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Statutory Instrument

S.I. 2025 No. 23

MERCHANT SHIPPING (CHEMICAL POLLUTION PREVENTION) REGULATIONS, 2025

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Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (CHEMICAL POLLUTION PREVENTION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Chemical Pollution Prevention) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means the *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" has the same meaning as in the Act;

"Antarctic area" means the sea area south of latitude 60 degrees south;

"anniversary date" means the day and month of each year that correspond to the date of expiry of a relevant noxious liquid substances certificate;

"annual survey period" means the period of 6 months beginning 3 months before each anniversary date;

"approved" in relation to a procedures and arrangements manual or marine pollution plan, means

(a) in the case of a Barbados-registered ship, approved by the Administration; and

(b) in the case of a foreign-registered ship, approved by or on behalf of the government of the contracting state in which the ship is registered;

"Arctic waters" has the meaning given in Regulation 21.2 of Annex II to the Convention;

"Barbados ship" has the same meaning as in the Act;

"Barbados waters" has the same meaning as in the Act;

"cargo record book" means a book in the form specified in Appendix 2 to Annex II to the Convention;

"certifying authority" means the Administration or a person authorized by the Administration in consultation with the Minister;

"chemical tanker" means a cargo ship constructed or adapted for the carriage in bulk of a liquid substance listed in Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, but does not include an offshore support vessel or a gas carrier;

"Code for Recognized Organizations" means the latest edition of that Code adopted on 17th May 2013 by International Maritime Organization Resolution MEPC.237(65);

"Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" means the code of that name published by the International Maritime Organization, and amended by International Maritime Organization Resolutions MEPC.249 (66) and MSC.376 (93);

"constructed" in relation to a ship, has the same meaning as in paragraph 14 of Regulation 1 of Annex II to the Convention;

"contracting state" means a state that has consented to be bound by the Convention;

"Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended;

"direct replacement" means the direct replacement of equipment and fittings with equipment and fittings that conform with the requirements that apply to that ship;

"discharge" in relation to noxious liquid substances, means any release, however caused, from a ship, and includes an escape, disposal, spilling, leaking, pumping, emitting or emptying, but does not include a release of noxious liquid substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources, or the release of such substances for purposes of legitimate scientific research into pollution abatement or control;

"emergency plan" means

(a) in the case of a Barbados noxious liquid substances ship, a plan approved by a certifying authority as respects to that ship; and

(b) in the case of any other noxious liquid substances ship, a plan approved by or on behalf of the government of the contracting state in which the ship is registered;

"endorsement" in relation to a relevant noxious liquid substances certificate, means an endorsement drawn up in English that

(a) is issued in connection with a certificate described in any of subparagraphs *(a)* to *(e)* of the definition "noxious liquid substances certificate"; and

(b) satisfies the requirements specified in the code, regulation, appendix or guidelines applicable to that certificate;

"gas carrier" means a cargo ship

(a) for which a certificate certifying compliance with the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk is in force;

(b) that is constructed or adapted for the carriage in bulk of a substance listed in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk and identified in that list by an asterisk; and

(c) that is not intended for, or engaged in, the carriage of any other noxious liquid substance in bulk;

"gross tonnage" means gross tonnage determined in accordance with the *Merchant Shipping (Tonnage) Regulations, 2025* (S. I. 2025 No. 29);

"Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels" means the guidelines of that name published by the International Maritime Organization;

" harbour master" includes a dock master, pier master and any person designated as such by the Port Chief Executive Officer, for the purpose of enforcing these Regulations;

"in bulk" means directly and without any intermediate form of containment in a tank forming an integral part of, or permanently located in, or on a ship;

"International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" means the latest edition of that Code published by the International Maritime Organization;

"International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk" means the latest edition of that Code published by the International Maritime Organization;

"intermediate survey period" in relation to a noxious liquid substances certificate, means a period of 6 months beginning 3 months before its second or third anniversary date;

"marine pollution emergency plan" means a plan described in regulation 33;

"merchant shipping notice" means a notice described as such and issued in accordance with the Act, and includes an amendment to that notice or a notice replacing that notice;

"nautical mile" means an international nautical mile of 1,852 metres;

"noxious liquid substances ship" means a ship intended for, or engaged in, the carriage of noxious liquid substances in bulk;

"noxious liquid substance" means

(a) a substance that has been categorized in accordance with Regulation 6 of Annex II to the Convention and that is indicated in the Pollution Category column of chapter 17 or 18 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk as falling within category X, Y or Z;

(b) a mixture containing a substance referred to in subparagraph *(a)*;

(c) a substance that has been provisionally assessed as falling within category X, Y or Z in accordance with Regulation 6.3 of Annex II to the Convention, and that is

(i) listed in MEPC.2/Circ. on the Provisional Categorization of Liquid Substances in Accordance with Annex II to the Convention and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, issued on 1st December each year; or

(ii) in the case of an substance provisionally assessed after the publication of MEPC.2/Circ. in any given year but in advance of the publication of the next MEPC.2/Circ., publicized by the International Maritime Organization as such; or

(d) a mixture containing a substance referred to in subparagraph *(c)*;

"noxious liquid substances certificate" means a certificate drawn up in English that is

(a) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted before 1st July, 1986, a certificate in the form set out in the Appendix to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk that is issued and endorsed for a specified period, in accordance with the requirements of that Code;

(b) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st July, 1986, a certificate in the form set out in the Appendix to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk that is issued and endorsed for a specified period, in accordance with the requirements of that Code;

(c) as respects a noxious liquid substances ship that is a gas carrier, a certificate in the form set out in Appendix 3 to Annex II to the Convention that satisfies the requirements of regulations 12 and 12.1 of that Annex;

(d) as respects a noxious liquid substances ship that is an offshore support vessel to which the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels apply, a Certificate of Fitness, as set out in Appendix 2 to those Guidelines, issued and endorsed for a specified period in accordance with the requirements of those Guidelines, together with a certificate described in subparagraph *(c)*; or

(e) as respects any other noxious liquid substances ship, a certificate described in subparagraph *(c)*;

"offshore installation" means a fixed or floating platform, and includes a drilling rig and a floating production, storage and offloading facility used for the offshore production and storage of oil or noxious liquid substances and a floating storage unit used for the offshore storage of produced oil;

"offshore support vessel" means

(a) a vessel that is engaged primarily in the transport of stores, materials and equipment to and from mobile offshore drilling units, fixed or floating platforms or other similar offshore installations; or

(b) a vessel that is engaged primarily in supporting the work of offshore installations, and includes a well-stimulation vessel, but does not include a mobile offshore drilling unit, derrick barge, pipe laying barge or floating accommodation unit;

"Polar Code" means the latest edition of the International Code for Ships Operating in Polar Waters, consisting of an introduction, parts I-A and II-A and parts I-B and II-B as adopted by International Maritime Organization Resolutions MSC.385 (94) and MEPC.264 (68);

"polar waters" means the Antarctic area and Arctic waters;

"procedures and arrangements manual" means a manual described in regulation 31;

"sea" includes an estuary or arm of the sea;

"ship" has the same meaning as in the Act;

"shipboard marine pollution emergency plan" means a plan described in regulation 33(4);

"survey" means a survey, carried out by a surveyor, in respect of a noxious liquid substances ship described in any of subparagraphs *(a)* to *(e)* of the definition "noxious liquid substances certificate" that is relevant to that ship; and

"surveyor" means a surveyor of ships, or any other person appointed by a certifying authority other than the Administration to be a surveyor.

