

*Extraordinary*



# Federal Republic of Nigeria Official Gazette

No. 52

Lagos - 22nd June, 2012

Vol. 99

*Government Notice No. 157*

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

<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
33	Merchant Shipping (Ship Generated Marine Waste Reception Facilities) Regulations, 2012 .. .. .	B 569-587

---

Printed and Published by The Federal Government Printer, Lagos, Nigeria  
FGP 57/62012/650 (OL 40)

Annual Subscription from 1st January, 2012 is Local: ₦25,000.00 Overseas: ₦37,500.00 [Surface Mail]  
₦49,500.00, [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 (SHIP GENERATED MARINE  
WASTE RECEPTION FACILITIES) REGULATIONS, 2012**



ARRANGEMENT OF REGULATIONS

*Regulation:*

PART I-OBJECTIVE AND APPLICATION

1. Objectives.
2. Application

PART II-PORT WASTE RECEPTION

3. Requirement to provide adequate port waste reception facilities
4. Direction to provide adequate waste reception facilities
5. Requirements regarding waste management plans
6. Approval and implementation of waste management plans
7. Power of the Agency to direct the preparation of a waste management plan
8. Direction to implement a waste management plan
9. Pre-arrival notification
10. Delivery of ship-generated waste
11. Delivery of cargo residues
12. Funding of port waste reception facilities
13. Exemptions

PART III-OFFSHORE WASTE RECEPTION

14. Requirement to provide adequate offshore waste reception facilities
15. Agency to license waste management organisations
16. Offshore collection of ship-generated waste
17. Offshore receipt of cargo residues
18. Collection of waste from offshore installations
19. Notification for the collection of waste offshore
20. Funding of offshore waste reception facilities
21. General Guide to developing charges for offshore waste reception facilities
22. Calculation of charges

PART IV-ENFORCEMENT

23. Non-compliance or suspected non-compliance
24. Offences
25. Offences by body corporate
26. Inspection and detention of Nigerian Ships
27. Inspection and detention of ships other than Nigerian Ships
28. Enforcement of detention
29. Interpretation
30. Citation

SCHEDULES

**MERCHANT SHIPPING ACT, 2007**  
**MERCHANT SHIPPING (SHIP GENERATED MARINE**  
**WASTE RECEPTION FACILITIES) REGULATIONS, 2012**

	[ 1 <sup>st</sup> June. 2012]	Cornence- ment.
	<b>In exercise of the powers conferred on me by subsections (1) and (3) of section 335 and section 434 of the Merchant Shipping Act, 2007 and all other powers enabling me in that behalf, I, SENATOR IDRIS UMAR, Honourable Minister of Transport, hereby make the following Regulations-</b>	
	PART I-OBJECTIVE AND APPLICATION	
1.-(1)	These Regulations are founded on international commitments of Objectives. Nigeria to cleaner oceans and the national imperative to preserve local marine resources.	Objectives.
(2)	These Regulations provide for- (a) a framework for waste reception facilities for all types of ship- generated waste; (b) statutory backing and regulatory oversight for the Nigerian Ports Authority in providing shore based reception facilities; (c) regulatory cover for reception of waste generated across various offshore installations; (d) for the licensing of waste management organisations and guidelines for developing charges ; and (e) reporting requirements for waste delivery and receipt.	
2.-(1)	These Regulations apply to any port, terminal, jetty, shipyard and offshore installation in Nigeria.	Scope of application.
(2)	Subject to sub-regulations (3) and (4) of this regulation, these Regulations apply to all ships calling at or operating within a port, terminal or otherwise operating a commercial service within Nigerian waters.	
(3)	These Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used for the time being, only on government non-commercial service.	
(4)	The provision of regulations 9 and 12 of these Regulations do not apply to a ship which is a (a) fishing vessel; or (b) recreational craft authorised to carry or designed to carry not more than twelve passengers.	
	PART II-PORT WASTE RECEPTION	
3.-(1)	The Nigerian Port Authority (in these Regulations referred to as "the Port Authority") shall provide port waste reception facilities adequate to meet the needs of ships normally using the ports in Nigeria without causing undue delay to ships.	Requirement to provide adequate port waste reception facilities.
(2)	The Port Authority may, for the purposes of discharging its duties under these Regulations in pursuance of the provisions of sub-regulation (1) of this regulation, collaborate with an organisation suitably qualified in providing waste reception facilities.	
(3)	The provision of this regulation is subject to regulation 14(1) of these Regulations.	
4.	Where in respect of any port, terminal, jetty, shipyard or otherwise it appears to the Agency, after consultation with the Port Authority, that- (a) the port, terminal, jetty, shipyard or otherwise has no waste reception facilities; or (b) if the port, terminal, jetty, shipyard or otherwise has such facilities, but those facilities are not adequate within the meaning of these Regulations; the Agency may direct the Port Authority to provide or arrange for the provision of such waste reception facilities as may be specified in the direction.	Direction to provide adequate waste reception facilities.
5.-(1)	Subject to sub-regulation (3) of this regulation, the Port Authority, every terminal, jetty, or shipyard operator shall prepare a waste management plan which shall be approved by the Agency with respect to the provision and use of waste reception facilities in the specific port, terminal, jetty or shipyard and the use of those facilities by ships using that port, terminal, jetty or hipyard.	Requirements regarding waste management plans.
(2)	The Agency may direct that a terminal operator shall prepare a waste management plan with respect to the provision and u e of waste reception facilities for any terminal operated by the terminal operator within a port and specified in the direction and submit it to the Agency for approval.	

