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Cc: yk_lai@mardep.gov.hk

Subject: Prevention of Pollution by Garbage

Dear MD's Recognized Organizations,

Please be advised that the Merchant Shipping (Prevention of Pollution by Garbage) Regulation Cap.413O has become effective on 1 July 2015 which contained requirements from the revised MARPOL Annex V (resolution MEPC.201(62)).

Certification is not necessary but three documents are required to be established onboard.

1. Garbage Placards - section 9 of Cap.413O;
2. Garbage management plans - section 10 of Cap.413O; and
3. Garbage record books - section 11 of Cap.413O

It is appreciated that your attending auditor(s) could verify the above three documents be maintained onboard during each ISM shipboard audit to a Hong Kong registered ship.

Attached please find a copy of Cap.413O for your information and quick reference.

With best regards,

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Chapter:	413O	Merchant Shipping (Prevention of Pollution by Garbage) Regulation	Gazette Number	Version Date
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		Empowering section	E.R. 2 of 2015	07/07/2015
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(Cap 413, section 3)

(Enacting provision omitted—E.R. 2 of 2015)

[1 July 2015]

(Originally L.N. 74 of 2015)

Part:	1	Preliminary	L.N. 74 of 2015	01/07/2015
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Section:	1	(Omitted as spent—E.R. 2 of 2015)	E.R. 2 of 2015	07/07/2015
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Section:	2	Interpretation	L.N. 74 of 2015	01/07/2015
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(1) In this Regulation—

all plastics (全塑料), in relation to garbage, means garbage that consists of or includes plastic in any form, including synthetic ropes, synthetic fishing nets, plastic garbage bags and ashes from the incineration of plastic products;

animal carcasses (動物屍體) means the bodies of any animals that are carried on board as cargo and that die or are euthanized during the voyage;

Annex V (《附則V》) means Annex V to the Convention, entitled “Regulations for the Prevention of Pollution by Garbage from Ships”, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

cargo remnants (貨物剩餘物), in relation to a ship, means the remnants of any cargo other than those which are regulated under any other subsidiary legislation made under the Ordinance;

cargo residues (貨物殘餘物), in relation to a ship, means cargo remnants which remain on the deck or in holds following loading or unloading (including loading and unloading excess or spillage), whether in wet or dry condition or entrained in wash water, but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship;

Convention (《公約》) means the International Convention for the Prevention of Pollution from Ships, 1973, including its protocols and appendices, and Annex V (but no other Annex), as from time to time revised or amended by any revision or amendment to any provision of such Convention that applies to Hong Kong;

cooking oil (食油) means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food;

domestic wastes (起居廢棄物), in relation to a ship or a fixed or floating platform, means all types of wastes which are generated in the accommodation spaces on board the ship or the platform (other than those which are regulated under any other subsidiary legislation made under the Ordinance), but does not include grey water;

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

fishing gear (漁具) means any physical device or part of the device, or any combination of items, that may be placed on or in the water or on the sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or fresh water organisms;

fishing or aquaculture activities (捕魚或水產養殖活動), in relation to a ship, means—

- (a) fishing activities undertaken during the voyage of the ship; or
- (b) aquaculture activities which involve—

- (i) the transport of fish (including shellfish) for placement in an aquaculture facility; and
- (ii) the transport of harvested fish (including shellfish) from the facility to shore for processing;

fixed or floating platform (固定式或浮式海洋平台) means a fixed or floating structure located at sea which is engaged in the exploration, exploitation or associated offshore processing of sea-bed mineral resources;

food wastes (食物廢棄物), in relation to a ship or a fixed or floating platform, means any spoiled or unspoiled food substances and includes fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard the ship or the platform;

garbage (廢物)—

- (a) in relation to a ship, means all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear and animal carcasses which are generated during the normal operation of the ship and liable to be disposed of continuously or periodically, but does not include—
 - (i) any substance which is regulated under any other subsidiary legislation made under the Ordinance; and
 - (ii) fresh fish or any part of fresh fish generated as a result of fishing or aquaculture activities; and
- (b) in relation to a fixed or floating platform, means all kinds of food wastes, domestic wastes and operational wastes, all plastics, incinerator ashes and cooking oil which are generated during the normal operation of the platform and liable to be disposed of continuously or periodically, but does not include any substance which is regulated under any other subsidiary legislation made under the Ordinance;

