



LAWS OF  
ST. VINCENT AND THE GRENADINES

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**CHAPTER 352**  
***MANAGEMENT OF SHIP-GENERATED SOLID***  
***WASTE ACT***

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•Act•Subsidiary•Legislation•

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*ACT*  
*Act No. 16 of 2002*

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## CHAPTER 352

### MANAGEMENT OF SHIP-GENERATED SOLID WASTE ACT

An Act to provide for the powers and jurisdiction in relation to pollution of the seas from ships, prevention of pollution from ships, prevention of pollution by solid waste, and other incidental matters.

Whereas Saint Vincent and the Grenadines is a party to the International Convention on the Prevention of Pollution from Ships together with its Protocol of 1978;

And whereas it is necessary and expedient to give effect to this Convention in relation to the prevention of pollution by solid waste;

Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines, and by the authority of the same, as follows.

*[Act No. 16 of 2002.]*

*[Date of commencement: 23rd April, 2002.]*

#### *Preliminary*

#### **1. SHORT TITLE AND COMMENCEMENT**

This Act may be cited as the Management of Ship-Generated Solid Waste Act, 2002.

#### **2. INTERPRETATION**

(1) In this Act, unless otherwise provided, words and expressions have the same meaning as in the Merchant Shipping Act.

(2) In this Act—

“**agent**” means, in relation to a ship, an agent of the owner, not being a managing owner, vested with a specific authority by the owner;

“**authorised officer**” includes an officer appointed under the Merchant Shipping Act, the Saint Vincent and the Grenadines Port Authority Act or the Public Health Act, or any other person authorised in writing by the Minister;

[Chapter 364 of the Revised Laws 1990 Edition, Chapter 362, Chapter 300(O).]

“**cargo-associated waste**” means all materials that have become waste as a result of use on board a ship for cargo stowage and handling and includes, (but is not limited to), dunnage, shoring pallets, lining and packaging materials, plywood, paper, cardboard, wire and steel strapping;

“**cargo residue**” means remnants in small quantities of any cargo material that cannot be placed in proper cargo holds and elsewhere after unloading procedures are completed, that is, unloading residual and spillage;

“**Commissioner for Maritime Affairs**” means the Commissioner for Maritime Affairs appointed under section 5 of the Merchant Shipping Act;

[Chapter 364 of the Revised Laws 1990 Edition.]

“**contaminated rags**” means rags which have been saturated with a substance defined as a harmful substance under this section;

“**contaminated waste**” includes all waste that contains food or agricultural products the importation of which is restricted under the laws of Saint Vincent and the Grenadines;

“**Director**” means the Director of Maritime Services appointed under section 4 of the Passenger Boats Act and includes any person appointed to act as Director of Maritime Services;  
[Chapter 357.]

“**discharge**”, in relation to solid waste or effluents containing solid waste, means any release or disposal howsoever caused from a ship or pleasure craft and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying but does not include—

- (a) a release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of seabed mineral resources; or
- (b) a release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

“**exclusive economic zone**” in respect of Saint Vincent and the Grenadines comprises all areas of sea, having as their innermost limits the outermost limits of the territorial sea, and as their outermost limits a line drawn seaward from the baseline from which the territorial sea is measured every point of which is at a distance of two hundred nautical miles from the nearest point of the baselines from which the breadth of the territorial sea is measured;

“**flag State**” means the State whose flag a ship is entitled to fly;

“**food waste**” means any spoiled or unspoiled victual substances, such as fruits, vegetables, dairy products, poultry, meat products,

food scraps, food particles, and all other materials contaminated by such waste, generated aboard a ship or pleasure craft, principally in the galley or dining areas;

“**from the nearest land**” means the measurements described in the Second Schedule;

[Second Schedule.]

“**General Manager**” means the General Manager of the National Solid Waste Management Authority established under section 3 of the Waste Management Act;

[Chapter 419.]

“**Government**” means the Government of Saint Vincent and the Grenadines;

“**harmful substance**” means any substance, which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;

“**maintenance waste**” means materials collected by the engine department and the deck department while maintaining and operating a ship or pleasure craft, such as soot, machinery deposits, scraped paint, deck sweepings, wiping wastes and oily rags;

“**MARPOL**” means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and the Protocols and Annex V to that protocol, and any amendments applicable to Saint Vincent and the Grenadines;

“**Medical Officer of Health**” means the port health officer



appointed under section 57 of the Public Health Act;  
[Chapter 300(O).]

“**Minister**” means the Minister to whom the responsibility for health is assigned;

“**National Solid Waste Management Authority**” means the Authority established under section 3 of the Waste Management Act;  
[Chapter 419.]

“**oily rags**” means rags that have been saturated with oil;

“**operational waste**” means all cargo-associated waste and maintenance waste including ash and clinkers, and cargo residues;

“**Organisation**” means the International Maritime Organisation;

“**pleasure craft**” means vessels that are less than twentyfour metres in length and includes vessels that are licensed to operate a charter for hire in the territorial waters of Saint Vincent and the Grenadines;

“**pollution**” means the introduction, either directly or indirectly, of substances or energy into the environment, that results in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities including fishing and other legitimate uses of the sea, impairment of the quality or use of water, air and soil, and reduction of amenities;

“**Port Manager**” means the Port Manager of the Saint Vincent and the Grenadines Port Authority appointed under section 13 of the Saint Vincent and the Grenadines Port Authority Act and includes

any person appointed to act as Port Manager;  
[Chapter 362.]

“**reception facility**” means any facility that is used for the reception of ship-generated solid waste;

“**ship**” means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air cushion vehicles, submersibles, floating craft, fixed or floating platforms;

“**solid waste**” means all kinds of victual, solid domestic and operational waste generated during the normal operation of a ship and liable to be disposed of continuously or periodically but does not include small quantities of food waste for the specific purpose of fish feeding in connection with fishing or tourist operations;

“**special area**” means a sea area where for recognised technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of marine pollution is required;

“**undue delay**” means a delay that is unreasonable and unnecessary in light of the particular conditions of a ship’s cargo, destination and schedule, and in light of the purpose and scope of the investigation, inspection or other cause for detaining a ship;

“**vessel**” includes a ship or pleasure craft.

### 3. OBJECTS OF THE ACT

The objects of the Act are to prevent the deliberate, negligent or

accidental disposal of solid waste from ships or pleasure craft for the protection of and preservation of the marine environment and the conservation of the natural resources of that environment, and to that end, regulate maritime activities.

## **PART I**

### *Prevention of Pollution from Ships General Provisions*

#### **4. SCOPE AND APPLICATION**

- (1) Unless expressly provided otherwise, this Part shall apply to—
- (a) all ships registered under Saint Vincent and the Grenadines laws and regulations; and
  - (b) all ships operating within the territorial sea, archipelagic waters or exclusive economic zone of Saint Vincent and the Grenadines.
- (2) As regards to the application of this Act to ships of States that are not MARPOL member States, no more favourable treatment shall be given to those ships than is provided for under MARPOL.