(2) In these Regulations, a reference to an initial, renewal, annual, intermediate or additional survey is to be read as a reference to such a survey carried out

(a) in the case of an noxious liquid substances ship that is a chemical tanker constructed or adapted before 1st July 1986, in accordance with section 1.6 of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(b) in the case of a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st July 1986, in accordance with section 1.5.2 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(c) in the case of a noxious liquid substances ship that is a gas carrier, in accordance with Regulation 8.1 of Annex II to the Convention;

(d) in the case of a noxious liquid substances ship that is an offshore support vessel, in accordance with Regulation 8.1 of Annex II to the Convention and section 1.5 of the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels; and

(e) in the case of any other noxious liquid substances ship, in accordance with Regulation 8.1 of Annex II to the Convention.

(3) A reference in these Regulations to the date of construction of a ship is to be read as a reference to the date on which the keel of the ship is laid or the date on which the ship is at a stage of construction at which

(a) construction identifiable with a specific ship has begun; and

(b) assembly of the ship has commenced and the assembled portion constitutes at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

Purpose

3. The purpose of these Regulations is to prevent, control and reduce marine pollution by chemicals from ships.

Approvals, exemptions, directions or notices

4. An approval, exemption, direction or notice given by the Administration pursuant to these Regulations,

(a) shall be given in writing;

(b) may be communicated by electronic mail, facsimile or any similar means that is capable of producing a document containing text;

(c) may be given subject to such conditions and limitations as the Administration may specify; and

(d) may be altered or cancelled by a notice given in writing by the Administration.

Certifying authorities

5. A person authorized by the Administration as a certifying authority shall be authorized in accordance with

(a) the Convention;

(b) Parts 1 and 2 of the Code for Recognized Organizations; and

(c) Part 3 of the Code for Recognized Organizations.

References to Chemical-related Codes

6. In any provision of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, Annex II to the Convention, the Polar Code, the Code

for Recognized Organizations or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels that is applied by these Regulations,

(a) references to the Port Administration are, in relation to a ship in the territorial waters of Barbados, to be read as references to the Administration; and

(b) references to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, Annex II to the Convention, the Polar Code, the Code for Recognized Organizations and the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels are to be read as references to those instruments as defined in these Regulations.

Ambulatory references

7.(1) A reference in these Regulations to a provision in Annex II to the Convention, the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, the Polar Code, the Code for Recognized Organizations or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels is to be construed as

(a) a reference to the provision in that instrument as modified from time to time; and

(b) a reference, if the instrument is replaced by another instrument, to the equivalent provision in that other instrument.

(2) For the purposes of paragraph (1), the Convention is modified if omissions, additions or other alterations to the text take effect in accordance with Article 16 of the Convention.

(3) For the purposes of paragraph (1), the Polar Code is modified if

(a) amendments to the Introduction and Chapter 2 of part II-A of that Code are adopted, brought into force and take effect in accordance with Article 16 of the Convention, as it applies to amendments to an Annex to that Convention; and

(b) amendments to part II-B of that Code are adopted by a Resolution of the Marine Environment Protection Committee in accordance with the rules of procedure of that Committee.

(4) For the purposes of paragraph (1),

(a) Parts 1 and 2 of the Code for Recognized Organizations are modified if omissions, additions or other alterations to the text take effect in accordance with Article 16 of the Convention;

(b) Part 3 of the Code for Recognized Organizations is modified if omissions, additions or other alterations to the text are adopted by a Resolution of the Marine Environment Protection Committee, in accordance with the rules of procedure that apply to that Committee; and

(c) modifications referred to in subparagraph *(a)* or *(b)* adopted by a Resolution of the Maritime Safety Committee and the Marine Environment Protection Committee shall come into force, or take effect, at the same time.

(5) A modification to, or replacement of,

(a) the Convention by virtue of paragraph (2);

(b) the Polar Code by virtue of paragraph (3)*(a)*; or

(c) the Code for Recognized Organizations by virtue of paragraph (4)*(a)*,

has effect at the time that the modification or replacement comes into force in accordance with Article 16(8) of the Convention.

(6) For the purposes of paragraph (1), the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels are modified if omissions, additions or other alterations to the text take effect in accordance with a Resolution of either the Marine Environment Protection Committee or the Maritime Safety Committee of the International Maritime Organization.

(7) A modification of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, the Polar Code, the Code for Recognized Organizations or the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels has effect at the time specified in a Resolution described in paragraph (3)*(b)*, (4) *(c)* or (6).

(8) No modification or replacement of a reference to an instrument by virtue of paragraph (1) affects any rights or liabilities arising before the date on which the modification or replacement has effect.

Application

8.(1) Subject to paragraphs (2) to (5), these Regulations apply to

(a) a Barbados noxious liquid substances ship wherever it may be; and

(b) any other noxious liquid substances ship while it is within Barbados waters.

(2) Subject to paragraph (5), regulations 23(1) and (2) apply to a ship that

(a) is not a Barbados ship;

(b) is engaged in voyages to ports or offshore installations under the jurisdiction of a contracting state other than Barbados; and

(c) is

(i) in a port in Barbados; or

(ii) at an offshore installation in Barbados waters, other than a floating platform that is in transit.

(3) Subject to paragraph (5), regulation 27 applies to the discharge into the sea from a ship that has caused, or is likely to cause, pollution within Barbados waters.

(4) Subject to paragraph (5), regulation 29 applies to any ship that, having been enabled to proceed contrary to the requirements of that regulation, has caused, or is likely to cause, pollution within Barbados waters.

(5) These Regulations do not apply to

(a) a warship;

(b) a naval auxiliary ship; or

(c) any other ship, owned or operated by a state while used on government, non-commercial service.

Exemptions

9.(1) Subject to paragraph (3), the Administration may exempt a ship or any other vessel from a provision of these Regulations.

(2) An exemption by the Administration

(a) shall be given in writing;

(b) may be given subject to such conditions and limitations as the Administration may specify; and

(c) may be altered or cancelled by a notice given in writing, by the Administration.

(3) An exemption under paragraph (1), may be granted only if the exemption is permitted under Annex II to the Convention.

Equivalents

10. A fitting, material, appliance or apparatus may be fitted in a noxious liquid substances ship as an alternative to one that complies with these Regulations if it has been approved by the Administration and

(a) the owner or master of the ship has made an application to the Administration for permission to fit the fitting, material, appliance or apparatus, to the ship;

(b) a surveyor

(i) is satisfied that the fitting, material, appliance or apparatus is at least as effective as that required by these Regulations; and

(ii) has endorsed the application to the Administration to that effect; and

(c) the fitting, material, appliance or apparatus is fitted to the ship in accordance with any conditions or limitations set out in the approval and is used and operated in accordance with any such conditions or limitations.

