accordance with its provisions and sets out operational requirements for garbage management on board ships. It emphasises inspection of ships and garbage Records Book and provides penalties for breach of its provisions.