#### **5. EXEMPTIONS**

Subject to the applicable regulations mentioned in section 49, this Act shall not apply to—

- (a) ships belonging to the Government that are engaged in government, non-commercial service; and
- (b) warships, naval auxiliary or other ships owned or operated by a MARPOL member State and used for the time being only on government non-commercial service.

## 6. VIOLATIONS

- (1) The Director shall cause regulatory action, or legal proceedings to be taken or sanctions imposed in respect of any violation of this Part, as soon as possible after he is informed of a violation and if satisfied that there is clear objective evidence available for the action or proceedings to be taken or the sanction to be imposed.
- (2) In respect of ships, other than Saint Vincent and the Grenadines ships, the Director may furnish the flag State of the ship information and evidence as may be in his possession in respect of the violation.
- (3) If information and advice, as referred to in subsection (2), is received by the Director from the Government of a MARPOL member State in respect of a violation by a Saint Vincent and the Grenadines ship the Director shall promptly inform the Government and the Organisation of the action taken.
- (4) If the Director has reason to believe that a ship proposing to enter a Saint Vincent and the Grenadines port or offshore terminal is not in compliance with the requirements of this Act, and he is satisfied that the ship presents an unreasonable threat of harm to the marine environment, he may deny entry of the ship to any Saint Vincent and the Grenadines port.
- (5) The Director shall inform the General Manager and the Port Manager of any action he has taken under subsection (4).
- (6) In a case where a ship is suspected of being in violation of the requirements of this Act, the ship shall be liable to be detained.
- (7) Where under this Act, a ship is to be detained sections 242 and

254 of the Merchant Shipping Act, shall apply, mutatis mutandis.  
[Chapter 364 of the Revised Laws 1990 Edition.]

## **7. MEASURES RELATING TO SEAWORTHINESS OF SHIPS**

(1) Subject to subsection (2), if the Director has ascertained that a ship or pleasure craft within a port or offshore terminal in Saint Vincent and the Grenadines is in violation of any law of Saint Vincent and the Grenadines relating to seaworthiness of ships and threatens damage to the marine environment he shall, as far as practicable, prevent the ship from sailing.

(2) The Director may, if he deems appropriate, permit the ship to proceed only to the nearest repair yard.

## **8. MONITORING OF THE EFFECTS OF THE RISKS OF POLLUTION**

The Minister shall—

- (a) endeavour, as far as practicable, directly or through the Organisation, to observe, measure, evaluate and analyse, by recognised scientific methods the risks or effects of pollution of the marine environment;
- (b) in particular, keep under surveillance the effects of any activities that he permits in order to determine whether these activities are likely to pollute the marine environment.

## **9. ASSESSMENT OF POTENTIAL EFFECTS OF ACTIVITIES**

Where the General Manager or the Director has reasonable grounds for believing that planned activities of vessels under the jurisdiction or control of Saint Vincent and the Grenadines may cause substantial pollution of or significant and harmful changes to the environment, he shall, as far as practicable, cause to be assessed the potential effects of these activities on the marine environment and shall communicate reports of the results to the Organisation.

## **10. CERTIFICATES AND SPECIAL RULES ON INSPECTION OF SHIPS**

(1) Subject to subsection (2), a certificate issued by a MARPOL member State in accordance with MARPOL shall be accepted by the Director as having the same validity as a corresponding certificate issued under this Act.

(2) A ship holding a certificate referred to in subsection (1) shall, while in a port or offshore terminal of Saint Vincent and the Grenadines, be subject to inspection by officers duly authorised for that purpose.

(3) An inspection referred to in subsection (2) shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate, in which case, or if the ship does not carry a valid certificate, the Director shall, subject to subsection (3), cause the ship to be detained and prevent it from sailing until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(4) The Director may, grant a ship subject to a detention order referred to in subsection (3), permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(5) If a ship of a MARPOL member State is found not to be in compliance with this Part, the Director may request consultation with the government of the State concerned before denying the ship entry to a Saint Vincent and the Grenadines port or offshore terminal or taking any other action against the ship.

(6) If the Director denies entry to, or detains a ship under this section or section 6, or takes any action against a ship as referred to in subsection (5), he shall immediately inform the Maritime Commission established under section 236 of the Merchant Shipping Act who shall in turn immediately inform the consular or diplomatic representative of the State concerned, or if that is not possible, the government of that State.

[Chapter 364 of the Revised Laws 1990 Edition.]

(7) Where a ship referred to in this section does not carry a valid certificate as required by this Act or by MARPOL, the Director shall inform the government of the State concerned of the fact.

(8) Notwithstanding subsection (2), and without prejudice to any specific provisions relating to control over operational procedures that maybe contained in the Saint Vincent and the Grenadines Port Authority Act or Regulations made under the Merchant Shipping Act or contained elsewhere in this Act, an inspection referred to in subsection (2), may include an investigation of any operation regulated by this Act if there are no clear grounds for believing that the master or crew are not familiar with essential shipboard procedures for preventing pollution, and if the inspection reveals

any deficiencies, the Director shall take the necessary steps to ensure that the ship does not sail until the situation has been brought to order in accordance with the requirements of this Part.

[Chapter 362, Chapter 364 of the Revised Laws 1990 Edition.]

## **11. DETECTION OF VIOLATIONS AND ENFORCEMENT**

(1) The Director shall co-operate with other MARPOL member States in the detection of violations and enforcement of this Part, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship or pleasure craft to which this Part applies may, in any port or offshore terminal of Saint Vincent and the Grenadines, be subject to inspection by officers appointed or authorised by the Director under the Merchant Shipping Act for the purpose of verifying whether the ship or pleasure craft has discharged any harmful substances or solid waste in violation of this Part, and if the inspection indicates a violation by a ship or pleasure craft of a MARPOL member State, a report shall be forwarded to the government of the State concerned for any appropriate action.

[Chapter 364 of the Revised Laws 1990 Edition.]

(3) Where it is alleged that a ship of a MARPOL member State has discharged harmful substances or effluents or solid waste containing any substances in violation of this Part, the Director shall furnish to the government of the State concerned, evidence, if any, of the alleged violation, and if it is practicable, notify the master of the ship concerned.

(4) If the Director receives from a MARPOL member State any



evidence as is referred to in subsection (3) in respect of a Saint Vincent and the Grenadines ship, he may request the government of the State to furnish better evidence of the alleged violation.

(5) If the Director is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the violation, he shall cause the proceedings to be taken as soon as possible, and shall promptly inform the government of the State that has reported the alleged violation, and the Organisation of the action taken.

(6) Where the government of a MARPOL member State furnishes sufficient evidence that a ship to which MARPOL applies has discharged harmful substances or solid waste in any place and requests an investigation, the Director may inspect the ship when it enters a port or offshore terminal of Saint Vincent and the Grenadines, and shall send the report of the investigation to the government of the State so requesting and to the government of the flag state of the ship so that appropriate action may be taken under MARPOL.