PART II

SURVEY AND CERTIFICATION OF NOXIOUS LIQUID SUBSTANCES SHIPS

Relevant requirements

11.(1) In this Part, the relevant requirements in respect of a noxious liquid substances ship are

(a) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted before 1st July, 1986, the requirements set out in

(i) Regulation 12.1, 12.5 to 12.11 and Appendix 5 to Annex II to the Convention; and

(ii) Chapters II and III of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(b) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st July, 1986 and before 1st January, 2007, the requirements set out in

(i) Regulation 12.2, 12.5 to 12.11 and Appendix 5 to Annex II to the Convention; and

(ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(c) as respects a noxious liquid substances ship that is a chemical tanker constructed or adapted on or after 1st January, 2007, the requirements set out in

(i) Regulation 12.3, 12.5, 12.6 and 12.8 to 12.11 and Appendix 5 to Annex II to the Convention; and

(ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

(d) as respects a noxious liquid substances ship that is a gas carrier, the requirements set out in Regulation 5.3 of Annex II to the Convention;

(e) as respects an noxious liquid substances ship that is an offshore support vessel to which the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels apply, the requirements set out in

(i) Regulation 12.1 of Annex II to the Convention, if the vessel is constructed or adapted before 1st July, 1986;

(ii) Regulation 12.2 of Annex II to the Convention, if the vessel is constructed or adapted on or after 1st July, 1986 and before 1st January, 2007;

(iii) Regulation 12.3 of Annex II to the Convention, if the vessel is constructed or adapted on or after 1st January, 2007;

(iv) Appendix 5 to Annex II to the Convention; and

(v) Chapters 2, 3, 4, 5 and 7 of the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels; and

(f) as respects any other noxious liquid substances ship, the requirements set out in

(i) Regulation 12.1 of Annex II to the Convention, if the ship is constructed or adapted before 1st July, 1986;

(ii) Regulation 12.2 of Annex II to the Convention, if the ship is constructed or adapted on or after 1st July, 1986 and before 1st January, 2007;

(iii) Regulation 12.3 of Annex II to the Convention, if the ship is constructed or adapted on or after 1st January, 2007; and

(iv) Appendix 5 to Annex II to the Convention.

(2) For the purposes of these Regulations, a fitting, material, appliance or apparatus fitted to a noxious liquid substances ship as an alternative to any of the requirements listed in paragraph (1) meets the relevant requirements if it has been approved in accordance with the procedure specified in regulation 10.

Initial surveys of Barbados NLS ships

12. A Barbados noxious liquid substances ship shall not be put into service or, if she is already in service, continue in service, unless

(a) an initial survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;

(ii) there is on board the ship, an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved, marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) a noxious liquid substances certificate has been issued in respect of the ship and is still valid.

Renewal surveys of Barbados NLS ships

13. A Barbados noxious liquid substances ship shall not proceed to sea or, if she is already at sea, remain at sea, after the date of expiry of a noxious liquid substances certificate issued in respect of that ship, unless

(a) a renewal survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;

(ii) there is on board the ship an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) a new noxious liquid substances certificate was issued in respect of the ship following the renewal survey and is still valid.

Annual surveys of Barbados NLS ships

14. A Barbados noxious liquid substances ship shall not proceed to sea or, if she is already at sea remain at sea, after the end of an annual survey period for that ship, unless

(a) an annual survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials, comply with the relevant requirements;

(ii) there is on board the ship an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) the surveyor has endorsed the noxious liquid substances certificate in respect of the ship.

Intermediate surveys of Barbados NLS ships

15. A Barbados noxious liquid substances ship shall not proceed to sea, or, if she is already at sea, remain at sea, after the third anniversary date of a noxious liquid substances certificate in respect of that ship, unless

(a) an intermediate survey has been carried out in respect of the ship during the intermediate survey period;

(b) at the date of the survey, the surveyor is satisfied that

(i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;

(ii) there is on board the ship, an approved procedures and arrangements manual and cargo record book; and

(iii) in the case of an noxious liquid substances ship of 150 gross tonnage or more, there is on board, an approved marine pollution emergency plan or an approved shipboard marine pollution emergency plan; and

(c) the surveyor has endorsed the noxious liquid substances certificate in respect of the ship.

Responsibilities of owner and master of an NLS ship

16.(1) The owner and the master of a noxious liquid substances ship shall ensure that the condition of the ship and her equipment are maintained so as to conform with the relevant requirements that apply to the ship, to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, including to waters within the seaward limits of the territorial waters of Barbados.

(2) The owner and the master of a noxious liquid substances ship shall ensure that, after any survey of the ship required by these Regulations has been completed, no change, except by way of direct replacement, is made to the

structure, equipment, systems, fittings, arrangements and materials of the ship covered by the survey without the approval of

(a) the certifying authority who appointed the surveyor to carry out the survey; or

(b) the Administration, where the survey was carried out and the noxious liquid substances certificate was issued by a contracting state other than Barbados following a request made by the Administration pursuant to regulation 19.

(3) If an accident occurs on a noxious liquid substances ship or a defect is discovered in a noxious liquid substances ship that substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under these Regulations, the owner and the master of the ship shall

(a) report the accident or defect, at the earliest opportunity, to the certifying authority that issued the noxious liquid substances certificate in respect of the ship; and

(b) where the ship is in a port outside Barbados, immediately report the accident or the defect to the appropriate maritime authorities in the country in which the port is situated.

(4) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)*, the certifying authority

(a) shall cause an investigation to be initiated to determine whether an additional survey and any repair is necessary; and

(b) shall, if it considers that an additional survey or repair is necessary, cause that survey or repair to be carried out.

(5) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)* and the ship in question is in a port outside Barbados, the certifying authority shall ascertain that the requirement in paragraph (3)*(b)* has been complied with.

Additional surveys of Barbados NLS ships

17.(1) This regulation applies to a Barbados noxious liquid substances ship where

(a) a repair resulting from an investigation referred to in regulation 16(5) has been made to the ship; or

(b) an important repair or renewal has been made to the ship.

(2) A ship referred to in paragraph (1) shall not proceed to sea or, if she is already at sea, remain at sea, unless

(a) an additional survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that

(i) the repair or renewal has been made effectively;

(ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects; and

(iii) the ship complies in all respects with the requirements of these Regulations; and

(c) the surveyor has issued a report to that effect.

(3) For the purposes of paragraph (1)*(b)*, an important repair or renewal is a repair or renewal that is required in order to

(a) address a defect that substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or

(b) ensure compliance with the requirements of Annex II to the Convention.

(4) In the case of a dispute as to whether a repair or renewal effected or intended to be effected in respect of a ship is an important repair or renewal for the purposes of paragraph (1)*(b)*, the owner or master of a ship may serve a written request upon the Administration, seeking advice.