<p>(3)</p> <p>(4)</p> <p>(5)</p> <p>(6)</p>	<p>Where the Agency gives a direction under sub-regulation (2), in preparing a waste management plan, under sub-regulation (1), the Port Authority shall not be required to deal with the provision and use of waste reception facilities for that terminal.</p> <p>In preparing a waste management plan, the Port Authority or terminal operator shall consult-</p> <p>(a) persons appearing to the Port Authority or terminal operator to represent the interests of persons using the-</p> <p>(i) port or terminal, and</p> <p>(ii) waste reception facilities at the port or terminal;</p> <p>(b) such other persons as the Port Authority, or terminal operator may deem fit ; and</p> <p>(c) the National Guidelines on the Management of Ship Generated Waste, prepared by the Agency.</p> <p>A plan prepared under this regulation shall comply with the requirements in Schedule 1 to these Regulations.</p> <p>The provision of this regulation is subject to regulation 14(2) of these Regulations.</p>	
<p>6.-(1)</p> <p>(2)</p>	<p>The Agency may either-</p> <p>(a) reject a plan submitted in accordance with regulation 5 of these Regulations; or</p> <p>(b) approve the plan with or without modifications.</p> <p>A plan which has been approved by the Agency pursuant to sub- regulation (1) of this regulation or directed by the Agency to be prepared pursuant to regulation 7 shall be implemented by the Port Authority or the terminal operator for the port or terminal to which the plan relates.</p>	<p>Approval and implementation of waste management plans.</p>
<p>7.-(1)</p> <p>(2)</p>	<p>Where the Agency is satisfied that a person who is required to prepare a waste management plan is not taking steps necessary in connection with the preparation of the plan, the Agency may direct that the plan be prepared and the cost of preparing the plan shall be borne by the person who had failed to prepare the plan.</p> <p>A person who fails to comply with this regulation is liable to be proceeded against under the provisions of regulation 25 of these Regulations.</p>	<p>Power of the Agency to direct the preparation of a waste management plan.</p>
<p>8.</p>	<p>The Agency may direct the Port Authority or terminal operator to take such steps as are specified for the purposes of securing the implementation of a waste management plan in respect of the port or terminal in question which has been approved by the Agency pursuant to regulation 6 (1) of these Regulations or prepared by the Agency pursuant to regulation 7 of these Regulations.</p>	<p>Direction to implement a waste management plan.</p>
<p>9.-(1)</p> <p>(2)</p> <p>(3)</p> <p>(4)</p> <p>(5)</p>	<p>The master of a ship bound for a port or terminal shall provide the information as set out in Schedule 2 to these Regulations.</p> <p>(a) Subject to sub-regulation (3) of this regulation, the information in the notice referred to in sub-regulation (1) of this regulation, shall be notified by the master to the Port Authority for the port or terminal in question where-it is known at which port or terminal the ship will be calling, at least 24 hours before the arrival of the ship;</p> <p>(b) the port or terminal at which the ship will be calling is not known until less than 24 hours before the arrival of the ship at that port or terminal, as soon as possible after the port or terminal is known; or</p> <p>(c) the duration of the voyage is less than 24 hours, at the latest upon departure from the previous port.</p> <p>Where a waste management plan approved by the Agency pursuant to regulation 6(1) of these Regulations or directed by the Agency pursuant to regulation 7 of these Regulations, specifies that in relation to a specified terminal the information in the notice referred to in sub-regulation (1) of this regulation is to be notified to the terminal operator rather than the Port Authority, that information shall be notified by the master to the terminal operator for the terminal in question where-</p> <p>(a) it is known that the ship will be calling at the terminal, at least 24 hours before the arrival of the ship;</p> <p>(b) it is not known that the ship will be calling at the terminal until less than 24 hours before the arrival of the ship, as soon as possible after it is known the ship will be calling at the terminal; or</p> <p>(c) the duration of the voyage is less than 24 hours, at the latest upon departure from the previous port.</p> <p>A copy of the information referred to in sub-regulation (1) of this regulation shall be retained on board the ship until at least the next port of call is reached.</p> <p>The master of a ship bound for a port or terminal in Nigeria shall, if the-</p>	<p>Pre-arrival notification.</p>