## **12. UNDUE DELAY TO SHIPS**

(1) The Director shall make every possible effort to avoid unduly detaining or delaying a ship under sections 6, 10 and 11.

(2) A ship that is unduly detained or delayed under sections 6, 10 and 11 shall be entitled to compensation for any loss or damage suffered.

## **PART II**

### *Prevention of Pollution by Solid Waste*

#### **13. APPLICATION**

Unless expressly provided otherwise, this Part shall apply to—

- (a) all Saint Vincent and the Grenadines ships; and
- (b) all pleasure craft operating within the territorial waters of Saint Vincent and the Grenadines.

#### **14. DESCRIPTION OF SPECIAL AREAS IN THE FIRST SCHEDULE**

For the purposes of this Act, special areas are those areas mentioned in the First Schedule.

#### **15. DISPOSAL OF SOLID WASTE OUTSIDE SPECIAL AREAS IN THE SECOND SCHEDULE**

(1) For the purposes of this Part, “from the nearest land” shall have the meaning assigned to it in the Second Schedule.

(2) Subject to sections 16 to 19—

- (a) the disposal into the sea of all plastics, including but not limited to, synthetic ropes, synthetic fishing nets, synthetic fishing ropes and plastic garbage bags is prohibited;
- (b) the disposal into the sea of the following solid waste shall be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than—

- (i) twenty-five nautical miles for dunnage, lining and packing materials that will float,
- (ii) twelve nautical miles for food waste and all solid waste including paper products, rags, glass, metal, bottles, crockery and similar refuse but excluding incinerator ashes from plastic products that may contain toxic or heavy metal residues.

(3) Disposal into the sea of solid waste specified in subsection (2) (b)(ii) may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than three nautical miles.

(4) Comminuted or ground solid waste as mentioned in subsection (3) shall be capable of passing through a screen with openings no greater than twenty-five millimetres.

## **16. DISPOSAL OF SOLID WASTE FROM FIXED OR FLOATING PLATFORMS**

(1) Subject to subsection (2), disposal of solid waste is prohibited from fixed or floating platforms engaged in the exploration, exploitation, and associated offshore processing of seabed mineral resources and from all ships when alongside or within five hundred metres of the platforms.

(2) Disposal of food waste is permitted provided it is first passed through a comminuter or grinder and discharged from fixed or floating platforms more than twelve nautical miles from land, and all other ships when alongside or within five hundred metres of the

platforms.

(3) Comminuted or ground food waste as mentioned in subsection (2) shall be capable of passing through a screen with openings no greater than twenty-five millimetres.

## **17. DISPOSAL OF SOLID WASTE WITHIN SPECIAL AREAS**

(1) Subject to section 21—

- (a) disposal into the sea of the following is prohibited within special areas—
  - (i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags,
  - (ii) all other solid waste, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;
- (b) disposal into the sea of food waste within special areas, except as provided in section 21, shall be made as far as practicable from land, but in any case not less than twelve nautical miles from the nearest land.

## **18. SPECIAL PROVISION FOR WIDER CARIBBEAN REGION**

(1) Subject to section 21, disposal into the Wider Caribbean Region of food waste that has been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case, subject to section 16, not less than three nautical miles from the nearest land.

(2) Comminuted or ground food wastes as mentioned in subsection (1) shall be capable of passing through a screen with openings no greater than twenty-five millimetres.

(3) Disposal into the sea within the Wider Caribbean Region of contaminated waste is prohibited or limited to the same extent that importation of the relevant food or agricultural product is prohibited or limited under the laws of Saint Vincent and the Grenadines.

## **19. MIXED SOLID WASTE**

When solid waste is mixed with other discharges having different disposal or discharge requirements under MARPOL the more stringent requirements shall apply.

## **20. SPECIAL PROVISION FOR ANTARCTIC AREA**

A Saint Vincent and the Grenadines ship or pleasure craft shall, before entering the Antarctic area, have sufficient capacity on board for the retention of all solid waste while operating in the area and have concluded arrangements to discharge the solid waste at a reception facility after leaving the area.

## **21. EXCEPTIONS**

Sections 15 to 19 shall not apply to—

- (a) the disposal of solid waste from the ship or pleasure craft where the disposal is necessary to secure the safety of a ship and those on board or for saving life

- at sea;
- (b) the escape of solid waste resulting from damage to the ship or its equipment provided all reasonable precautions have been taken before and after the damage to prevent or minimise the escape;
- (c) the accidental loss of synthetic fishing devices, provided all reasonable precautions have been taken to prevent such loss.

## **22. PLACARDS**

(1) A ship of twelve metres in length overall and every pleasure craft shall display placards that notify the crew and passengers of the disposal requirements of sections 15, 17 and 18 as applicable.

(2) The crew of the ships or pleasure craft shall be trained to comply with the disposal requirements mentioned in subsection (1).

(3) The placards shall be written in English, and for ships engaged in voyages to ports or offshore terminals in other MARPOL member States, in English, French or Spanish.

## **23. SOLID WASTE MANAGEMENT PLANS**

(1) A ship of four hundred gross tonnage and above and every ship or pleasure craft that is certified to carry fifteen persons or more, shall carry a solid waste management plan that the crew shall follow.

(2) The solid waste management plan referred to in subsection (1)

shall—

- (a) provide written procedures for collecting, storing, processing and disposing of solid waste, including the use of the equipment on board; and
- (b) designate the person in charge of carrying out the plan; and be in accordance with the guidelines developed by the Organisation and written in the working language of the crew.

#### **24. SOLID WASTE RECORD BOOK**

(1) A ship of four hundred gross tonnage and above and a ship or pleasure craft that is certified to carry fifteen persons or more that is engaged in voyages to ports or offshore terminals of other MARPOL member States shall be provided with a Solid Waste Record Book.

(2) The Solid Waste Record Book, whether as a part of the ship's or pleasure craft's official log book or otherwise, shall be in the form specified in the Third Schedule.

[Third Schedule.]

(3) Each disposal, or completed incineration, shall be recorded in the Solid Waste Record Book and signed for on the date of the incineration or disposal by the officer in charge, and each completed part of the Solid Waste Record Book shall be signed by the master of the ship or pleasure craft.

(4) Entries shall be written in English, and for ships or pleasure craft engaged in voyages to ports or off-shore terminals in other MARPOL member States, in English, French or Spanish.

(5) An entry in the Solid Waste Record Book of a MARPOL member State made in an official national language of that State shall prevail in case of a dispute or discrepancy.

(6) The entry for each incineration or disposal shall include the date and time, position of the ship, description of the solid waste and the estimated amount incinerated or discharged at the last port of call.

(7) The Solid Waste Record Book shall be kept on board the ship or pleasure craft in a place so as to be available for inspection at a reasonable time and shall be preserved for a period of two years after the last entry is made on the record.

(8) In the event of a disposal, escape or accidental loss, an entry shall be made in the Solid Waste Record Book of the circumstances of, and reasons for, the loss.