(5) After receipt of a request under paragraph (4), a repair or renewal is to be regarded as not being an important repair or renewal for those purposes, unless the Administration advises to the contrary within 21 days of receipt of the request.

Certification of Barbados NLS ships by Barbados authorities

18.(1) A certifying authority shall issue a noxious liquid substances certificate in respect of a Barbados noxious liquid substances ship where

(a) the certifying authority has been notified by a surveyor that the surveyor has carried out an initial or renewal survey;

(b) the notification includes confirmation that, at the date of that survey, the surveyor is satisfied that the ship complies with the relevant requirements that apply to that ship; and

(c) any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S.I. 2025 No. 38) has been paid to that authority.

(2) A certifying authority shall issue a noxious liquid substances certificate in respect of a ship that becomes a Barbados noxious liquid substances ship on the transfer from the flag of another contracting state, where

(a) a certificate that satisfies the requirements of Annex II to the Convention has been issued by the contracting state in respect of the ship;

(b) the certificate was valid immediately before the transfer;

(c) the certifying authority has caused a survey to be carried out in respect of the ship; and

(d) the certifying authority is satisfied that

(i) the condition of the ship and its structure, equipment, systems, fittings, arrangements and materials is such that it is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and

(ii) no change, other than the direct replacement of equipment and fittings with equipment and fittings that conform with the relevant requirements, has been made to the structure of the ship or her equipment, systems, fittings, arrangements or materials covered by the last survey carried out in accordance with the requirements of Annex II to the Convention without the approval of the contracting state.

Survey and certification of Barbados NLS ships by other contracting states

19.(1) The Administration may request a contracting state other than Barbados to carry out a survey of a Barbados noxious liquid substances ship.

(2) If a contracting state that has received a request under paragraph (1) is satisfied that the relevant requirements, as notified by the Administration, have been complied with in respect of that ship, that state shall

(a) issue or authorize the issuance of a noxious liquid substances certificate in respect of that ship; or

(b) endorse, or authorize the endorsement of, an existing relevant certificate.

(3) Where a relevant noxious liquid substances certificate is issued or endorsed in accordance with paragraph (2),

(a) the Administration is to be treated as the certifying authority in relation to that noxious liquid substances certificate; and

(b) any reference in these Regulations to the certifying authority that issued a certificate is be treated as a reference to the Administration.

Survey and certification of non-Barbados NLS ships by the Administration

20.(1) The Administration, when requested to do so by a contracting state other than Barbados, may cause a survey to be carried out in respect of a noxious liquid substances ship that is not a Barbados ship.

(2) If a survey described in paragraph (1) has been carried out and the Administration is satisfied that the relevant requirements are complied with, the Administration shall, subject to the payment of any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38)

(a) in the case of a ship for which there is no noxious liquid substances certificate, issue a new certificate; or

(b) in the case of a ship for which there is an existing noxious liquid substances certificate, endorse that certificate.

(3) A certificate issued or endorsed under paragraph (2)

(a) shall be in the form appropriate to that ship as prescribed in Annex II to the Convention;

(b) shall contain a statement that it has been so issued or endorsed; and

(c) has the same effect as if it had been issued or endorsed by the contracting state that made the request referred to in paragraph (1).

(4) The Administration shall, as soon as possible after completion of a survey carried out under paragraph (1), send to the contracting state that made the request a copy of

(a) the report of that survey; and

(b) any certificate issued or endorsed under paragraph (2).

(5) The Administration shall not issue or endorse a certificate in respect of a ship that

(a) is registered in a country that is not a contracting state; or

(b) is not so registered, but is entitled to fly the flag of a country that is not a contracting state.

Duration and validity of NLS certificates

21.(1) Subject to paragraphs (2) to (5), and to regulations 23(3) and 26(1), a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship is valid for the period specified in the certificate, not exceeding 5 years from the date of completion of the initial or renewal survey that preceded the issuance of the certificate.

(2) Subject to paragraph (3) and regulation 22(9), where a noxious liquid substances renewal survey of a Barbados noxious liquid substances ship is completed

(a) within the 3-month period ending on the date of expiry of the certificate in question; or

(b) after the expiry of the latest noxious liquid substances certificate;

a new noxious liquid substances renewal certificate issued following completion of a noxious liquid substances renewal survey is valid for the period specified in that certificate, beginning on the date of the completion of the noxious liquid substances renewal survey and ending on a date not exceeding 5 years from the date of expiry of the previous noxious liquid substances certificate.

(3) A noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship ceases to be valid

(a) if the ship is transferred to the flag of another state;

(b) if the ship proceeds to sea when

(i) an important repair or renewal has been made to the ship; or

(ii) the requirements of regulation 17(3) have not been complied with;

(c) if a survey required under regulation 12, 13, 14 or 15 is not completed in accordance with the requirements of these Regulations;

(d) if a noxious liquid substances certificate is not endorsed in accordance with the requirements of these Regulations;

(e) upon a new noxious liquid substances certificate being issued in respect of that ship; or

(f) upon the date of expiry of the certificate.

(4) Where a Barbados noxious liquid substances ship is transferred to the flag of another contracting state and, within 3 months after the date of transfer, the government of that state so requests, the Administration shall send to that government a copy of

(a) any noxious liquid substances certificate issued in respect of that ship; and

(b) any current survey report, if available, in respect of that ship.

(5) In this regulation, any dispute as to whether a repair or renewal is an important repair or renewal is subject to the procedure prescribed in regulation 17(5) and (6).

(6) In this regulation, "important repair or renewal" has the meaning given in regulation 17(3).

Extension of period of validity of NLS certificate

22.(1) Where the period of validity of a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship is less than 5 years, the certifying authority that issued the certificate may extend its period of validity to a maximum period of 5 years if a survey required under regulation 14 or 15 has been carried out.

(2) Where

(a) a renewal survey has been completed by a surveyor; or

(b) a new noxious liquid substances certificate in respect of that renewal survey cannot be issued or placed on board the ship before the date on which the existing noxious liquid substances certificate is due to expire;

the surveyor may endorse the existing noxious liquid substances certificate.

(3) Where a noxious liquid substances certificate has been endorsed under paragraph (2), the certificate is valid for a further period specified in the certificate that does not exceed 5 months from the original date of expiry of the certificate.

(4) Where

(a) a survey in respect of a Barbados noxious liquid substances ship has not been completed before the date on which a noxious liquid substances certificate expires; and

(b) at the date of expiry, the ship is not in the port in which the survey is to be carried out;

the certifying authority that issued the noxious liquid substances certificate may extend the period of validity of that certificate for a period not exceeding 3 months, solely for the purpose of enabling the ship to proceed to the port in which the survey is to be carried out.

(5) Where the period of validity of a noxious liquid substances certificate has been extended under paragraph (4), the ship in question shall not leave the port of survey until a new noxious liquid substances certificate has been issued in respect of that ship.