	<p>(a) previous port of call of the ship was a port in a member State; and</p> <p>(b) Agency requests for a copy of the information retained on board the ship, produce to the Agency, immediately on request, a copy of the information retained in accordance with sub-regulation (4) of this regulation.</p> <p>(6) The master of a Nigerian ship calling at a port of another member State shall-</p> <p>(a) where the previous port of call of the ship was a port in a member State; and</p> <p>(b) the competent authority of that member State requests for a copy of the information retained on board the ship, produce to the competent authority, immediately on request, a copy of the information retained in accordance with sub-regulation (4) of this regulation.</p>	
10.-(1)	Subject to sub-regulation (2) of this regulation, the master of a ship calling at a port or terminal shall ensure that before the ship leaves the port or terminal, all ship-generated waste is delivered to a waste reception facility.	Delivery of ship-generated waste.
(2)	Subject to sub-regulation (3) of this regulation, a ship may proceed to the next port of call without delivering ship-generated waste if it follows the information notified under sub-regulations 9 (2) or (3) of these Regulations that there is sufficient dedicated storage capacity for all the ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship to the port of delivery.	
(3)	Where- <p>(a) the Agency is not satisfied that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and which will accumulate during the intended voyage of a ship to the port of delivery;</p> <p>(b) there are good reasons to believe that adequate facilities are not available at the intended port of delivery; or</p> <p>(c) the intended port of delivery is not known to the Agency,</p> the Agency may give a direction to the master or owner of the ship requiring the ship-generated waste to be delivered before the ship leaves the port or terminal.	
11.	The master of a ship calling at a port or terminal shall ensure that cargo residues are collected and delivered to a waste reception facility in accordance with the Convention and any charges made for such collection and delivery shall be payable by the user of the facility.	Delivery of cargo residues.
12.	The Port Authority may develop charges ("waste charges") in respect of ships to which these Regulations apply or may include the charges as part of normal ship dues.	Funding of port waste reception facilities.
13.-(1)	The Agency may grant an exemption from regulation 3 of these Regulations in respect of the Port Authority or a terminal operator to the extent that regulation 3 requires the Port Authority or terminal operator to provide waste reception facilities for MARPOL Annex III Packaged Harmful Substances.	Exemptions.
(2)	The Agency may grant an exemption from regulation 5 of these Regulations in respect of the Port Authority or terminal operator to the extent that, that regulation requires the Port Authority or terminal operator to prepare a waste management plan with respect to the provision of waste reception facilities for MARPOL Annex III Packaged Harmful Substances.	
(3)	The Agency may grant an exemption from regulations 9, 10 and 12 of these Regulations in respect of a ship where- <p>(a) the ship is engaged in scheduled traffic with frequent and regular port calls ; and</p> <p>(b) there is sufficient evidence of an arrangement ensuring the delivery of ship-generated waste and payment of charges in a port along the route of the ship.</p>	
(4)	An exemption granted under this regulation shall be given in writing.	
(5)	The Agency may, on giving reasonable notice, alter or cancel any exemption granted under this regulation.	
PART III-OFFSHORE WASTE RECEPTION		
14.-(1)	The Agency shall ensure the provision of waste reception facilities offshore for the reception of all types of waste generated by- <p>(a) any ship to which these Regulations apply that do not call into ports or are otherwise engaged in commercial service within Nigerian waters; and</p> <p>(b) offshore installations.</p>	Requirement to provide adequate offshore waste reception
(2)	The Agency may, in discharging their duty under sub-regulation (1) of this regulation-	