(9) The Director may waive the requirements for a Solid Waste Record Book for any ship or pleasure craft engaged on voyages of one hour or less in duration that is certified to carry fifteen persons or more.

(10) The Director, General Manager or Medical Officer of Health may inspect the Solid Waste Record Book on board—

- (a) any Saint Vincent and the Grenadines ship to which this Part applies; and
- (b) any other ship to which this Part applies while the ship or pleasure craft is in a Saint Vincent and the Grenadines port or offshore terminal.

(11) The competent authority of the government of a MARPOL member State may inspect the Solid Waste Record Book on board



any Saint Vincent and the Grenadines ship or pleasure craft to which this Part applies while the ship or pleasure craft is in its port or offshore terminal and may make a copy of any entry in that Book, and may require the master of the ship to certify that the copy is a true copy of the entry.

(12) A copy made in accordance with subsection (11), that has been certified by the master of the ship as a true copy of an entry in the Solid Waste Record Book, shall be admissible in any judicial proceedings as evidence of the facts in the entry.

(13) The inspection of a Solid Waste Record Book and the taking of a certified copy by the competent authority under this section shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

## **25. NOTIFICATION OF SOLID WASTE DISPOSAL PROHIBITIONS**

The General Manager shall, within sixty days of the entry into force of this Act, the General Manager shall notify all owners, representatives and agents of Saint Vincent and the Grenadines ships and pleasure craft to which this Act applies, of the solid waste disposal prohibitions and restrictions provided for in this Act.

## **26. SURVEYS**

(1) Every Saint Vincent and the Grenadines ship that is required to comply with this Act and that is engaged in voyages to ports of offshore terminals under the jurisdiction of other MARPOL member States shall be subject to the following surveys—

- (a) an initial survey before the ship is put in service;

- (b) a renewal survey done at intervals specified by the Director, but not exceeding five years;
- (c) an additional survey either general or partial, as determined by the Director whenever a ship to which this Act applies is involved in an accident, or is discovered to have a defect which substantially affects its integrity, efficiency or the completeness of its equipment as provided for by this Act.

(2) The Surveys referred to—

- (a) in subsection (1)(a) and (b) must ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Part;
- (b) in subsection (1)(c) must ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship or the repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of this Part.

(3) The Director shall establish appropriate measures for ships or pleasure craft that are not subject to subsections (1) and (2) in order to ensure that this Part is complied with.

(4) Subject to subsection (5), surveys of the ship as regards enforcement of this Part shall be carried out by surveyors appointed by the Government under the Merchant Shipping Act.

[Chapter 364 of the Revised Laws 1990 Edition.]

(5) The Director may entrust the surveys either to surveyors nominated for the purpose or to organisations recognised by him,

and empower the surveyors or organisations to—

- (a) require repairs to the ship; and
- (b) carry out surveys if requested by the appropriate authority of a MARPOL member State or a port State, and in every such case, the Director shall fully guarantee the completeness and efficiency of the surveys.

(6) After any survey of the ship under this section has been completed, no significant change shall be made in the equipment, fittings, arrangements, or material covered by the survey without the approval of the Director, except the direct placement of the equipment or fittings.

(7) For the purposes of subsection (6), a change shall be deemed “significant” where the construction, systems, fittings, arrangements or material have been altered to the extent that the ship or pleasure craft no longer meets the requirements of this Part.

## **27. OFFENCES**

(1) If a ship or pleasure craft, or the owner or the master of the ship or pleasure craft, fails to comply with the requirements of this Act or the Schedules related to this Act, the owner and the master of the ship each commit an offence and each shall be liable upon summary conviction to a fine not exceeding five hundred thousand dollars.

(2) It shall be a defence for a person charged under subsection (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) If an offence under this section is committed, or would have been committed save for the operation of subsection (2), by any person due to the act or default of some other person, that other person commits an offence, and commits an offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

### **PART III**

#### *Control of Marine Pollution*

#### **28. PROHIBITION ON DISPOSAL INTO THE TERRITORIAL SEA**

(1) No person shall dispose any solid waste from any ship, pleasure craft, platform, structure or apparatus into the territorial waters of Saint Vincent and the Grenadines.

(2) No person shall discharge any solid waste from a Saint Vincent and the Grenadines ship into any part of the sea outside Saint Vincent and the Grenadines waters.

(3) A person who contravenes the provisions of subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years.

(4) In the event of an accidental disposal into territorial waters, it shall be the responsibility of the master or owner of the ship or pleasure craft, or the owner or the person in charge of the platform, structure or apparatus, as the case may be, to immediately notify the Director, the General Manager and the Medical Officer of Health, of the nature and location of accidental disposal.

(5) A person who fails to comply with the requirement of subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding one year.

(6) If the notification mentioned under subsection (4) is not received by the Director and General Manager within two hours of a disposal, it shall be presumed that any disposal was intentional and the master or owner shall be liable to the penalties provided in subsection (3).

## **29. GENERAL REQUIREMENTS FOR ON-BOARD MANAGEMENT OF SOLID WASTE BY SHIPS**

(1) A ship or pleasure craft shall have on board and maintain—

- (a) a Solid Waste Record Book; and
- (b) a comprehensive solid waste management plan, in compliance with internationally recognised shipping industry standards.

(2) The Director and the General Manager may inspect the record book mentioned in subsection (1)(a) at any time.

(3) The owner or master of any ship that fails to maintain a Solid Waste Record Book or who makes a false entry into the record book commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding one year.

### **30. REQUIREMENTS FOR PLEASURE CRAFT**

- (1) The owner or manager of any marina or other facility for pleasure craft must ensure that all solid waste from pleasure craft is disposed of in accordance with the requirements of this Part and in a manner that does not pose a risk to human health, safety or the environment.
  
- (2) An owner or master of any pleasure craft who discharges solid waste other than in the manner prescribed in this Part commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding one year.

### **31. SOLID WASTE RECEPTION FACILITIES**

- (1) Accessible and adequate solid waste reception facilities shall be provided at—
  - (a) ports and terminals;
  - (b) marinas; and
  - (c) any designated anchorage for ships and pleasure craft, in accordance with the regulations made pursuant to section 50.
  
- (2) The Port Manager and the Director shall co-operate with the National Solid Waste Management Authority to ensure that adequate and accessible solid waste reception facilities are provided at the areas mentioned in subsection (1) in accordance with the regulations made pursuant to section 50.
  
- (3) Where solid waste reception facilities are provided, the party so providing may charge any fees and charges for the use of the

facilities.

### **32. INSPECTION OF RECEPTION FACILITIES**

(1) In providing and maintaining solid waste reception facilities under subsection (1), the General Manager and the Port Manager shall ensure that—

- (a) undue delay is not caused to vessels;
- (b) the requirements of this Part and the regulations made pursuant to section 50 are met, and for this purpose shall undertake regular inspections to ensure the adequacy and efficiency of the facilities.

(2) The Port Manager shall notify the Organisation of all cases where reception facilities in Saint Vincent and the Grenadines or facilities provided in other MARPOL member States are alleged to be inadequate.

### **33. REQUIREMENTS FOR THE RECEPTION OF SOLID WASTE**

(1) Where solid waste is to be disposed of at any reception facility, the owner or master of the ship or pleasure craft shall, not less than at least twenty-four hours before the wastes are to be landed, give notice to the General Manager and the Port Manager where the solid waste is to be landed.

(2) The notice shall specify—

- (a) the nature and volume of the solid waste to be disposed of;
- (b) the seaport at which the ship is to arrive;
- (c) the estimated time and date of arrival of the ship;

- (d) the volume of waste disposed of at last port of call; and
- (e) any special waste disposal requirements.

(3) On receipt of the notice mentioned under subsection (1), the Port Manager shall consult with the General Manager and the Medical Officer of Health to verify that—

- (a) adequate facilities are available for the reception and management of the solid waste;
- (b) the nature and volume of the solid waste can be handled in a manner that would not cause a threat of harm to human health, safety or the environment; and
- (c) adequate arrangements can be made to facilitate the disposal of the solid waste without causing undue delay to ships.

(4) Where the Port Manager is satisfied as to the matters mentioned in subsection (3)(a) to (c), he shall authorise the disposal subject to the terms and conditions that he considers appropriate to ensure the safe and orderly discharge of the solid waste and shall subsequently—

- (a) advise the responsible shipping agent of the arrangements that have been made for the discharge of the solid waste;
- (b) advise the master of the ship of any requirements or conditions concerning the discharge of any solid waste.

(5) In providing for the discharge and management of solid waste from any ship or pleasure craft the General Manager and Port Manager shall comply with any requirement established under Regulations to this Act.



(6) It shall be the duty of the owner or master of the ship or his agent to take all appropriate precautions when unloading any solid waste to prevent spillage, and to ensure that the solid waste is discharged in accordance with the requirements of this section.

(7) The discharge of ballast water into any reception facility is prohibited save and except in cases of emergency, the permission of the Port Manager having been previously obtained.

(8) The Port Manager, the General Manager or Medical Officer of Health may refuse to accept solid waste—

- (a) where a threat to human health, safety and the environment is posed; or
- (b) where he is satisfied that the volume of solid waste for disposal is in excess of that generated between the last port of call and Saint Vincent and the Grenadines.

#### **34. POLLUTION PREVENTION MEASURES**

(1) The General Manager and the Port Manager may take measures to prevent, reduce or control pollution of the marine environment that must include those measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted or endangered species and other form of marine life.

(2) In taking measures to prevent, reduce or control pollution of the marine environment, the General Manager and Port Manager shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform from one type of pollution into another.

### **35. NOTIFICATION OF IMMINENT OR ACTUAL DAMAGE**

If the Director becomes aware of cases where the marine environment is in imminent danger or has been damaged by pollution, he shall immediately notify other States he deems likely to be affected by the damage, as well as the Organisation.

#### **PART IV**

#### *Monitoring, Enforcement, Inquiries, Legal Proceedings and Jurisdiction*

### **36. DUTY TO REPORT DISPOSALS OR THREATENED DISPOSALS**

(1) Where any solid waste is disposed of or escapes from a ship, pleasure craft or a fix or floating platform or structure on or under the sea or seabed, or where there is a significant threat that such a disposal may occur or escape into the territorial waters of Saint Vincent and the Grenadines, the owner or master of the ship or pleasure craft or the owner or person in charge of operations on the platform or structure shall immediately report the occurrence to the Director.

(2) The Director shall notify the Port Manager and the General Manager of the occurrence mentioned in subsection (1).

(3) The report mentioned in subsection (1) shall contain the following information—

- (a) the time and position of the disposal or escape;
- (b) the event to which the disposal or escape is directly attributable;
- (c) the weather and sea conditions at the time of the disposal or escape and at the time when the report

- was made;
- (d) the description, quantity and concentration of the solid waste that was disposed of or escaped or that may be disposed of or escaped;
- (e) where applicable, the state of the remainder of the cargo carried;
- (f) the mitigating measures that have been taken.

(4) A person who—

- (a) fails to comply with a requirement of this section; or
- (b) makes a report containing any information that is false or misleading, commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding one year.

### **37. POWER TO INVESTIGATE DISPOSAL INCIDENTS**

(1) Where there is visible evidence of the disposal of solid waste in the immediate vicinity of a vessel or its wake, the Coast Guard shall promptly investigate the circumstances of the disposal and report its findings to the Port Manager and the General Manager.

(2) The Port Manager and the General Manager may inspect the record books of any ship or pleasure craft suspected of having committed an offence under this Act, for the purpose of instituting a prosecution.

(3) The Port Manager or General Manager may make copies of any entry in any record book and may request the master of the ship or pleasure craft to certify that the copy is a true copy of the entry.

(4) In the exercise of his powers to investigate disposal incidents

the Port Manager or General Manager may—

- (a) go on board any ship to ascertain the circumstances relating to an alleged disposal or escape of solid waste from the ship or pleasure craft into the waters of the port, terminal or anchorage;
- (b) require the production of any certificates, documents or records as required by any international instrument;
- (c) copy any documents or records and require the person by whom the records are to be kept to certify the copy as a true copy;
- (d) go on board the vessel and take, or require to be taken, samples of solid waste from the ship for chemical analyses, except that a person exercising any powers conferred under this subsection shall not unnecessarily detain any ship from proceeding on any voyage.

### **38. REPORT OF MARINE ACCIDENTS**

(1) Where an accident occurs to a ship or pleasure craft in territorial waters, or while in territorial waters a defect is discovered that substantially affects the integrity of the ship, the efficiency or completeness of its equipment or if the accident produces a major deleterious effect on the marine environment, the master or owner shall immediately report the accident and its effect to the Director.

(2) A person who fails to report a marine accident under subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding three hundred thousand dollars or imprisonment for a term not exceeding two years.

### 39. EVIDENTIARY MATTERS

(1) A copy of a Solid Waste Record Book that has been certified by the master of the ship as a true copy of the entry in the book shall be admissible in any judicial proceedings as evidence of the facts stated in the Solid Waste Record Book.

(2) Where the inspection report of an authorised officer verifies that there are clear grounds for believing that the ship or pleasure craft has caused a pollution incident, the report shall be admissible in evidence as prima facie proof of the commission of the offence.

(3) Where any ship or pleasure craft fails to dispose of any solid waste into solid waste reception facilities provided for this purpose under sections 29, or fails to dispose of an appropriate amount of solid waste in the reception facility it shall be presumed that the solid waste was disposed of in violation of the requirements of this Act.

(4) The appropriate amount of disposal of solid waste mentioned in subsection (3) shall be calculated according to—

- (a) the records of the ship or pleasure craft maintained according to the requirements of section 29;
- (b) the length of the journey since the last port where solid waste was disposed of;
- (c) the number of persons on board;
- (d) any other information, including any report from crew members, passengers, passing vessels or aircraft.

#### **40. SERVICE OF DOCUMENTS ON FOREIGN COMPANIES, APPLICATION OF FINES**

(1) A document authorised or required, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under this Act alleged to have been committed by the company as owner of a ship, shall be treated as duly served on that company if the document is served on the master of the ship; and any person authorised to serve any document for the purposes of the institution or otherwise in connection with, proceedings for an offence under this Act, whether or not in pursuance of the foregoing provisions of this subsection, shall, for that purpose, have the right to go on board the ship in question.

(2) In subsection (1), “foreign company” has the same meaning as in the Companies Act.

[Chapter 143.]

(3) A person exercising the power of detention conferred by section 11 in respect of an alleged contravention of this Act shall immediately release the ship if—

- (a) no proceedings for the offence within seven days beginning with the day on which the ship is detained;
- (b) the proceedings, having been instituted through the exercise of the power conferred by subsection (1), within that period, are concluded without the master or owner being convicted;
- (c) either—
  - (i) the sum of five hundred thousand dollars is paid to the Minister by way of security, or
  - (ii) security that, in the opinion of the Minister,

is satisfactory and is for an amount not less than five hundred thousand dollars is given to the Minister, by or on behalf of the master or owner;

- (d) the master or owner is convicted of the offence, any costs or expenses ordered to be paid by him, and any fine imposed on him, have been paid; or
- (e) the release is ordered by an international court or tribunal, and any bond or other financial security ordered by the court or tribunal is posted.

(4) The Minister shall repay any sum paid in pursuance of subsection (3)(c) or release any security so given if—

- (a) no proceedings for the offence in question are instituted within seven days beginning with the day on which the sum is paid; or
- (b) the proceedings, having been instituted within that period, are concluded without the master or owner being convicted.

(5) Where a sum has been paid, or security has been given, by any person in pursuance of subsection (3)(c) and the master or owner is convicted of the offence in question, the sum so 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 master or owner; and
- (b) next in payment of any fine imposed by the court, and any sum remaining shall be repaid to the person paying or giving the security.

(6) If a fine imposed by a court in proceedings against the owner or master of a ship for an offence under this Act is not paid or any expenses ordered to be paid by him are not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining

unpaid to be levied by distress or arrestment and sale of the ship, her tackle, furniture and apparel.

(7) Where a person is convicted of an offence under this Act, and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any garbage or sewage, or making good any damage, that is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

(8) This section applies without prejudice to the application of section 43.

#### **41. RESTRICTION ON JURISDICTION OVER OFFENCES OUTSIDE SAINT VINCENT AND THE GRENADINES LIMITS**

(1) No proceedings for an offence of contravening any provisions of this Act by a ship or pleasure craft not being a Saint Vincent and the Grenadines ship, which relates to a disposal in the internal waters, territorial seas or exclusive economic zone of another State shall be instituted unless—

- (a) that State, the flag State or a State damaged or threatened by the discharge requests that proceedings be taken; or
- (b) the discharge has caused or is likely to cause pollution in the internal waters, territorial seas or exclusive economic zone of Saint Vincent and the Grenadines.

(2) Where proceedings for an offence of contravening any provision of this Act by a ship or pleasure craft not being a Saint



Vincent and the Grenadines ship or pleasure craft which relates to a disposal in the internal waters, territorial seas or exclusive economic zone of another State have been instituted but not concluded, and that State requests suspension of the proceedings, then—

- (a) proceedings shall be suspended; and
- (b) the Director shall transmit all the evidence and court records relating to the case, together with any sum paid or security given pursuant to section 40(3)(c) to that State.

(3) It shall be a defence to a person charged with contravening any provision of this Act to show—

- (a) that the ship is not a Saint Vincent and the Grenadines ship or pleasure craft; and
- (b) the disposal took place outside Saint Vincent and the Grenadines, its territorial seas, and the controlled waters of Saint Vincent and the Grenadines; and
- (c) the ship or pleasure craft was in a port in Saint Vincent and the Grenadines at the time of institution of proceedings by reason only of stress of weather or other reason beyond the control of the master of the ship.

#### **42. SUSPENSION OF PROCEEDINGS AT FLAG STATE REQUEST**

(1) This section relates to an alleged offence of contravention of a provision of this Act by a ship or pleasure craft that is not a Saint Vincent and the Grenadines ship or pleasure craft, in relation to a disposal outside Saint Vincent and the Grenadines or its territorial seas.

(2) Any proceedings for such an offence shall be stayed if the Court is satisfied that the flag State has instituted proceedings corresponding to the proceedings in Saint Vincent and the Grenadines in respect of the disposal, within six months of the institution of proceedings in Saint Vincent and the Grenadines.

(3) Subsection (2) does not apply—

- (a) where the discharge resulted in major damage to Saint Vincent and the Grenadines; or
- (b) the Director certifies that the flag State has repeatedly disregarded its obligation to enforce effectively the requirements of MARPOL in relation to its ships.

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

(5) Where the costs of the Director incurred in respect of proceedings suspended under subsection (2) have been paid, any money paid or security given under section 40(3)(c) shall be released.

### **43. MEASURES TO FACILITATE PROCEEDINGS**

(1) In proceedings instituted under this Act evidence submitted by authorities of another State, or by the Organisation, shall be admitted and witnesses shall be heard.

(2) Official representatives of the Organisation, the flag State and any State affected by the disposal of solid waste arising out of any violation shall be permitted to attend the proceedings and shall

have the rights and duties provided under the laws of Saint Vincent and the Grenadines.

#### **44. EXERCISE OF POWERS OF ENFORCEMENT**

The powers of enforcement against foreign ships under this Act may only be exercised by the Director or by any persons appointed by him.

#### **45. DUTY TO AVOID ADVERSE CONSEQUENCES IN THE EXERCISE OF THE POWERS OF ENFORCEMENT**

In the exercise of powers of enforcement against foreign ships, the Director shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

#### **46. COMPOUNDING OF OFFENCES**

(1) Notwithstanding any other provisions of this Act, the Director may compound any offence under this Act, by accepting from the person reasonably suspected of having committed the offence, a fine not exceeding one hundred and fifty thousand dollars.

(2) In exercising his powers under subsection (1), the Director shall consult the General Manager.

(3) On payment of any sum of money under subsection (1)—  
(a) the person reasonably suspected of having

- committed the offence in respect of which the payment has been made shall, if in custody, be discharged;
- (b) any ship detained in respect of the offence shall be released; and
  - (c) no further proceedings shall be taken against the person or ship in respect of the offence.

## **PART V**

### *Administration*

#### **47. POWERS OF MINISTER**

The Minister, in addition to any other power conferred on him by any other provisions of this Act, shall be responsible for the administration and implementation of this Act.

#### **48. DELEGATION OF ADMINISTRATION**

(1) The Minister may delegate any of his duties or powers, except the power to make subsidiary legislation under this Act, to the Director, Port Manager, General Manager, Medical Officer of Health or any person appointed or authorised to perform any functions under this Act.

(2) Any power or duty lawfully exercised or performed by the Director, Port Manager, General Manager, Medical Officer of Health or authorised person under this section shall be deemed to have been exercised as fully and as effectively as if it had been exercised by the Minister.

## 49. PROTECTION OF PUBLIC OFFICERS

No suit shall be maintained against any public officer or other person appointed or authorised to perform any function under this Act in respect of anything done or omitted to be done by him in good faith in the exercise or performance of any power, authority or duty conferred or imposed on him under this Act.

### 50. Power of Minister to make regulations

The Minister may make regulations generally for the administration of this Act, and in particular for the following purposes—

- (a) the enforcement of any other international convention or instrument relating to this Act;
- (b) fees, stamp duties and all other payments required under this Act;
- (c) the holding of enquiries or investigations;
- (d) prescribing requirements on board ships in respect of, *inter alia*—
  - (i) systems to comminute and disinfect solid waste,
  - (ii) maintenance of records and documents including copies of Solid Waste Record Books and issuing copies of them to other MARPOL member States upon request,
  - (iii) criteria for determining the adequacy of solid waste reception facilities at ports, terminals and anchorages and measures to be adopted to ensure adequacy and accessibility without causing undue delay to ships,
  - (iv) procedures to be followed in reporting incidents involving solid waste, based on guidelines developed by the Organisation,

- (v) pollution prevention requirements in respect of any Saint Vincent and the Grenadines ship to which MARPOL does not apply,
- (vi) the extent of application of Part I to Government ships engaged in Government, non-commercial service,
- (vii) establishing standards for the operation of marinas, anchorages and local harbour management areas in relation to the disposal of solid waste,
- (viii) the licensing of solid waste reception facilities for ships and pleasure craft,
- (ix) any other matter that is prescribed under this Act.

(2) The Minister may, in consultation with the Ministers charged with the responsibility for the environment and fisheries, and shipping, make regulations to establish standards and procedures for storage, handling, transportation and disposal of ship-generated solid waste.

(3) The Minister may, in consultation with the Ministers charged with the responsibility for agriculture and health make regulations to implement quarantine standards, processes and procedures in respect of any ship-generated solid waste.

## **51. DIRECTOR TO MAINTAIN DOCUMENTS**

The Director and the General Manager shall maintain in his office, or some other designated public office, library or repository, copies of—

- (a) the MARPOL Convention; and

- (b) all regulations made and notices issued pursuant to this Act, and copies shall be made available for inspection or, upon payment of the prescribed fee, for the taking of copies by members of the public, seafarers or persons concerned with or having an interest in ships or the protection of the marine environment or other matters provided for in this Act.

## **52. CONVENTION TO PREVAIL**

Where a provision of the MARPOL Convention and a provision of this Act conflict in any manner, the provision of the convention shall prevail.

## **53. SURVEYS INSPECTIONS AND MONITORING**

The Director, or a person appointed by him for the purpose, may board, inspect and survey any ship or pleasure craft to which this Act applies, enter port facilities in Saint Vincent and the Grenadines, demand the production of documents, records and other evidence, and take testimony of witnesses under oath, for the purpose of conducting inspections and surveys and for undertaking other activities authorised or required under the Act.

## **54. COMMUNICATION, CO-OPERATION AND CONSULTATION**

The General Manager shall, as necessary and appropriate, communicate, and consult with—

- (a) Ministries, departments and agencies of the

- Government; and
- (b) non-governmental organisations, ship-owners, seafarers associations, ships' agents, and other or other bodies or organisations involved or interested in the shipping industry or in protection of the marine environment, to further the objects of this Act.

#### **55. AMENDMENT TO SCHEDULES**

The Minister may, by Order amend, repeal or replace a Schedule.

#### **56. AMENDMENT TO MARPOL CONVENTION**

Whenever the MARPOL Convention is amended or replaced, and the amendment or replacement is accepted by Saint Vincent and the Grenadines, the Minister may by Order give effect to the amendment or replacement.

### **PART VI**

#### *Miscellaneous*

#### **57. FINAL DISPOSAL**

It shall be the responsibility of the National Solid Waste Management Authority to receive and to provide for the final disposal of ship-generated solid waste from ports, terminals, marinas; and any designated anchorage for ships.



## **58. GUIDELINES FOR THE MANAGEMENT OF SHIP-GENERATED SOLID WASTE**

The General Manager, in consultation with the Port Manager and the Medical Officer of Health, may issue guidelines and codes of practices with regard to—

- (a) the discharge, storage and management of ship-generated solid waste discharged to reception facilities;
- (b) the establishment of any training requirements or programmes on the management, storage or handling of ship-generated solid waste discharged to reception facilities; and
- (c) good environmental practice for local harbour authorities and marines.

## **59. REGIONAL CO-OPERATION**

Whenever possible, the General Manager shall pursue ways and means for regional co-operation with other States in the Wider Caribbean Region with respect to land disposal sites and facilities including—

- (a) establishing consistent waste handling, waste recycling and minimisation, waste disposal and treatment standards and procedures;
- (b) promoting the development of regional waste disposal, recycling and treatment facilities.

## First Schedule

[Section 14.]

### *Description of Special Areas*

- (a) “**The Mediterranean Sea area**” means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the parallel of 41 degrees North and bounded to the west by the Straits of Gibraltar at the meridian of 5 degrees 36 minutes West;
- (b) “**The Baltic Sea area**” means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skaggerak at 57 degrees 44.8 minutes North;
- (c) “**The Black Sea area**” means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41 degrees North;
- (d) “**The Red Sea area**” means the Red Sea proper including the Gulfs of Suez and Aquaba bounded at the south by the rhumb line between Ras si Ane (12 degrees 8.5 minutes North, 43 degrees 19.6 minutes East) and Husn Murad (12 degrees 40.4 minutes North, 43 degrees 30.2 minutes East);
- (e) “**The Gulfs area**” means the sea area located north-west of the rhumb line between Ras al Hadd (22 degrees 30 minutes North, 59 degrees 48 minutes East) and Ras al Fasteh (24 degrees 04 minutes North, 61 degrees 25 minutes East);
- (f) “**The Gulf of Aden area**” means that part of the Gulf of Aden bounded to the west by the rhumb line between Ras si Ane

(12 degrees 28.5 minutes North, 43 degrees 19.6 minutes East) and Husn Murad (12 degrees 40.4 minutes North, 43 degrees 30.2 minutes East) and to the east by the rhumb line between Ras Asir (11 degrees 50 minutes North, 51 degrees 16.9 minutes East) and the Ras Fartak (15 degrees 35 minutes North, 52 degrees 13.8 minutes East);

(g) “**The Antarctic area**” means the sea area south of latitude 60 degrees South;

(h) “The North Sea area” means the North Sea proper including seas therein with the boundary between—

- (i) the north Sea southwards of latitude 62 degrees North and eastwards of longitude 4 degrees West,
- (ii) the Skaggerak, the southern limit of which is determined east of the Skaw by latitude 57 degrees 44.8 minutes North, and
- (iii) the English Channel and its approaches eastwards of longitude 5 degrees West and northwards of latitude 48 degrees 30 minutes North;

(i) “**The Wider Caribbean region**” means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the parallel of 30 degrees North from Florida eastward to the meridian of 77 degrees 30 minutes West, thence a rhumb line to the intersection of the parallel of 20 degrees North and the meridian of 59 degrees West, thence a rhumb line to the intersection of the parallel of 7 degrees 20 minutes North and the meridian of 50 degrees West, thence a rhumb line drawn south-westerly to the eastern boundary of French Guiana.

## Second Schedule

[Sections 2 and 5.]

### *Measurements “From the Nearest Land”*

- (a) In respect of Saint Vincent and the Grenadines from the baseline that the territorial sea is measured;
- (b) In respect of other States and territories, except off the north-eastern coast of Australia, from the baseline of the territorial sea established in accordance with international law;
- (c) In respect of the north-eastern coast of Australia, from a line drawn from a point on the coast of Australia in—
  - latitude 11 degrees South,
  - longitude 142 degrees 8 minutes East,
  - to a point in latitude 10 degrees 35 minutes South,
  - longitude 141 degrees 55 minutes East,
  - thence to a point in latitude 10 degrees South,
  - longitude 142 degrees East,
  - thence to a point in latitude 9 degrees 10 minutes South,
  - longitude 143 degrees 52 minutes East,
  - thence to a point in latitude 9 degrees South,
  - longitude 144 degrees 30 minutes East,
  - thence to a point in latitude 13 degrees South,
  - longitude 144 degrees East,
  - thence to a point in latitude 15 degrees South,
  - longitude 146 degrees East,
  - thence to a point in latitude 18 degrees South,
  - longitude 147 degrees East,
  - thence to a point in latitude 21 degrees South,

longitude 153 degrees East,  
thence to a point on the coast of Australia in latitude  
24 degrees 42 minutes South,  
longitude 153 degrees 15 minutes East.

## Third Schedule

[Section 24.]

### *Form of Solid Waste Record Book*

Name of ship:.....

Distinctive number or letters:.....

IMO No.:.....

Period: From.....

To.....

#### **1. Introduction**

In accordance with regulation 9 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78), a record is to be kept of each discharge operation or completed incineration. This includes discharges at sea, to reception facilities, or to other ships.

#### **2. Solid Waste management**

Solid waste includes all kinds of food, solid domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of a ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL 73/78 (such as oil, sewage, or noxious liquid substances).

The Guidelines for the implementation of Annex V of MARPOL 73/78 should also be referred to for relevant information.

### **3. Description of solid waste**

Solid Waste is to be grouped into categories for the purposes of this record book as follows—

- (a) Plastics;
- (b) Floating dunnage, lining or packing material;
- (c) Ground-down paper products, rags, glass, metal, bottles, crockery, etc.;
- (d) Paper products, rags, glass, metal bottles, crockery, etc.;
- (e) Food waste;
- (f) Incinerator ash.

### **4. Entries in the Solid Waste Record Book**

#### **4.1 Entries in the Solid Waste Record Book shall be made on each of the following occasions—**

- (a) when solid waste is disposed of into the sea—
  - (i) Date and time of disposal;
  - (ii) Position of the ship;
  - (iii) Category of solid waste disposed of;
  - (iv) Estimated amount disposed of for each category in cubic metres;
  - (v) Signature of the Officer in charge of the operation;
- (b) when solid waste is discharged to reception facilities ashore or to other ships or pleasure craft—
  - (i) Date and time of disposal;
  - (ii) Port or facility, or name of ship or pleasure craft;
  - (iii) Category of solid waste disposed of;
  - (iv) Estimated amount disposed of for each category in cubic metres at last port of call;
  - (v) Signature of the officer in charge of the

operation;

- (c) when solid waste is incinerated—
  - (i) Date and time of start and stop of incineration
  - (ii) Position of the ship (latitude and longitude)
  - (iii) Estimated amount incinerated in cubic metres
  - (iv) Signature of the officer in charge of the operation;
- (d) accidental or other exceptional disposal of solid waste—
  - (i) Time of occurrence;
  - (ii) Port or position of the ship or pleasure craft at the time of occurrence;
  - (iii) Estimated amount and category of solid waste;
  - (iv) Circumstances of disposal, escape or loss, the reason therefor and general remarks.

## 4.2 Receipts

The master should obtain from the operator of port reception facilities, or from the master of the ship or pleasure craft receiving the solid waste, a receipt or certificate specifying the estimated amount of solid waste transferred. The receipts or certificates must be kept on board the ship or pleasure craft with the Solid Waste Record Book for two years.

## 4.3 Amount of solid waste

The amount of solid waste on board should be estimated in cubic metres, if possible separately according to category. The Solid Waste Record Book contains many references to estimated amount of solid waste is left to



interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, for example, the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in the Solid Waste Record Book.

4.4 Disposal at last port of call

The amount of solid waste that has been generated by the ship or pleasure craft between the last port of call shall and any Saint Vincent and the Grenadines port, terminal, marina or anchorage shall be recorded separately.

*Record of Solid Waste Disposals*

Ship's name .....

Distinctive no. or letters .....

IMO NO. ....

Garbage categories—

1. Plastic
2. Floating dunnage, lining or packing materials
3. Ground paper, products, rags, glass, metal, bottles, crockery, etc.
4. Paper products, rags, glass, metal, bottles, crockery, etc.
5. Food waste
6. Incinerator ash

*Note.—The discharge of any garbage other than food waste is prohibited in special areas. Only garbage discharged into the sea must be categorised. Garbage other than category discharged to reception facilities need only be listed in a total estimated amount.*

| DATE | POSITION OF THE SHIP | ESTIMATED AMOUNT DISCHARGED INTO THE SEA |        |        |        |         | ESTIMATED AMOUNT D/SCHARGED TO RECEPTION FACILITIES OR TO OTHER SHIP (M <sup>3</sup> ) | ESTIMATED AMOUNT INCINERATED (M <sup>3</sup> ) | CERTIFICATION / SIGNATURE |
|------|----------------------|--|--------|--------|--------|---------|--|--|---------------------------|
|      |                      | Cat. 2                                   | Cat. 3 | Cat. 4 | Cat. 5 | Cat. 6. |  |  |                           |
|      |                      |  |        |        |        |         |  |  |                           |
|      |                      |  |        |        |        |         |  |  |                           |

Master's Signature: .....

Date: .....

**CHAPTER 352**  
**MANAGEMENT OF SHIP-GENERATED SOLID WASTE ACT**

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**SUBSIDIARY LEGISLATION**

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No Subsidiary Legislation

THIS DOCUMENT WAS CONVERTED AND EDITED BY RAE-ANNE V. MC DOWALL