Government surveyor (政府驗船師) means a person appointed under section 15 to be a Government surveyor;

IMO means the International Maritime Organization;

incinerator ashes (焚化爐灰燼) means ashes and clinkers resulting from the incineration of garbage on board a ship or a fixed or floating platform;

nearest land (最近陸地), when used in “from the nearest land”, means—

- (a) in relation to all land (other than the land referred to in paragraph (b)), the baseline from which the territorial sea of the territory in question is established in accordance with international law; and
- (b) in relation to the north-eastern coast of Australia which lies between the points 11° 00'S, 142° 08'E and 24° 42'S, 153° 15'E, straight lines joining consecutively the following points—
 - (i) 11° 00'S, 142° 08'E;
 - (ii) 10° 35'S, 141° 55'E;
 - (iii) 10° 00'S, 142° 00'E;
 - (iv) 9° 10'S, 143° 52'E;
 - (v) 9° 00'S, 144° 30'E;
 - (vi) 10° 41'S, 145° 00'E;
 - (vii) 13° 00'S, 145° 00'E;
 - (viii) 15° 00'S, 146° 00'E;
 - (ix) 17° 30'S, 147° 00'E;
 - (x) 21° 00'S, 152° 55'E;
 - (xi) 24° 30'S, 154° 00'E; and
 - (xii) 24° 42'S, 153° 15'E;

operational wastes (操作所致廢棄物)—

- (a) in relation to a ship, means solid wastes which are collected on board during the normal maintenance or operation of the ship, or used for cargo stowage or handling, and includes cleaning agents and additives contained in cargo hold wash water, deck wash water or external surfaces wash water, but does not include grey water, bilge water, or other similar discharges essential to the operation of the ship as specified in the guidelines developed by IMO for the implementation of Annex V; and
- (b) in relation to a fixed or floating platform, means solid wastes which are collected on board during the normal maintenance or operation of the platform, and includes cleaning agents and additives contained in deck wash water or external surfaces wash water, but does not include grey water, bilge water, or other similar discharges essential to the operation of the platform as specified in the guidelines developed by IMO for the implementation of Annex V;

plastic (塑料) means a solid material—

- (a) which contains as an essential ingredient one or more high molecular mass polymers;
- (b) which is formed or shaped during either the manufacture of the polymer or the fabrication of the polymer into a finished product by heat or pressure; and
- (c) which has material properties ranging from hard and brittle to soft and elastic;

ship (船、船舶) means a vessel operating in the marine environment and includes a hydrofoil, hovercraft, submersible or floating craft, but does not include a fixed or floating platform;

solid wastes (固體廢棄物) means all solid wastes (including slurries) other than those which are regulated under any other subsidiary legislation made under the Ordinance;

special area (特殊區域) has the meaning given by Regulation 1 of Annex V;

special cargo residues (特殊貨物殘餘物) means cargo residues which cannot be recovered using commonly available methods for unloading;

special discharge from a platform (平台特殊排放), in relation to a fixed or floating platform, means a discharge—

- (a) that is necessary for the purpose of securing the safety of the platform and the persons on board the platform or of saving life at sea; or
- (b) that is an accidental loss resulting from damage to the platform or its equipment;

special discharge from a ship (船舶特殊排放), in relation to a ship, means a discharge—

- (a) that is necessary for the purpose of securing the safety of the ship and the persons on board the ship or of saving life at sea;
- (b) that is an accidental loss resulting from damage to the ship or its equipment;
- (c) that is a discharge of fishing gear from the ship for the protection of the marine environment or for the safety of the ship or its crew; or
- (d) that is an accidental loss of fishing gear from the ship;

treated food wastes (經處理食物廢棄物) means food wastes—

- (a) which have passed through a comminuter or grinder; and
- (b) which are capable of passing through a screen with openings no greater than 25 mm;

treated introduced avian products (經處理引進鳥類產品) means introduced avian products—

- (a) which have passed through a comminuter or grinder; and
- (b) which are capable of passing through a screen with openings no greater than 25 mm.

(2) In this Regulation—

- (a) a reference to the master of a fixed or floating platform is a reference to the person in charge of the operation of the platform; and
- (b) a reference to the owner of a fixed or floating platform is a reference to the person who owns the platform.

Section:	3	Application to ships	L.N. 74 of 2015	01/07/2015
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(1) This Regulation applies to—

- (a) a Hong Kong ship wherever it may be; and
- (b) a non-Hong Kong ship within the waters of Hong Kong.

