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PREVENTION OF POLLUTION OF THE SEA ACT  
(CHAPTER 243)

PREVENTION OF POLLUTION OF THE SEA  
(BALLAST WATER MANAGEMENT)  
(AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred by sections 10A(3), 13A and 34(1)(*ba*) of the Prevention of Pollution of the Sea Act, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

**Citation and commencement**

1. These Regulations are the Prevention of Pollution of the Sea (Ballast Water Management) (Amendment) Regulations 2019 and come into operation on 13 October 2019.

**Amendment of regulation 3**

2. Regulation 3 of the Prevention of Pollution of the Sea (Ballast Water Management) Regulations 2017 (G.N. No. S 504/2017) (called in these Regulations the principal Regulations) is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Subject to these Regulations, the Annex (other than regulations C-3 and D-5) has the force of law in Singapore.”;

(b) by deleting the words “, the Annex, the Second Schedule and the Third Schedule” in paragraph (2) and substituting the words “and the Annex”; and

(c) by deleting the words “and Schedules” in the regulation heading.

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### **Deletion and substitution of regulation 4**

3. Regulation 4 of the principal Regulations is deleted and the following regulation substituted therefor:

**“References to Administration and other terms**

4.—(1) For the purposes of regulations A-5, B-3.8, D-4.1, D-4.2, E-1.1.2, E-1.2, E-1.3, E-1.4, E-1.5, E-1.6, E-1.7, E-1.8, E-2.1, E-2.2, E-3.1, E-3.2, E-3.3, E-5.1, E-5.3, E-5.5, E-5.6, E-5.7 and E-5.9.1 of the Annex, a reference to the Administration is a reference to the Director.

(2) For the purposes of regulations A-1.5.3, B-1, D-3.1 and E-1.10 of the Annex, a reference to the Administration is a reference to the Director or an authorised organisation.

(3) For the purposes of regulations E-2.2 and E-5.4 of the Annex, a reference to a person or organisation authorised or duly authorised by the Administration is a reference to an authorised organisation.

(4) For the purposes of regulations B-3.1, B-3.2, B-3.4, B-3.8 and B-3.10, a reference to the renewal survey is a reference to the renewal survey associated with the IOPP Certificate under MARPOL Annex I.

(5) In Appendix I of the Annex —

- (a) a reference to a competent person is a reference to the Director, a surveyor of ships or an authorised organisation; and
- (b) a reference to an authorised official or a duly authorised official is a reference to the Director, an inspector or an authorised organisation.”.

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**Amendment of regulation 5**

4. Regulation 5 of the principal Regulations is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) In granting an exemption from any requirement of regulation B-3 (relating to Ballast Water Management for Ships) or C-1 (relating to Additional Measures) of the Annex, the Director must comply with the requirements of regulation A-4.1 to A-4.4 of the Annex.”.

**Amendment of First Schedule**

5. The First Schedule to the principal Regulations is amended —

(a) by inserting, immediately after paragraph 7 of regulation A-1, the following paragraph:

“8 “BWMS Code” means the Code for Approval of Ballast Water Management Systems adopted by resolution MEPC.300(72), as may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with Article 19 of the present Convention relating to amendment procedures applicable to the Annex.”;

(b) by deleting regulation B-3 and substituting the following regulation:

“Regulation B-3

*Ballast Water Management for Ships*

1 A ship constructed before 2009:

- .1 with a ballast water capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct ballast water management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10, after which time it shall at least meet the standard described in regulation D-2;

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- .2 with a ballast water capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct ballast water management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 10, after which time it shall at least meet the standard described in regulation D-2.
  - 2 A ship constructed in or after 2009 and before 8 September 2017 with a ballast water capacity of less than 5,000 cubic metres shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.
  - 3 A ship constructed in or after 2009, but before 2012, with a ballast water capacity of 5,000 cubic metres or more shall conduct ballast water management in accordance with paragraph 1.2.
  - 4 A ship constructed in or after 2012 and before 8 September 2017 with a ballast water capacity of 5,000 cubic metres or more shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 10.
  - 5 A ship constructed on or after 8 September 2017 shall conduct ballast water management that at least meets the standard described in regulation D-2.
  - 6 The requirements of this regulation do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.
  - 7 Other methods of ballast water management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5 and paragraph 8, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.
  - 8 A ship constructed before 8 September 2017 to which the renewal survey described in paragraph 10 does not apply, shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date decided by the Administration, but not later than 8 September 2024.