(6) Subject to paragraph (7), the certifying authority that issued a noxious liquid substances certificate in respect of a Barbados noxious liquid substances ship that is engaged solely on short voyages may extend the period of validity of that certificate for a period not exceeding one month.

(7) A certifying authority shall not extend the period of validity of a noxious liquid substances certificate under paragraph (6) if the period of validity of that certificate has already been extended under paragraph (1), (3), (4) or (6).

(8) Subject to paragraph (9) and to regulations 23(3) and 26(1), where a renewal survey has been completed and a new noxious liquid substances certificate has been issued in respect of a ship referred to in paragraph (4) or (6), the new noxious liquid substances certificate is valid for the period specified in the certificate, not exceeding 5 years from the original date of expiry of the previous noxious liquid substances certificate.

(9) In the circumstances described in paragraph (10), the period of validity of a new noxious liquid substances certificate that is

(a) issued in respect of a ship referred to in paragraph (4) or (6); or

(b) issued in respect of a ship referred to in regulation 21(2)*(b)* after the date of expiry of a noxious liquid substances certificate;

is the period specified in the new certificate, not exceeding 5 years from the date of the completion of the renewal survey in question.

(10) Paragraph (9) applies where the owner of the ship

(a) submits a request to the certifying authority for the new period of certification to begin on the date of the completion of a renewal survey;

(b) satisfies the certifying authority that the owner is justified in making such a request; and

(c) complies with any reasonable additional survey requirements that the certifying authority may impose.

(11) Where the period of validity of a noxious liquid substances certificate is extended under paragraph (1), (4) or (6), or an endorsement is to be made pursuant to paragraph (2), the certifying authority in question shall endorse the noxious liquid substances certificate.

(12) Where

(a) an annual survey is completed under regulation 14 before the beginning of the annual survey period; or

(b) an intermediate survey is completed under regulation 15 before the beginning of the intermediate survey period;

the anniversary date shown on the noxious liquid substances certificate shall be amended by an endorsement on the certificate, by the surveyor undertaking the survey, to a date that is not more than 3 months later than the date on which the survey referred to in subparagraph *(a)* or *(b)* was completed.

(13) Where the anniversary date on a noxious liquid substances certificate is amended in accordance with paragraph (12), any subsequent annual or intermediate survey shall be completed, at the intervals prescribed by these Regulations, using the new anniversary date.

(14) Where

(a) an annual survey is completed under regulation 14 before the beginning of the annual survey period; or

(b) an intermediate survey is completed under regulation 15 before the beginning of the intermediate survey period;

the date of expiry of the noxious liquid substances certificate may remain unchanged if any surveys required by regulation 14 or 15 are carried out, and endorsed on the certificate by the surveyor, so that the maximum intervals between the surveys required by these Regulations are not exceeded.

(15) In this regulation,

"original date of expiry" means the date on which a noxious liquid substances certificate would have expired but for an extension of its period of validity; and

"short voyage" means a voyage that

(a) does not exceed 1,000 nautical miles between the last port of call in the country in which the voyage begins and the last port of call in the voyage before beginning any return voyage; and

(b) on a return voyage, does not exceed 1,000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began.

(16) For the purposes of the definition "short voyage", no account is to be taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that the master, owner or any charterer of the ship could not have prevented or forestalled.

Procedure to be adopted when ship is deficient

23.(1) This regulation applies to a noxious liquid substances ship in respect of which a surveyor determines that

(a) the condition of the ship or her equipment does not correspond substantially with the particulars of a noxious liquid substances certificate issued in respect of the ship; or

(b) the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) In the circumstances described in paragraph (1), the surveyor shall

(a) immediately advise the owner or master of the corrective action that, in the opinion of the surveyor, is required; and

(b) where the ship has a valid noxious liquid substances certificate, notify the certifying authority that issued the certificate for the ship that the owner or master has been so advised.

(3) A certifying authority shall suspend the validity of a noxious liquid substances certificate if the corrective action advised in accordance with paragraph (2)*(a)* is not taken within the time specified by the surveyor.

(4) Where a certifying authority suspends the validity of a noxious liquid substances certificate issued in respect of a ship, it shall immediately give notice of such suspension

(a) to the owner of the ship; and

(b) where the ship is in a port outside Barbados, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of a ship is given notice of a suspension, the owner shall notify the master of the ship of the suspension.

Prohibition on non-Barbados NLS ships proceeding to sea

24. A noxious liquid substances ship other than a Barbados noxious liquid substances ship shall not proceed to sea from a port in Barbados unless

(a) a contracting state has issued and, where appropriate, endorsed a noxious liquid substances certificate in respect of that ship and that certificate and endorsement is still valid;

(b) the government of a state that is not a contracting state has issued and, where appropriate, endorsed a certificate in respect of that ship that is considered by the certifying authority to have the same force as a certificate issued in accordance with the requirements of Annex II to the Convention, and that certificate and endorsement is still valid;

(c) a surveyor of ships

(i) has carried out a survey of the ship as if regulation 13 applied to that ship; and

(ii) is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or

(d) a person having the power to detain the ship

(i) is satisfied that the ship can proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available, without presenting an unreasonable threat of harm to the marine environment; and

(ii) has permitted the ship to so proceed.

Arbitration

25.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a Barbados noxious liquid substances ship, the applicant may serve a written notice on the responsible person within 21 days of receiving notification of that outcome

(a) stating that there is a dispute between them; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3), an arbitrator referred to in paragraph (1) shall be appointed by agreement between the applicant and the responsible person.

(3) In default of an agreement between the applicant and the responsible person, the arbitrator shall be a person appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch) or a recognized maritime-industry-specific body or association at the request of

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is

(a) a person who holds a certificate to act as

(i) a master or chief mate on a seagoing ship of 3,000 gross tonnage or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

(ii) a chief engineer officer or second engineer officer on a seagoing ship, powered by main propulsion machinery of 3,000 kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

(iii) a person who holds a certificate of competency equivalent to a certificate referred to in subparagraph *(a)*;

(iv) a naval architect;

(v) a person who is qualified to be appointed to a high judicial office in Barbados;

(vi) a person with special experience of shipping matters or of activities carried on in ports; or

(vii) a member of the Chartered Institute of Arbitrators (Barbados Branch).

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in a merchant shipping notice apply, unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.

(7) In this regulation,

"applicant" means a person who makes an application for a survey required by these Regulations; and

"responsible person" means

(a) the certifying authority responsible under regulation 18 or 19 for the issuance of the noxious liquid substances certificate in connection with which a survey required by these Regulations is carried out; or

(b) in the case of a dispute relating to an additional survey required by regulation 17, the certifying authority that issued the noxious liquid substances certificate in respect of the ship.

(8) A reference to a Regulation in a numbered Chapter of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers shall be read as a reference to a Regulation contained

in the numbered Chapter in Attachment 1 to the Final Act of the 2010 Manila Conference of Parties to the that Convention.