	<p>(a) collaborate with a suitably qualified organisation in providing waste reception facilities; or</p> <p>(b) direct or arrange for the provision of such reception facilities by any other person who shall be suitably qualified to undertake the provision of the facilities;</p> <p>and references in these Regulations to the provision of such facilities by the Agency shall be construed accordingly.</p>	facilities.
15.-(1)	<p>Further to regulation 14(2) of these Regulations, the Agency shall license suitably qualified organisations to provide waste reception facilities offshore as may be required under these Regulations.</p> <p>(2) In considering application for a license by an organisation, the Agency shall require the organisation to submit a waste management plan with respect to the provision of waste reception facilities offshore as required under these Regulations.</p> <p>(3) The Agency shall ensure that the grant of a license to provide and operate waste reception facilities offshore shall be to an organisation with the requisite experience and which is suitably qualified to provide the facilities and services with respect to the provision of waste reception facilities under these Regulations.</p>	Agency to license waste management organisations.
16.-(1)	<p>Subject to sub-regulation (2) of this regulation, the master of a ship calling at or otherwise operating at any offshore installation or other location within Nigerian waters shall ensure that before the ship leaves the offshore installation or other location within Nigerian waters, all its ship-generated waste is collected and delivered to an approved waste reception facility.</p> <p>(2) Subject to sub-regulation (3) of this regulation, a ship may proceed to the next port of call without delivering ship-generated waste if the information notified under regulation 10(2) or (3) of these Regulations indicate that there is sufficient dedicated storage capacity for all the ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship to the port of delivery.</p> <p>(3) Where-</p> <p>(a) the Agency is not satisfied that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and which will accumulate during the intended voyage of a ship to the port of delivery;</p> <p>(b) there are good reasons to believe that adequate facilities are not available at the next port of call; or</p> <p>(c) the intended port of delivery is not known to the Agency,</p> <p>the Agency may give a direction to the master or owner of the ship requiring the ship-generated waste to be delivered before the ship leaves the offshore installation or other location within Nigerian waters.</p>	Offshore collection of ship-generated waste.
17.-(1)	<p>The master of a ship calling at or otherwise operating at any offshore installation or other location within Nigerian waters shall ensure that cargo residues are delivered to a waste reception facility in accordance with the provision of these Regulations.</p> <p>(2) A charge made for such delivery shall be payable by the user of the facility.</p>	Offshore receipt of cargo residues.
18.	Offshore installations, which are engaged in the exploration, exploitation and associated offshore processing of sea bed mineral resources, shall comply with the requirements of these Regulations applicable to ships as they relate to the delivery of ship-generated waste.	Collection of waste from offshore installations.
19.	The provision of regulation 9 under Part 11 of these Regulations shall apply to this Part to the extent that references to a port or terminal shall be construed as references to an offshore installation or any point or location within Nigerian waters, and in relation to a ship-to-ship transfer, the mother vessel shall be construed as the terminal.	Notification for the collection of waste offshore.
20.-(1)	<p>The costs associated with the reception of ship-generated waste, including the treatment and disposal of the waste, shall be covered through the collection of a charge from the ships and offshore installations to which this Part applies and this charge shall be collected irrespective of whether or not ship-generated waste is discharged to the reception facility.</p> <p>(2) Subject to sub-regulation (3) of this regulation, the Agency shall develop charges in respect of ships and offshore installations to which this regulation applies.</p> <p>(3) The Agency shall arrange for the amount of the charges levied by it, and the basis on which the charges have been calculated, to be published in a manner that will bring the amounts charged to the notice of persons likely to be affected.</p> <p>(4) Any ship or offshore installation to which this Part applies shall pay the charges levied under sub-</p>	Funding of offshore waste reception facilities.