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- 9 A ship subject to paragraph 2, 4 or 8 will be required to comply with either regulation D-1 or regulation D-2, until such time as it is required to comply with regulation D-2.
- 10 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 and 4 is:
- .1 the first renewal survey, as determined by the Committee,<sup>2</sup> on or after 8 September 2017 if:
    - .1 this survey is completed on or after 8 September 2019; or
    - .2 a renewal survey is completed on or after 8 September 2014 but prior to 8 September 2017; and
  - .2 the second renewal survey, as determined by the Committee,<sup>2</sup> on or after 8 September 2017 if the first renewal survey on or after 8 September 2017 is completed prior to 8 September 2019, provided that the conditions of paragraph 10.1.2 are not met.

<sup>2</sup> Reference is made to resolution MEPC.298(72).”;

(c) by deleting paragraph 1 of regulation D-3 and substituting the following paragraph:

- “1 Except as specified in paragraph 2, ballast water management systems used to comply with this Convention shall be approved by the Administration as follows:
- .1 ballast water management systems installed<sup>3</sup> on or after 28 October 2020 shall be approved in accordance with the BWMS Code, as may be amended; and
  - .2 ballast water management systems installed<sup>3</sup> before 28 October 2020 shall be approved taking into account the guidelines<sup>4</sup> developed by the Organization or the BWMS Code, as may be amended.

<sup>3</sup> Refer to paragraph 2 of the Unified Interpretation of Appendix I (Form of the International Ballast Water Management Certificate) of the BWM Convention related to “date installed” contained in BWM.2/Circ.66.

<sup>4</sup> Refer to resolution MEPC.125(53), MEPC.174(58) or MEPC.279(70), as appropriate.”;

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(d) by deleting regulation E-1 and substituting the following regulation:

“Regulation E-1

*Surveys*

- 1 Ships of 400 gross tonnage and above to which this Convention applies, excluding floating platforms, FSUs and FPSOs, shall be subject to surveys specified below:
  - .1 An initial survey before the ship is put in service or before the Certificate required under regulation E-2 or E-3 is issued for the first time. This survey shall verify that the Ballast Water Management plan required by regulation B-1 and any associated structure, equipment, systems, fitting, arrangements and material or processes comply fully with the requirements of this Convention.
  - .2 A renewal survey at intervals specified by the Administration, but not exceeding five years, except where regulation E-5.2, E-5.5, E-5.6, or E-5.7 is applicable. This survey shall verify that the Ballast Water Management plan required by regulation B-1 and any associated structure, equipment, systems, fitting, arrangements and material or processes comply fully with the applicable requirements of this Convention.
  - .3 An intermediate survey within three months before or after the second Anniversary date or within three months before or after the third Anniversary date of the Certificate, which shall take the place of one of the annual surveys specified in paragraph 1.4. The intermediate surveys shall ensure that the equipment, associated systems and processes for Ballast Water Management fully comply with the applicable requirements of this Annex and are in good working order. Such intermediate surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.

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- .4 An annual survey within three months before or after each Anniversary date, including a general inspection of the structure, any equipment, systems, fittings, arrangements and material or processes associated with the Ballast Water Management plan required by regulation B-1 to ensure that they have been maintained in accordance with paragraph 9 and remain satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under regulation E-2 or E-3.
  - .5 An additional survey, either general or partial, according to the circumstances, shall be made after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material necessary to achieve full compliance with this Convention. The survey shall be such as to ensure that any such change, replacement, or significant repair has been effectively made, so that the ship complies with the requirements of this Convention.
  - 2 The Administration shall establish appropriate measures for ships that are not subject to the provisions of paragraph 1 in order to ensure that the applicable provisions of this Convention are complied with.
  - 3 Surveys of ships for the purpose of enforcement of the provisions of this Convention shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.
  - 4 An Administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 3 shall, as a minimum, empower such nominated surveyors or recognized organizations<sup>5</sup> to:

<sup>5</sup> Refer to the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the specifications adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

- .1 require a ship that they survey to comply with the provisions of this Convention; and
- .2 carry out surveys and inspections if requested by the appropriate authorities of a port State that is a Party.