Miscellaneous provisions relating to NLS certificates

26.(1) The Administration may cancel a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship, if the Administration has reason to believe that

(a) the certificate was issued on false or erroneous information; or

(b) since the completion of any survey required by these Regulations, the equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Administration may require the surrender of a noxious liquid substances certificate issued in respect of a Barbados noxious liquid substances ship that has expired or been cancelled.

(3) No person shall

(a) intentionally alter a relevant noxious liquid substances certificate;

(b) intentionally make a false relevant noxious liquid substances certificate;

(c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;

(d) with intent to deceive, use, lend, or allow to be used by another, a noxious liquid substances certificate;

(e) fail to surrender a noxious liquid substances certificate, where required to do so under paragraph (2); or

(f) forge a noxious liquid substances certificate.

(4) The owner and the master of a Barbados noxious liquid substances ship in respect of which a noxious liquid substances certificate has been issued shall

ensure that the certificate is readily available on board the ship for inspection at all times.

PART III

OPERATIONAL REQUIREMENTS

Control of discharges of noxious liquid substances from ships

27.(1) Subject to paragraphs (2) to (7), no person shall discharge into the sea from any ship

(a) a noxious liquid substance; or

(b) ballast water, tank washings or any other mixture containing a noxious liquid substance.

(2) Subject to paragraph (3), a noxious liquid substance may be discharged into the sea from a certificated noxious liquid substances ship if

(a) the ship is proceeding en route at a speed of at least

(i) 7 knots, in the case of a ship that is self-propelled; or

(ii) 4 knots, in the case of a ship that is not self-propelled

(b) the discharge is made below the waterline through one or more underwater discharge outlets at a rate not exceeding the maximum for which the outlet is designed;

(c) the discharge is made

(i) at a distance of not less than 12 nautical miles from the nearest land; and

(ii) in a depth of water of not less than 25 metres; and

(d) the discharge complies with the conditions and limitations prescribed in Regulation 13, paragraphs 1.2 and 4 to 7, of Annex II to the Convention.

(3) Notwithstanding paragraph (2), a discharge of a noxious liquid substance, or mixture containing such substances, into the sea in polar waters is prohibited.

(4) In the case of a certificated noxious liquid substances ship constructed before 1st January 2007, paragraph (2)*(b)* does not apply to the discharge into the sea of a Category Z substance.

(5) Any ventilation procedures used to remove cargo residues from a tank shall be carried out in accordance with Appendix 7 of Annex II to the Convention.

(6) Following the use of ventilation procedures in accordance with paragraph (5), any water subsequently introduced into the tank is not to be treated as a noxious liquid substance.

(7) Paragraphs (1) and (3) do not apply to the discharge of noxious liquid substances, or ballast water, tank washings or other mixtures containing noxious liquid substances, from a certificated noxious liquid substances ship into the sea, if the discharge

(a) is necessary to secure the safety of the ship or for saving life;

(b) results from damage to the ship or her equipment and

(i) all reasonable precautions have been taken by the master and owner, after the occurrence of the damage or discovery of the discharge, to prevent or minimize the discharge; and

(ii) the owner or master did not act with intent to cause damage or act recklessly and with knowledge that damage would probably result; or

(c) has been approved by the Administration for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

(8) In this regulation,

"category Z substance" means

(a) a substance that has been categorized in accordance with Regulation 6 of Annex II to the Convention and that is indicated in the Pollution Category column of chapter 18 or 19 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk as falling within category Z;

(b) a mixture containing a substance referred to in subparagraph *(a)*;

(c) a substance that has been provisionally assessed as falling within category Z, in accordance with Regulation 6.3 of Annex II to the Convention and that is either

(i) listed in MEPC.2/Circ. on the Provisional Categorization of Liquid Substances in Accordance with Annex II to the Convention and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, issued on 1st December each year; or

(ii) in the case of a substance provisionally assessed after the publication of MEPC.2/Circ. in any given year, but in advance of the publication of the next MEPC.2/Circ., publicized by the International Maritime Organization as such; or

(d) a mixture containing a substance referred to in subparagraph *(c)*; and

"certificated noxious liquid substances ship" means

(a) a Barbados noxious liquid substances ship that has a valid noxious liquid substances certificate; or

(b) a noxious liquid substances ship, other than a Barbados noxious liquid substances ship, that has a certificate that

(i) was issued, and where appropriate endorsed, in accordance with the requirements of Annex II to the Convention; and

(ii) is still valid in accordance with those requirements.

Unloading arrangements

28. Where noxious liquid substances are unloaded from a noxious liquid substances ship to a cargo unloading terminal, the master shall ensure that any noxious liquid substance in cargo hoses and piping systems of that terminal is not drained back to the ship.

Carriage and discharge of unassessed liquid substances

29.(1) The master of a ship shall not permit that ship to

(a) proceed to sea; or

(b) if she is already at sea, remain at sea;

if she is carrying in bulk a liquid substance that has not been categorized, provisionally assessed or evaluated in accordance with Regulation 6 of Annex II to the Convention.

(2) No person shall discharge into the sea from a ship a liquid substance that has not been categorized, provisionally assessed or evaluated in accordance with Regulation 6 of Annex II to the Convention.

Loading and carriage in bulk of noxious liquid substances

30.(1) The master of a ship shall not permit that ship to be loaded with, or to carry, any noxious liquid substance in bulk that is subject to a tripartite agreement, unless

(a) there is in force, in respect of that ship and any substance that is to be loaded or carried, a noxious liquid substances certificate issued and endorsed in accordance with these Regulations; and

(b) the loading and carriage of that substance is in accordance with the terms of that certificate.

(2) In this regulation, "tripartite agreement" means an agreement between

(a) the country that produced and provisionally assessed the substance, in accordance with Regulation 6.3 of Annex II to the Convention;

(b) the administration of the flag state of the country that is to receive the substance; and

(c) the administration of the flag state of the vessel that is to load and carry the substance.

Procedures and arrangements manual

31.(1) Every noxious liquid substances ship shall carry on board an approved procedures and arrangements manual.

(2) A procedures and arrangements manual shall be in the format specified in Appendix 4 to Annex II to the Convention.

(3) A procedures and arrangements manual shall

(a) in the case of a Barbados noxious liquid substances ship, be written in English; and

(b) in the case of any other noxious liquid substances ship, be written in or translated into English, French or Spanish.

Cargo record book

32.(1) Every noxious liquid substances ship shall be provided with a cargo record book in the form specified in Appendix 2 to Annex II to the Convention.

(2) Following completion of an operation specified in Appendix 2 to Annex II to the Convention, that operation shall be recorded promptly in the cargo record book.

(3) In the event of

(a) an accidental discharge of a noxious liquid substance, or of a mixture containing such a substance, from a ship; or

(b) a discharge made under Regulation 3 of Annex II to the Convention;

an entry shall be made in the cargo record book stating the circumstances of, and the reason for, the discharge.

(4) Each entry in the cargo record book shall be signed by the officer or officers in charge of the operation.

(5) Each page of the cargo record book shall be signed by the master of the ship.