(2) This Regulation does not apply to—

- (a) a warship;
- (b) a naval auxiliary; or
- (c) any other ship owned or operated by a government and used only on government non-commercial service.

Part:	2	Prohibitions on Discharge of Garbage from Ships and Fixed or Floating Platforms	L.N. 74 of 2015	01/07/2015
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Section:	4	Prohibition on discharge of garbage from ships	L.N. 74 of 2015	01/07/2015
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(1) Subject to subsection (2) and sections 5 and 6, the discharge of garbage from a ship into the sea is prohibited.

(2) The discharge (whether outside or within a special area) of treated food wastes from a ship is permitted if—

- (a) the ship is alongside or within 500 m of a fixed or floating platform; and

- (b) the platform is located more than 12 nautical miles from the nearest land.

Section:	5	Discharge of garbage from ships outside special areas permitted in certain circumstances	L.N. 74 of 2015	01/07/2015
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- (1) A ship (but not a ship that is alongside or within 500 m of a fixed or floating platform) may discharge the garbage referred to in subsection (4), (5), (6) or (7) into the sea outside a special area if—
 - (a) the ship is en route; and
 - (b) the discharge is made as set out in that subsection.
- (2) A ship (but not a ship that is alongside or within 500 m of a fixed or floating platform) may discharge the garbage referred to in subsection (8) into the sea outside a special area.
- (3) The requirement in subsection (1)(a) does not apply if—
 - (a) the garbage is food wastes; and
 - (b) it is clear that the retention of the food wastes on board presents an imminent health risk to the persons on board.
- (4) The garbage is treated food wastes and the discharge is made as far as practicable from the nearest land and in any case not less than 3 nautical miles from the nearest land.
- (5) The garbage is food wastes (other than treated food wastes) and the discharge is made as far as practicable from the nearest land and in any case not less than 12 nautical miles from the nearest land.
- (6) The garbage is special cargo residues which do not contain any substance classified as harmful to the marine environment as specified in the guidelines developed by IMO for the implementation of Annex V, and the discharge is made as far as practicable from the nearest land and in any case not less than 12 nautical miles from the nearest land.
- (7) The garbage is animal carcasses and the discharge is made as far as practicable from the nearest land and after taking into account the guidelines developed by IMO for the implementation of Annex V.
- (8) The garbage is cleaning agents and additives—
 - (a) which are contained in cargo hold wash water, deck wash water or external surfaces wash water; and
 - (b) which only contain substances classified as not harmful to the marine environment as specified in the guidelines developed by IMO for the implementation of Annex V.

Section:	6	Discharge of garbage from ships within special areas permitted in certain circumstances	L.N. 74 of 2015	01/07/2015
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- (1) A ship (but not a ship that is alongside or within 500 m of a fixed or floating platform) may discharge the garbage referred to in subsection (4), (5) or (6) into the sea within a special area if—
 - (a) the ship is en route; and
 - (b) the discharge is made as set out in that subsection.
- (2) A ship (but not a ship that is alongside or within 500 m of a fixed or floating platform) may discharge the garbage referred to in subsection (8) into the sea within a special area.
- (3) The requirement in subsection (1)(a) does not apply if—
 - (a) the garbage is food wastes; and
 - (b) it is clear that the retention of the food wastes on board presents an imminent health risk to the persons on board.
- (4) The garbage is treated food wastes (other than treated introduced avian products) which have not been contaminated by any other type of garbage, and the discharge is made as far as practicable from the nearest land (or the nearest ice shelf) and in any case not less than 12 nautical miles from the nearest land (or the nearest ice shelf).
- (5) The garbage is treated introduced avian products (including poultry and poultry parts) which have not been contaminated by any other type of garbage, and—
 - (a) the discharge is made as far as practicable from the nearest land (or the nearest ice shelf) and in any case not less than 12 nautical miles from the nearest land (or the nearest ice shelf); and
 - (b) the discharge is not made in the Antarctic area unless the products are sterilized.
- (6) The garbage is harmless special cargo residues or harmless cleaning agents and additives, and the conditions set out in subsection (7) are satisfied.

- (7) The conditions are—
- that both the port of departure and the next port of destination are within the same special area and the ship does not transit outside the special area between those ports;
 - that those ports do not have adequate reception facilities; and
 - that the discharge is made as far as practicable from the nearest land (or the nearest ice shelf) and in any case not less than 12 nautical miles from the nearest land (or the nearest ice shelf).
- (8) The garbage is cleaning agents and additives—
- which are contained in deck wash water or external surfaces wash water; and
 - which only contain substances classified as not harmful to the marine environment as specified in the guidelines developed by IMO for the implementation of Annex V.
- (9) In this section—

harmless cleaning agents and additives (無害清潔劑及添加劑) means cleaning agents and additives—

- which are contained in cargo hold wash water; and
- which only contain substances classified as not harmful to the marine environment as specified in the guidelines developed by IMO for the implementation of Annex V;

harmless special cargo residues (無害特殊貨物殘餘物) means special cargo residues—

- which are contained in cargo hold wash water; and
- which do not contain any substance classified as harmful to the marine environment as specified in the guidelines developed by IMO for the implementation of Annex V.

Section:	7	Ships operating in Antarctic area	L.N. 74 of 2015	01/07/2015
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Before entering the Antarctic area, the owner and the master of a ship must ensure that—

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

Section:	8	Prohibition on discharge of garbage from platforms	L.N. 74 of 2015	01/07/2015
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- Subject to subsection (2), the discharge of garbage from a fixed or floating platform into the sea is prohibited.
- The discharge of treated food wastes from a fixed or floating platform is permitted if the platform is located more than 12 nautical miles from the nearest land.

Part:	3	Duty to Display Placards and Maintain Garbage Management Plans and Garbage Record Books etc.	L.N. 74 of 2015	01/07/2015
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Section:	9	Placards	L.N. 74 of 2015	01/07/2015
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- A ship of 12 m or more in length overall must display a placard that complies with the requirements set out in subsection (3).
- A fixed or floating platform must display a placard that complies with the requirements set out in subsection (4).
- For subsection (1), the placard—
 - must notify the crew and passengers of the ship of the requirements set out in sections 4, 5 and 6; and
 - must be written—
 - in the working language of the crew; and
 - (if the ship is engaged in a voyage to a port or an offshore terminal under the jurisdiction of a country other than the People's Republic of China) unless the working language is English, French or Spanish, also in English, French or Spanish.
- For subsection (2), the placard—
 - must notify the persons on board the platform of the requirements set out in section 8; and
 - must be written—
 - in the working language of the persons on board the platform; and
 - unless the working language is English, French or Spanish, also in English, French or Spanish.

(5) In this section—

length overall (總長度), in relation to a ship, means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure of the ship.

Section:	10	Garbage Management Plans	L.N. 74 of 2015	01/07/2015
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- (1) A ship referred to in subsection (2) must have on board a Garbage Management Plan that complies with the requirements set out in subsection (4) and the crew of the ship must implement the Plan.
- (2) Subsection (1) applies to a ship—
 - (a) which is of 100 gross tonnage or above; or
 - (b) which is certified to carry 15 or more persons.
- (3) A fixed or floating platform must have on board a Garbage Management Plan that complies with the requirements set out in subsection (4) and the persons on board the platform must implement the Plan.
- (4) The Plan referred to in subsection (1) or (3)—
 - (a) must provide for the procedures for minimizing the volume of, collecting, storing, processing and the discharge of, garbage, and the use of equipment on board;
 - (b) must designate the person in charge for carrying out the Plan;
 - (c) must be written in the working language of the crew of the ship or the persons on board the platform; and
 - (d) must be prepared in accordance with such guidelines as may be adopted by IMO for the development of a Garbage Management Plan.