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- 5 The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties for the information of their officers.
  - 6 When the Administration, a nominated surveyor, or a recognized organization determines that the ship's Ballast Water Management does not conform to the particulars of the Certificate required under regulation E-2 or E-3 or is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources, such surveyor or organization shall immediately ensure that corrective action is taken to bring the ship into compliance. A surveyor or organization shall be notified immediately, and it shall ensure that the Certificate is not issued or is withdrawn as appropriate. If the ship is in the port of another Party, the appropriate authorities of the port State shall be notified immediately. When an officer of the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation, including any action described in Article 9.
  - 7 Whenever an accident occurs to a ship or a defect is discovered which substantially affects the ability of the ship to conduct Ballast Water Management in accordance with this Convention, the owner, operator or other person in charge of the ship shall report at the earliest opportunity to the Administration, the recognized organization or the nominated surveyor responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph 1 is necessary. If the ship is in a port of another Party, the owner, operator or other person in charge shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.
  - 8 In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.



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- 9 The condition of the ship and its equipment, systems and processes shall be maintained to conform with the provisions of this Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources.
  - 10 After any survey of the ship under paragraph 1 has been completed, no change shall be made in the structure, any equipment, fittings, arrangements or material associated with the Ballast Water Management plan required by regulation B-1 and covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings.”; and
- (e) by deleting regulation E-5 and substituting the following regulation:

“Regulation E-5

*Duration and Validity of the Certificate*

- 1 A Certificate shall be issued for a period specified by the Administration that shall not exceed five years.
- 2 For renewal surveys:
  - .1 Notwithstanding the requirements of paragraph 1, when the renewal survey is completed within three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
  - .2 When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.
  - .3 When the renewal survey is completed more than three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

- 3 If a Certificate is issued for a period of less than five years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in paragraph 1, provided that the surveys referred to in regulation E-1.1.3 applicable when a Certificate is issued for a period of five years are carried out as appropriate.
- 4 If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organization authorized by the Administration may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.
- 5 If a ship at the time when the Certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the Certificate, but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than three months, and a ship to which such extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.
- 6 A Certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

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- 7 In special circumstances, as determined by the Administration, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph 2.2, 5 or 6 of this regulation. In these special circumstances, the new Certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.
  - 8 If an annual or intermediate survey is completed before the period specified in regulation E-1, then:
    - .1 the Anniversary date shown on the Certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
    - .2 the subsequent annual or intermediate survey required by regulation E-1 shall be completed at the intervals prescribed by that regulation using the new Anniversary date;
    - .3 the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation E-1 are not exceeded.
  - 9 A Certificate issued under regulation E-2 or E-3 shall cease to be valid in any of the following cases:
    - .1 upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Party issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of regulation E-1. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the Certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports;
    - .2 if the relevant surveys are not completed within the periods specified under regulation E-1.1; or
    - .3 if the Certificate is not endorsed in accordance with regulation E-1.1.”.

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**Deletion of Second and Third Schedules**

6. The Second and Third Schedules to the principal Regulations are deleted.

**Miscellaneous amendments**

7. The principal Regulations are amended —

- (a) by deleting the words “Second Schedule” in regulations 6(2), 7(2), 8(1) and (2) and 16(6) and substituting in each case the word “Annex”;
- (b) by deleting the words “Third Schedule” in regulations 9, 10(2) and (3), 13(1)(b), 14(2)(a)(ii), (5)(c)(ii)(A) and (B) and (8)(b), 15(1)(b) and 16(1)(d) and (2) and substituting in each case the word “Annex”; and
- (c) by inserting, immediately after the words “regulation B-2 of” in regulation 16(5), the word “the”.

Made on 9 October 2019.

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

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