(6) In the case of a Barbados noxious liquid substances ship, the cargo record book shall be written in English and, in the case of any other noxious liquid substances ship, it shall be written in or translated into English, French or Spanish.

(7) Where an entry has been written in the national language of the state whose flag the ship is entitled to fly, as well as in English, French or Spanish, in the case of any dispute or discrepancy, the entry made in that national language prevails.

(8) The cargo record book shall be kept in a place that is readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship to which it relates.

(9) A cargo record book shall be retained for a period of 3 years after the last entry has been made.

Marine pollution emergency plan

33.(1) A noxious liquid substances ship of 150 gross tonnage or more shall carry on board a marine pollution emergency plan that is in a form approved by the administration of the contracting state in which the ship is registered.

(2) The marine pollution emergency plan shall

(a) be developed in accordance with the Guidelines for the Development of Shipboard marine pollution emergency plans for Oil and/or Noxious

Liquid Substances, published by the International Maritime Organization as Resolution MEPC.85 (44), as adopted on 13th March, 2000, and any amendment or replacement of those Guidelines that is considered by the Administration to be relevant and that is specified in a merchant shipping notice;

(b) be written in a working language or languages understood by the master and officers on board the ship; and

(c) contain, as a minimum, the information specified in Regulation 17.2.1 to 17.2.4 of Annex II to the Convention.

(3) In the case of a noxious liquid substances ship to which Regulation 37 of Annex I of the Convention also applies, an approved marine pollution emergency plan may be combined with the approved shipboard oil pollution emergency plan required by regulation 40 of the *Merchant Shipping (Oil Pollution Prevention) Regulations, 2025* (S. I. 2025 No. 22).

(4) A plan combined under paragraph (3) shall be known as a shipboard marine pollution emergency plan.

PART IV

POLAR CODE

Application of Polar Code to NLS Ships

34.(1) The owner or master of a Barbados noxious liquid substances ship operating in polar waters shall ensure that the construction and operation of the ship complies with

(a) the environment-related provisions of the Introduction to the environmental-related provisions of the Polar Code; and

(b) Chapter 2 of Part II-A of the Polar Code.

(2) In ensuring compliance with paragraph (1)*(b)*, consideration shall be given to the guidance in Part II-B of the Polar Code.

PART V

ENFORCEMENT

Inspection of ships

35.(1) Sections 1057 and 1058 of the Act apply to a ship referred to in regulation 8 subject to paragraphs (2) to (6).

(2) The power in those sections to inspect a ship and her equipment, any part of the ship, any articles on board and any documentation carried in the ship is limited to

(a) verifying whether a noxious liquid substances certificate has been issued in respect of the ship and is still valid;

(b) verifying whether documentation referred to in regulation 24 has been issued in respect of the ship and is still valid;

(c) investigating an operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of pollution by noxious liquid substances;

(d) verifying whether the ship has discharged a noxious liquid substance in violation of these Regulations;

(e) inspecting the ship's procedures and arrangements manual;

(f) inspecting the ship's cargo record book; or

(g) inspecting the ship's marine pollution emergency plan,

except where there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of the

certificate or other documentation referred to in subparagraphs *(a)*, *(b)*, *(e)*, *(f)* or *(g)*.

(3) The power in sections 1057 and 1058 of the Act to go on board a ship may be exercised only if the ship in question is

(a) in a port in Barbados; or

(b) at an offshore installation in Barbados waters.

(4) Where a ship that is not a Barbados ship is inspected for the purposes of paragraph (2)*(d)*, the person exercising the powers of inspection shall ensure that the report of the inspection is sent to

(a) the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state; and

(b) any other contracting state that requested the inspection.

(5) Where cargo record book entries are inspected under paragraph (2)*(f)*, the person exercising the power of inspection may

(a) make a copy of any entry in that book; and

(b) require the master of the ship to certify that the copy is a true copy of the original.

(6) A copy certified in accordance with paragraph (5) is admissible in any judicial proceeding as evidence of the facts stated in it.

Investigation of alleged violations by Barbados ships

36. Upon receiving evidence that a noxious liquid substance has been discharged from a Barbados ship in violation of these Regulations, the Administration shall

(a) cause the matter to be investigated;

(b) inform the International Maritime Organization of the action taken; and

(c) where another state has reported the violation, inform that state of the action taken.

Detention of Ships

37.(1) Subject to paragraph (2), where a determination referred to in regulation 23(1) is made in relation to a ship, or a surveyor of ships has clear grounds for believing that

(a) a noxious liquid substances certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(b) documentation referred to in regulation 24 is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(c) the condition of a ship or its equipment does not correspond substantially with the particulars of any noxious liquid substances certificate or other documentation;

(d) the master or crew of a ship are not familiar with essential shipboard procedures relating to the prevention of pollution by noxious liquid substances; or

(e) an offence listed in regulation 41 is being committed in respect of a ship;

the ship may be detained by a port state control officer or other authorized official until a surveyor of ships is satisfied that it can proceed to sea without presenting any unreasonable threat of harm to the marine environment.

(2) A person who has the power to detain a ship may permit a ship that is liable to be detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where a surveyor of ships has clear grounds for believing that an offence under regulation 27 or 29(2) has been committed in respect of a ship, the ship may be detained by a port state control officer or other authorized official.

(4) The power under this Regulation to detain a ship may be exercised only if the ship in question is

(a) in a port in Barbados; or

(b) at an offshore installation in Barbados waters.

(5) Section 1221 of the Act applies where a ship may be detained under any of paragraphs (1) to (4) as if

(a) references to detention of a ship under the Act were references to detention of the ship in question under paragraphs (1) to (4); and

(b) section 1221 of the Act were omitted.

(6) Where a ship is to be detained under any of paragraphs (1) to (4), the person detaining the ship shall serve on the master of the ship, a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by a person mentioned in section 1221 of the Act.

(7) Where a ship other than a Barbados ship is detained, the Administration shall immediately inform the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state.

(8) Where a ship is detained under paragraph (3), a person who has the power to detain the ship shall, at the request of the owner, master, demise charterer or manager, immediately release the ship

(a) if no proceedings for an offence under regulation 27 or 29(2) are instituted within 7 days from the day on which the ship is detained;

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager, demise charterer or master being convicted;

(c) if either

(i) the sum of $50 000 is paid to the Administration by way of security; or

(ii) security that, in the opinion of the Administration, is satisfactory and in an amount not less than $50 000 is given to the Administration by or on behalf of the owner, manager, demise charterer or master;

(d) if the owner, manager, demise charterer or master is convicted of an offence under regulation 27 or 29(2) and any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) if the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by that court or tribunal is posted.

(9) The Administration shall repay any sum paid under paragraph (8)*(c)*, or release any security given,

(a) if no proceedings for an offence under regulation 27 or 29(2) are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager or demise charterer or master being convicted.