Section:	11	Garbage Record Books	L.N. 74 of 2015	01/07/2015
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- (1) A ship referred to in subsection (2), and a fixed or floating platform, must have on board a Garbage Record Book that complies with the requirements set out in subsection (3).
- (2) Subsection (1) applies to any of the following ships—
 - (a) a ship which is of 400 gross tonnage or above and is certified to carry less than 15 persons;
 - (b) a ship which is of 400 gross tonnage or above and is—
 - (i) certified to carry 15 or more persons; and
 - (ii) engaged in a voyage of more than one hour in duration;
 - (c) a ship which is—
 - (i) certified to carry 15 or more persons; and
 - (ii) engaged in a voyage of more than one hour in duration to a port or an offshore terminal under the jurisdiction of a country other than the People's Republic of China.
- (3) The requirements are as follows—
 - (a) the Book must be in the form specified in Annex V;
 - (b) every discharge of garbage (whether into the sea or at a reception facility) and every completed incineration must be recorded in the Book promptly;
 - (c) every special discharge from a ship and every special discharge from a platform must be recorded in the Book and an entry must be made of the following—
 - (i) the location and circumstances of, and the reasons for, the discharge;
 - (ii) the details of the items discharged; and
 - (iii) the precautions taken to prevent or minimize the discharge;
 - (d) the Book must be signed—
 - (i) by the person in charge of a discharge on the date of the discharge; and
 - (ii) by the person in charge of an incineration on the date of the incineration;
 - (e) each completed page of the Book must be signed by the master of the ship or the platform; and
 - (f) the entries in the Book must be made in English, French or Spanish.
- (4) If the entries in the Book are also made in an official language of the state whose flag the ship or the platform is entitled to fly, and there is an inconsistency between the entries made in that language and those made in one of the languages referred to in subsection (3), the entries made in that language are to prevail.
- (5) The Book must be kept on board the ship or the platform in a place so as to be readily available for inspection at all reasonable times for a period of 2 years from the date of the last entry made in it.

Section:	12	Entries on special discharges be made	L.N. 74 of 2015	01/07/2015
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- (1) This section applies to a ship of less than 400 gross tonnage that is not required to keep a Garbage Record Book.
- (2) If there is a special discharge from a ship, an entry must be made in the official log book of the ship of the following—
 - (a) the location and circumstances of, and the reasons for, the discharge;
 - (b) the details of the items discharged; and
 - (c) the precautions taken to prevent or minimize the discharge.

Section:	13	Duty to report discharge or loss of fishing gear	L.N. 74 of 2015	01/07/2015
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- (1) If there is a discharge of fishing gear from a ship for the protection of the marine environment or for the safety of the ship or its crew, or an accidental loss of fishing gear from a ship, and the discharge or loss poses a significant threat to the marine environment or navigation, the master of the ship must report the discharge or loss to the Authority.
- (2) In this section—

Authority (有關當局), in relation to a ship, means—

 - (a) if the discharge or loss occurs within the waters subject to the jurisdiction of a coastal state, the state; and
 - (b) the state whose flag the ship is entitled to fly.

Part:	4	Powers of Director and Government Surveyors	L.N. 74 of 2015	01/07/2015
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Section:	14	Exemption	L.N. 74 of 2015	01/07/2015
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The Director may exempt any ship or class or description of ships, or any fixed or floating platform or class or description of fixed or floating platforms, from any of the requirements of this Regulation on such conditions as the Director may specify, and the Director may alter or cancel any such exemption.

Section:	15	Appointment of Government surveyors	L.N. 74 of 2015	01/07/2015
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The Director may appoint a person to be a Government surveyor for the purposes of this Regulation.

Section:	16	Power of Government surveyors to inspect, examine etc. ships and platforms	L.N. 74 of 2015	01/07/2015
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- (1) Any of the powers conferred by this section may be exercised for the purpose of ascertaining whether this Regulation has been or is being complied with.
- (2) A Government surveyor may, at any reasonable time—
 - (a) board a ship or a fixed or floating platform that is within the waters of Hong Kong; and
 - (b) take with the surveyor any other person and any equipment or materials required to assist the surveyor.
- (3) After boarding the ship or the platform, the Government surveyor may—
 - (a) inspect the ship or the platform;
 - (b) make any examination and investigation as the surveyor considers necessary;
 - (c) take samples of any article or substance found on the ship or the platform that the surveyor may reasonably require for the inspection, examination or investigation;
 - (d) inspect, seize and remove from the ship or the platform any article or substance in respect of which the surveyor suspects on reasonable grounds that an offence under this Regulation has been committed;
 - (e) detain the article or substance for so long as is necessary—
 - (i) for the inspection, examination or investigation; and
 - (ii) to ensure that it is available for use as evidence in any proceedings for an offence under this Regulation;

- (f) take any measurements and photographs and make any recordings that the surveyor may reasonably require for the inspection, examination or investigation;
 - (g) require that the ship or the platform, or any part of the ship or the platform, or anything on the ship or the platform, is to be left undisturbed (whether generally or in particular respects) for so long as is necessary for the inspection, examination or investigation;
 - (h) require any person who the surveyor reasonably believes is able to give any information relevant to the inspection, examination or investigation—
 - (i) to attend at a place and time specified by the surveyor;
 - (ii) to answer the questions that the surveyor thinks fit to ask; and
 - (iii) to sign a declaration of the truth of the person's answers;
 - (i) require the production of, and inspect and take copies of or of any entry in—
 - (i) any books or documents that are required to be kept under this Regulation; and
 - (ii) any other books or documents that the surveyor considers necessary for the inspection, examination or investigation; and
 - (j) require any person to afford the surveyor such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the surveyor considers necessary to enable the surveyor to exercise any power conferred by this section.
- (4) If an inspection of a ship or a fixed or floating platform under subsection (3) reveals a deficiency, the Director may give a direction to the master of the ship or the platform requiring the master to cause the ship or the platform not to proceed to sea until the deficiency is rectified.
- (5) A master to whom a direction is given under subsection (4) must—
- (a) comply with the direction;
 - (b) take steps to rectify the deficiency; and
 - (c) inform the Director once the deficiency is rectified.

Section:	17	Power to require production of Garbage Record Books and official log books	L.N. 74 of 2015	01/07/2015
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- (1) Without limiting section 16, a Government surveyor may do one or more of the following—
- (a) require the master of a ship to which section 11 applies or the master of a fixed or floating platform to produce the Garbage Record Book of the ship or the platform for inspection;
 - (b) require the master of a ship to which section 12 applies to produce the official log book of the ship for inspection;
 - (c) make a copy of any entry in the Book or the log book;
 - (d) require the master of the ship or the platform to certify that the copy made is a true copy of the entry.
- (2) A copy certified by the master under subsection (1) is admissible in evidence on its production in any proceedings without further proof and is evidence of the facts stated in the copy.

Part:	5	Offences and Penalties	L.N. 74 of 2015	01/07/2015
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Section:	18	Obstruction and non-compliance with requirements	L.N. 74 of 2015	01/07/2015
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- (1) A person must not—
- (a) wilfully obstruct a Government surveyor in the exercise of any power conferred by section 16 or 17; or
 - (b) make a statement or sign a declaration that the person knows is false, or recklessly make a statement or sign a declaration that is false, in purported compliance with a requirement under section 16(3)(h).
- (2) A person must comply with a requirement imposed on the person under section 16(3).

Section:	19	Offences and penalties	L.N. 74 of 2015	01/07/2015
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- (1) If any of the requirements in section 4(1), 9(1), 10(1), 11(1) or (5), 12(2) or 13(1) is contravened in respect of a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 6.
- (2) If section 7 is not complied with, the owner and the master of the ship concerned each commits an offence and is

liable to a fine at level 6.

- (3) If any of the requirements in section 8(1), 9(2), 10(3) or 11(1) or (5) is contravened in respect of a fixed or floating platform, the owner and the master of the platform each commits an offence and is liable to a fine at level 6.
- (4) A master of a ship or a fixed or floating platform who fails to comply with a direction given under section 16(4) commits an offence and is liable to a fine at level 6.
- (5) A person who contravenes section 18(1) commits an offence and is liable to a fine at level 6.
- (6) A person who without reasonable excuse fails to comply with section 18(2) commits an offence and is liable to a fine at level 6.
- (7) If an offence under this section is committed, or would, save for the operation of section 20, have been committed by the owner or the master of a ship or a fixed or floating platform due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or the master.

Section:	20	Defences	L.N. 74 of 2015	01/07/2015
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- (1) If a person is charged with an offence under section 19(1) for contravening section 4(1), it is a defence for the person charged to prove that the discharge—
 - (a) is necessary for the purpose of securing the safety of the ship and the persons on board the ship or of saving life at sea;
 - (b) is an accidental loss resulting from damage to the ship or its equipment and all reasonable precautions have been taken, before and after the occurrence of the damage, to prevent or minimize such loss;
 - (c) is a discharge of fishing gear from the ship for the protection of the marine environment or for the safety of the ship or its crew; or
 - (d) is an accidental loss of fishing gear from the ship and all reasonable precautions have been taken to prevent such loss.
- (2) If a person is charged with an offence under section 19(3) for contravening section 8(1), it is a defence for the person charged to prove that the discharge—
 - (a) is necessary for the purpose of securing the safety of the platform and the persons on board the platform or of saving life at sea; or
 - (b) is an accidental loss resulting from damage to the platform or its equipment and all reasonable precautions have been taken, before and after the occurrence of the damage, to prevent or minimize such loss.