	regulations (1) or (2) of this regulation to the Agency.	
21.-(1)	<p>Waste charges shall be made at a level that shall-</p> <p>(a) ensure that each ship or offshore installation to which this Part applies makes a contribution to the provision of and operating costs of waste reception facilities for ship-generated waste at the offshore location, including the costs of the treatment and disposal of waste, irrespective of actual use of the facilities; and</p> <p>(b) provide no incentive for ships or offshore installation to discharge ship-generated waste into the sea.</p> <p>(2) In developing waste charges for ships and offshore installations, the Agency may take into account the category, type and size of the ship or offshore installation.</p>	General guide to developing charges for offshore waste reception facilities.
22.-(1)	<p>In calculating the charges payable by ships, the Agency shall base its calculations on part, the whole or a combination of the ship's gross tonnage, the ship's external dimensions, the quantity of cargo loaded and discharged and the quantity and type of waste discharged to the waste reception facility offshore.</p> <p>(2) The charges to be paid by ships in regular frequent calls can be calculated separately.</p> <p>(3) A surcharge may be imposed on ships which fail to comply with the compulsory notification referred to in regulation 19 of these Regulations, if the delivery involves extra costs to the reception facility and a surcharge may also be imposed on ships delivering exceptionally large quantities of waste, in relation to the ship's size, type and sailing time with the surcharge being stipulated as a percentage.</p> <p>(4) In calculating the charges payable by offshore installations, the Agency shall base its calculations on part, the whole or a combination of the following information on the offshore installations-</p> <p>(a) gross tonnage;</p> <p>(b) external dimensions;</p> <p>(c) storage capacity; and</p> <p>(d) quantity and type of waste discharged to the waste reception facility offshore.</p>	Calculation of charges.
	PART IV-ENFORCEMENT	
23.-(1)	<p>Where-</p> <p>(a) the master of a ship has not complied with the requirement in regulations 9(2), 9(3) or 19 of these Regulations to notify the Port Authority, a terminal operator, jetty, shipyard, offshore installation or the Agency, as the case may be ; or</p> <p>(b) the Port Authority, terminal operator, jetty, shipyard, offshore installation, the Agency or any other national Agency has clear evidence that a ship has proceeded to sea without the master having complied with regulations 10(1), (4), 16, 17, 18 or 19 of these Regulations as the case may be,</p> <p>the Port Authority, terminal operator, jetty, shipyard or offshore installation shall immediately inform the Agency.</p> <p>(2) Where there is clear evidence that a ship has proceeded to sea without having complied with regulations 10(1), (4), 16, 17, 18 or 19 of these Regulations, the Agency shall, if the next port of call of the ship is a port of another member State, inform the competent authority of the State in which the port is situated about the ship and the evidence of its compliance failure.</p> <p>(3) Where the Agency has been informed by another competent authority of a ship in respect of which there is clear evidence of the type mentioned in sub-regulation (1) of this regulation, the Agency shall inspect the ship at the earliest opportunity.</p>	Non-compliance or suspected non-compliance.
24.-(1)	<p>Any Port Authority, terminal operator, jetty, shipyard, offshore installation who fails to comply with a-</p> <p>(a) requirement of regulation 3 of these Regulations in relation to the provision of waste reception facilities;</p> <p>(b) requirement of regulation 5 of these Regulations or to prepare a waste management plan or to submit such a plan to the Agency for approval; or</p> <p>(c) direction given under regulations 4 or 8 of these Regulations in relation to the provision of waste reception facilities or the implementation of a waste management plan, commits an offence and shall be liable on conviction to pay a fine of not less than Ten Million Naira.</p> <p>(2) A master or owner who fails to comply with-</p> <p>(a) a requirement of regulations 9 (2), (3), (5) or (6) of these Regulations;</p> <p>(b) the requirement under regulations 10 (1), (4) or regulations 16, 17, 18 or 19 of these Regulations; or</p>	Penalties.

	<p>(c) a direction given under regulations 10 (3) or 19 of these Regulations, commits an offence and shall be liable on conviction to pay a fine of not less than Ten Million Naira or imprisonment for a term of not less than two years or to both.</p> <p>(3) Where the master of a ship, in complying with regulations 9(2), (3) or 19 of these Regulations, gives false information, the owner and the master of that ship shall be deemed to have committed an offence and on conviction, each of them shall be liable to pay a fine of not less than Ten Million Naira or to imprisonment for a term of not less than two years or to both.</p> <p>(4) Where there is a contravention of-</p> <p>(a) a requirement of regulations 9 (2), (3), (5), (6) or 19 of these Regulations;</p> <p>(b) the requirement of regulations 10(1), 16, 17, 18 or 19 of these Regulations;</p> <p>(c) a direction given under regulation 10(3) or (4) of these Regulations;</p> <p>in respect of a ship, the owner of that ship commits an offence and on conviction shall be liable to pay a fine of not less than Ten Million Naira or imprisonment for a term of not less than two years or to both.</p> <p>(5) Where there is a contravention of regulation 19 of these Regulations or any other relevant provision of these Regulations by an offshore installation or the operator, both the owner and the operator of the offshore installation shall be deemed to have committed the offence and on conviction shall pay a fine of not less than Ten Million Naira or imprisonment for a term of not less than two years or to both.</p> <p>(6) It shall be a defence for a person to show that all reasonable steps had been taken to avoid the contravention of these Regulations in all proceedings.</p>	
25.-(1)	<p>Where a body corporate contravenes any of the provisions of these Regulations with the consent, connivance, or negligence of a director, manager, secretary or other similar officers of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to have committed an offence and on conviction shall pay a fine of-</p> <p>(a) Twenty Million Naira in the case of the body corporate; and</p> <p>(b) Ten Million Naira in case of a director or any other officer of the body corporate or to a term of two years imprisonment.</p> <p>(2) Where the affairs of a body corporate are managed by its members, sub-regulation (1) of this regulation shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.</p>	Offences by body corporate.
26.-(1)	<p>An inspector appointed by the Agency may inspect any Nigerian ship.</p> <p>(2) Where the inspector is satisfied that ship-generated waste or cargo residues have not been delivered in accordance with these Regulations, he may detain the ship until such waste or residues have been delivered in accordance with these Regulations.</p> <p>(3) Where there is clear evidence that the ship has proceeded to sea without having complied with Regulations 10 (1), (4), 16 or 17 of these Regulations, the inspector shall detain the ship until a more detailed assessment of compliance with these Regulations and the accuracy of any information provided by the ship in accordance with regulation 9 of these Regulations has taken place.</p> <p>(4) The appointed inspector shall not in the exercise of his power under this regulation detain or delay the ship unreasonably.</p>	Inspection and detention of a Nigerian ship.
27.-(1)	<p>An inspector appointed by the Agency may inspect any ship which is not a Nigerian ship when the ship is in a Nigerian port and if satisfied that ship-generated waste or cargo residues have not been delivered in accordance with regulations 10(1), (4), 16 or 17 of these Regulations may-</p> <p>(a) send a report to the government of the country in which the ship is registered ; and</p> <p>(b) where the ship has called at a Nigerian port in the normal course of business or for operational reasons, detain the ship until such waste or residues have been delivered in accordance with the regulations referred to in this sub-regulation.</p> <p>(2) Where the ship has proceeded to sea without having complied with regulations 10, 16 or 17 of these Regulations, the inspector shall detain the ship until a more detailed assessment of compliance with these Regulations and the accuracy of any information provided by the ship in accordance with regulation 9 or 19 of these Regulations has been verified.</p> <p>(3) Where the ship is detained, the appointed inspector shall forthwith notify the nearest maritime, consular or diplomatic representative of the State whose flag the ship is entitled to fly.</p> <p>(4) The appointed inspector shall not, in the exercise of his power under this regulation, detain or delay the ship unreasonably.</p>	Inspection and detention of ships other than Nigerian ships.





(3)	<p>(c) a State other than a member State, any authority designated as such by that State.</p> <p>Words and expressions used in these Regulations which are defined in the Act shall bear those meanings throughout these Regulations.</p>	
30.	These Regulations may be cited as the Merchant Shipping (Ship Generated Marine Waste Reception Facilities) Regulations, 2012.	Citation.

## SCHEDULE 1

(Regulation 5(5))

### REQUIREMENTS FOR WASTE MANAGEMENT PLANS

1. Waste management plans shall-
  - (a) cover all types of prescribed wastes originating from ships normally visiting the port, terminal, jetty, shipyard or offshore installation;
  - (b) be developed according to the size of the port, terminal, jetty, shipyard or offshore installation and the types of ship calling at that port, terminal, jetty, shipyard or offshore installation; and
  - (c) take account of the National Guidelines on the Management of Ship Generated Waste prepared by the Agency.
2. A waste management plan shall provide for the following-
  - (a) an assessment of the need for waste reception facilities, taking cognizance of the need of the ships normally visiting the port, jetty, terminal or otherwise operating within the offshore environment;
  - (b) a description of the type and capacity of waste reception facilities;
  - (c) a detailed description of the procedures for the reception and collection of prescribed wastes;
  - (d) procedures for inspecting and reporting alleged inadequacies of waste reception facilities;
  - (e) procedures for on-going consultations with the master and owners using the port, terminal, jetty, shipyard or offshore installation and waste reception facility operators, the Nigerian Ports Authority, the Agency and other interested parties; and
  - (f) the type and quantities of prescribed wastes received and handled.
3. In addition to paragraph 2 of this Schedule, a waste management plan shall include--
  - (a) a summary of relevant legislation and formalities for delivery;
  - (b) identification of an nominated person responsible for the implementation and monitoring of the waste management plan;
  - (c) a description of the equipment and processes utilised as applicable;
  - (d) a description of methods of recording actual use of the waste reception facilities;
  - (e) a description of methods of recording amounts of prescribed wastes received; and
  - (f) a description of how the prescribed wastes are to be disposed.
4. The procedures for reception, collection, storage, treatment and disposal should conform in all respects to an environmental management scheme suitable for the progressive reduction of the environmental impact of these activities.
5. The waste management plan shall provide for the following information to be made available to persons using the harbour or terminal-
  - (a) brief reference to fundamental importance of proper delivery of prescribed wastes;
  - (b) location of waste reception facilities applicable to each berth, with a diagram or map;
  - (c) list of prescribed wastes normally dealt with;
  - (d) list of contact points, the operators and the services offered;
  - (e) description of procedures for delivery;
  - (f) description of charging system; and
  - (g) procedures for reporting alleged inadequacies of waste reception facilities.

**SCHEDULE 2**

Regulation 9 (1)

**INFORMATION TO BE NOTIFIED**

INFORMATION TO BE NOTIFIED BEFORE ENTRY INTO THE PORT OF.....

1. Name, call sign and, where appropriate, I~O identification number of the ship:
2. Flag State:
3. Estimated time of arrival (ETA):
4. Estimated time of departure (ETD):
5. Previous port of call:
6. Next port of call:
7. Last port and date when ship-generated waste was delivered:
8. Are you delivering all \_ some \_ none \_(\*)of your waste into port reception facilities?
9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity:

*If delivering all waste, complete second column as appropriate.*

*If delivering some or no waste, complete all columns.*

Type of Waste to be delivered in m<sup>3</sup>

Maximum dedicated storage capacity in m<sup>3</sup>

Amount of waste retained onboard in m<sup>3</sup>

Port at which remaining waste will be delivered

Estimated amount of waste to be generated between notification and next port of call in m<sup>3</sup>

1. *Waste oils*                      Sludge, Bilge Water, Others (specify)
2. *Garbage*                      Food waste, Plastic, Other
3. Cargo associated waste (1) (specify)
4. Cargo residues (1) (specify)

(1) May be estimates.

(\*) Ring appropriate answer.

Notes:

1. This information may be used for port State control and other inspection purposes.
2. Member States will determine which bodies will receive copies of this notification.

I confirm that the above details are accurate and correct and there is sufficient dedicated on board capacity to store all waste generated between notification and the next port at which waste will be delivered.

Date .....

Time .....

Signature .....

MADEAt Abuja this 1st day of June, 2012.

SENATOR IDRIS UMAR  
*Minister of Transport,*  
*Federal Republic of Nigeria*

## EXPLANATORY NOTE

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

These Regulations provide for a statutory and regulatory framework for waste reception facilities for offshore installations, all types of ship-generated waste, compulsory waste management plans and for licensing of waste management organisations and setting up reporting requirements for waste delivery.