(10) Where a sum has been paid, or security has been given, by a person under paragraph (8)*(c)* and the owner, manager, demise charterer or master is convicted

of an offence under regulation 27 or 29(2), the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, demise charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

Harbour master's power to detain

38.(1) Where the harbour master of a harbour in Barbados has clear grounds for believing that an offence under regulation 27 or 28(2) has been committed in respect of a ship, the harbour master may detain the ship.

(2) Sections 1070(2) and (3) of the Act apply to a detention under paragraph (1) in the same manner as it applies to a detention under section 1070(1) of the Act.

(3) Where a ship is to be detained under this Regulation, the harbour master detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by the harbour authority.

(4) Where a ship is detained under this regulation, the harbour master shall immediately release the ship

(a) if no proceedings for an offence under regulation 27 or 28(2) are instituted within 7 days from the day on which the ship is detained;

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager, demise charterer or master, being convicted;

(c) if either

(i) the sum of $50 000 is paid to the harbour authority by way of security; or

(ii) security that, in the opinion of the harbour authority, is satisfactory and in an amount not less than $50 000 is given to the harbour authority, by or on behalf of the owner, manager, demise charterer or master;

(d) where the owner, manager, demise charterer or master is convicted of an offence under regulation 27 or 28(2), if any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) if the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by that court or tribunal is posted.

(5) A harbour authority shall repay any sum paid under paragraph (4)*(c)*, or release any security given,

(a) if no proceedings for an offence under regulation 27 or 28(2) are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for any such offence are instituted within that period and are concluded without the owner, manager, demise charterer or master being convicted.

(6) Where a sum has been paid, or security has been given, by a person under paragraph (4)*(c)* and the owner, manager, demise charterer or master is convicted of an offence under regulation 27 or 28(2), the sum paid or the amount made available under the security shall be applied as follows:

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, demise charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) any balance in repayment to the person who paid the sum or gave the security.

Harbour master's duty to report deficient ships

39. If the harbour master of a harbour in Barbados has reason to believe that a ship that does not comply with the requirements of these Regulations is about to enter or leave the harbour, the harbour master shall immediately report the matter to the Administration.

Right of appeal and compensation

40. Paragraphs 16 and 17 of the *Merchant Shipping (Port State Control) Regulations, 2025* (S. I. 2025 No. 40) apply in relation to the exercise of powers of detention under these Regulations in the same manner as they apply in relation to the exercise of those powers under those Regulations, subject to

(a) references to "inspector", are to be read as references to the authority detaining the ship, or to the harbour master, as the case may be;

(b) those Regulations are to be read without reference to

(i) issuance of a refusal of access notice;

(ii) a refusal of access;

(iii) a refusal of access notice; and

(iv) service of a refusal of access notice; and

(c) regulation 17(2) of those Regulations does not apply where the ship is detained by a harbour master and any compensation awarded is payable by the harbour authority.

Offences

41.(1) A contravention of

(a) regulation 12 to 15, 16(1), (2) or (3), 17, 24 or 26(2) or (4) constitutes an offence by the owner and by the master of the ship in question;

(b) regulation 22(5), 27, 31, 30,33, 32, 33 or 34 constitutes an offence by the owner, manager, demise charterer and master of the ship in question;

(c) regulation 23(5) constitutes an offence by the owner of the ship in question;

(d) regulation 26(3) constitutes an offence by the person in question; and

(e) regulation 28 constitutes an offence by the master of the ship in question.

(2) A failure by a master to comply with a requirement under regulation 35(5) *(b)* constitutes an offence.

(3) A person who commits an offence under paragraph (1) or (2) is liable on summary conviction to a fine of $10 000 and, on conviction on indictment, to a fine of $20 000.

Service of documents

42. Section 1232 of the Act applies to proceedings for an offence under these Regulations in the same manner as it applies to proceedings for an offence relating to discharge from a ship into Barbados waters under Divisions 2, 3, 5 and 6 of Part XXV of the Act and as if

(a) a reference to the discharge from a ship into Barbados waters under those Divisions were to these Regulations; and

(b) a reference to the owner were to the owner, manager or demise charterer.

Enforcement and application of fines

43. Section 1211 of the Act applies to any fine for an offence for the contravention of regulation 27, 28, 31, 30, 32, 33 or 34 in the same manner as if

(a) in section 1211(1), a reference to proceedings against the owner or master of a ship for an offence under Division 2 of Part XXV of the

Act were a reference to proceedings against the owner, manager, demise charterer or master for an offence of a contravention of regulation 27, 28, 31, 30, 32, 33 or 34; and

(b) in section 1211(2) of the Act, the reference to an offence under Part XXV of the Act were a reference to an offence of a contravention of regulation 27 or 28(2).

Restriction on jurisdiction over offences outside Barbados' limits

44.(1) In the case of a contravention of regulation 27 or 28(2) in respect of a ship that is not a Barbados ship and that is in the internal waters, territorial sea or exclusive economic zone of a foreign state, proceedings in respect of the offence shall not be instituted in Barbados, unless

(a) the foreign state, the flag state of the ship in question or a state polluted or threatened with pollution as a result of the offence requests that proceedings be taken; or

(b) the offence has caused, or is likely to cause, pollution in Barbados waters.

(2) Where such proceedings have been instituted but not concluded, they shall be suspended upon the request of the foreign state in question, in which case the Administration shall send all the evidence, court records and documents relating to the case, together with any sum paid or security given, to the foreign state.

(3) In this regulation,

"exclusive economic zone", in relation to a foreign state, means the area beyond and adjacent to the territorial sea of that state, but not extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured; and

"foreign state" means a state other than Barbados.

Suspension of proceedings at flag state request

45.(1) This regulation applies to proceedings instituted but not concluded in Barbados in respect of a contravention of regulation 27 or 28(2) that was committed outside Barbados waters by a ship that is not a Barbados ship.

(2) Subject to paragraph (3), any proceedings shall be suspended if the court is satisfied that the flag state of the ship in question has instituted proceedings corresponding to the proceedings in Barbados in respect of the contravention of that provision, within 6 months of the institution of the proceedings by Barbados.

(3) Paragraph (2) does not apply where

(a) the contravention of regulation 27 or 28(2) resulted in serious pollution to Barbados; or

(b) the Administration certifies that the flag state in question has repeatedly disregarded its obligation to effectively enforce the requirements of the Convention in respect of its ships.

(4) Where proceedings instituted by the flag state have been brought to a conclusion, the suspended proceedings in Barbados shall be terminated.

Defences

46.(1) In any proceedings for an offence under these Regulations, it is a defence for the person charged to prove that person took all reasonable steps and exercised all due diligence to ensure that the regulation in question was complied with.

(2) Without prejudice to paragraph (1), in any proceedings for an offence for a contravention of regulation 27 or 28(2), it is a defence for the person charged to prove that

(a) the ship was not a Barbados ship;

(b) the discharge took place in waters that were not in Barbados waters; and

(c) the ship was in a port in Barbados at the time of the institution of proceedings by reason only of stress of weather or another reason beyond the control of the master or owner or any charterer or manager.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping