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PREVENTION OF POLLUTION OF THE SEA ACT 1990

PREVENTION OF POLLUTION OF THE SEA (HARMFUL ANTI-FOULING SYSTEMS) (AMENDMENT) REGULATIONS 2022

In exercise of the powers conferred by section 34 of the Prevention of Pollution of the Sea Act 1990, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations are the Prevention of Pollution of the Sea (Harmful Anti-Fouling Systems) (Amendment) Regulations 2022 and, except for regulations 2(*b*), (*d*) and (*e*) and 3, come into operation on 1 January 2023.

(2) Regulations 2(*b*), (*d*) and (*e*) and 3 are deemed to have come into operation on 31 December 2021.

Amendment of regulation 2

2. In regulation 2(1) of the Prevention of Pollution of the Sea (Harmful Anti-Fouling Systems) Regulations 2010 (G.N. No. S 198/2010) (called in these Regulations the principal Regulations) —

(*a*) replace the definition of “authorised organisation” with —

““authorised organisation” means an organisation authorised by regulations made under section 116 of the Merchant Shipping Act 1995 for the purposes of surveying ships and issuing certificates under Part 5 of that Act;”;

(*b*) in the definition of “gross tonnage”, replace “(Cap. 179, Rg 12)” with “(Rg 12)”;

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- (c) after the definition of “gross tonnage”, insert —
 ““GST” means the goods and services tax chargeable under the Goods and Services Tax Act 1993;”;
- (d) in the definition of “length”, replace “(Cap. 179, Rg 5)” with “(Rg 5)”; and
- (e) in the definition of “Singapore ship”, replace “Part II of the Merchant Shipping Act (Cap. 179)” with “Part 2 of the Merchant Shipping Act 1995”.

Amendment of regulation 9

3. In regulation 9(1)(a) of the principal Regulations —
- (a) replace “(Cap. 170A, Rg 3)” with “(Rg 3)”; and
- (b) replace “(Cap. 170A, Rg 6)” with “(Rg 6)”.

Replacement of regulation 14 and new regulation 15

4. In the principal Regulations, replace regulation 14 with —

“Fees

14.—(1) The fees specified in the second column of the Fourth Schedule are payable to the Director for the services specified opposite in the first column of that Schedule.

(2) Where GST is chargeable in respect of any supply of services specified in the first column of the Fourth Schedule, the GST is calculated based on the rate in force at the time the services are supplied.

Partial waiver in 2023 due to increase in GST

15. In respect of the fee for any supply of services specified in the first column of the Fourth Schedule that is chargeable with GST, an amount equivalent to 1% of the fee (exclusive of GST) is waived for the period between 1 January 2023 and 31 December 2023 (both dates inclusive).”.

Amendment of First Schedule

5. In the First Schedule to the principal Regulations, in the Table, after the last item, insert —

“

| | | | |
|---------------------------------|---|---|--|
| Cybutryne CAS No. 28159-98-0 | Ships shall not apply or re-apply anti-fouling systems containing this substance | All ships | 1 January 2023 |
| Cybutryne CAS No. 28159-98-0 | Ships bearing an anti-fouling system that contains this substance in the external coating layer of their hulls or external parts or surfaces on 1 January 2023 shall either: (1) remove the anti-fouling system; or (2) apply a coating that forms a barrier to this substance leaching from the underlying non-compliant anti-fouling system | All ships except: (1) fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2023 and that have not been in dry-dock on or after 1 January 2023; (2) ships not engaged in international voyages; and (3) ships of less than 400 gross tonnage engaged in international voyages, if accepted by the coastal State(s) | At the next scheduled renewal of the anti-fouling system after 1 January 2023, but no later than 60 months following the last application to the ship of an anti-fouling system containing cybutryne |

”

Amendment of Second Schedule

6. In the Second Schedule to the principal Regulations —

- (a) in regulation 2(3), replace “paragraphs (2) and (3) of this regulation” with “paragraphs (1) and (2) of this regulation”; and

(b) in Appendix 1 to Annex 4, replace the Model Form of International Anti-Fouling System Certificate with —

*“MODEL FORM OF
INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE*

INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

(This certificate shall be supplemented by a Record of Anti-Fouling Systems)

(Official seal)

(State)

Issued under the

International Convention on
the Control of Harmful Anti-Fouling Systems on Ships

under the authority of the Government of

.....
(name of the State)

by

.....
(person or organization authorized)

When a Certificate has been previously issued, this Certificate replaces the certificate dated

Particulars of ship¹

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

IMO number²

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with the IMO Ship Identification Number Scheme adopted by the Organization with Assembly resolution A.1117(30).

An anti-fouling system controlled under Annex 1 containing:

| | Has not been applied during or after construction of this ship | Has been applied on this ship previously, but has been removed by | Has been applied on this ship previously, but has been covered with a sealer coat applied by | Has been applied on this ship previously, but is not in the external coating layer of the hull or external parts or surfaces on | Was applied on this ship prior to |
|---|---|---|---|--|--|
| Organotin compounds which act as biocides | <input type="checkbox"/> | <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> | <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> | Not applicable | Not applicable |
| Cybutryne | <input type="checkbox"/> | <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> | <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> | 1 January 2023 | 1 January 2023, but must be removed or covered with a sealer coat prior to <i>(dd/mm/yyyy)</i> |

THIS IS TO CERTIFY THAT:

- 1 the ship has been surveyed in accordance with regulation 1 of Annex 4 to the Convention; and
- 2 the survey shows that the anti-fouling system on the ship complies with the applicable requirements of Annex 1 to the Convention.

Issued at

(Place of issue of Certificate)

.....

(Date of issue)

.....

*(Signature of authorized official
issuing the Certificate)*

Date of completion of the survey on which this certificate is issued:”.

Amendment of Fourth Schedule

7. In the Fourth Schedule to the principal Regulations, in item 5, in the second column, replace “\$14” with “\$15.12 (inclusive of GST)”.

Made on 27 December 2022.

NIAM CHIANG MENG
*Chairperson,
Maritime and Port Authority of
Singapore.*

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