



**AN BILLE UM THRUAILLIÚ NA FARRAIGE (FORÁLACHA
ILGHNÉITHEACHA) 2003
SEA POLLUTION (MISCELLANEOUS PROVISIONS)
BILL 2003**

EXPLANATORY AND FINANCIAL MEMORANDUM

Introduction

The purpose of this Bill is to give effect to a number of instruments which have been agreed at the International Maritime Organisation relating to the protection of the marine environment, viz.

- The Protocol to the International Convention on Oil Pollution Preparedness, Response and Co-Operation 1990 (OPRC)
- The International Convention on the control of Harmful Anti-Fouling Systems 2001 (AFS Convention)
- Annex VI as added to the International Convention on the Prevention of Pollution from Ships (MARPOL) by the Protocol of 1997
- The International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (Bunkers Convention)

The Bill also amends Part III of the Merchant Shipping Act 1992.

The text of the Bunkers Convention is attached as a Schedule to the Bill.

Detailed Provisions of the Bill

Section 1 gives the short title of the Bill, its collective citation and construction and provides for its commencement.

Section 2 provides for how expenses incurred in administration of the Bill are dealt with.

Section 3 provides for interpretation of terms in Part 2 of the Bill (Sections 3 to 18) which relates to the Bunkers Convention.

Sections 4, 5 and 6 cover the making of orders and regulations and the laying of such orders/regulations before the Houses of the Oireachtas.

Section 7 provides for the Convention to have the force of law in the State.

Section 8 provides for limitation of liability and the conversion of international units of account into the currency of the State for that purpose.

Section 9 provides for the owner of an Irish ship or a ship registered in a state other than the State or a State Party to apply to the Minister for a compulsory insurance certificate.

Section 10 provides for a final judgment other than a judgment of a court or tribunal of an EU Member State (Denmark excepted) to be recognised and enforceable in the State.

Section 11 provides for recognition and enforcement of a judgment of a court or tribunal of an EU Member State other than Denmark.

Section 12 provides for payment at the discretion of the Court of interest on judgment and payment of costs to applicants.

Section 13 sets out the documentation required in respect of an application for an order under *Section 10*.

Section 14 provides for the appointment by the Minister of inspectors to enforce the provisions of Part 2 of the Bill.

Section 15 provides for the detention of a ship by an inspector while *Section 16* provides for the recovery of fines for certain offences under Part 2 of the Bill.

Section 17 provides for the penalties to apply for offences under Part 2 of the Bill while *Section 18* covers how proceedings for breaches may be initiated.

Section 19 provides for interpretation of terms in Part 3 of the Bill (Sections 19 to 36).

Sections 20 to 32 provide for amendment of the Sea Pollution Acts 1991 to 1999 to extend the existing provisions which relate to oil pollution response to cover hazardous and noxious substances as set out in the Protocol to OPRC.

Section 20 concerns the preparation and submission of plans to the Minister and amends Section 2 of the 1999 Act.

Section 21 requires emergency plans to be approved by the Minister and amends Section 3 of the 1999 Act.

Section 22 concerns the powers of authorised officers and amends Section 4 of the 1999 Act.

Section 23 concerns the powers of the harbour masters and amends Section 25 of the 1991 Act.

Section 24 concerns the giving of directions by the Minister and amends Section 6 of the 1999 Act.

Section 25 concerns reporting of discharges and amends Section 13 of the 1991 Act.

Section 26 requires Irish ships to report pollution incidents and amends Section 13A of the 1991 Act.

Section 27 requires offshore units and handling facilities to report pollution incidents and amends Section 13B of the 1991 Act.

Section 28 concerns the preparation of a plan by the Minister to minimise pollution damage and amends Section 8 of the 1999 Act.

Section 29 concerns the acquisition of equipment and materials by the Minister and amends Section 9 of the 1999 Act. This Section also provides for this capability to extend to rescue and salvage operations.

Section 30 concerns the provision of assistance by foreign maritime administrations and amends Section 10 of the 1999 Act.

Section 31 concerns the provision of assistance outside the State and amends Section 11 of the Act.

Section 32 relates to ships anchored outside harbour and amends Section 12 of the 1999 Act.

Section 33 amends Section 26 of the 1991 Act to enable the Minister to have established exclusion zones to prevent, mitigate or eliminate pollution.

Sections 34 and 35 amend Section 3 of the 1991 Act and Section 1 of the 1999 Act respectively through the insertion of new definitions and the amendment of some existing definitions arising out of the provisions of Part 3 of the Bill.

Section 36 provides for amendment to text in a number of sections in the 1991 Act relating to the AFS Convention and Annex VI to MARPOL.

Section 37 amend Section 16 of the Merchant Shipping Act 1992 to enable the Minister to revoke any or all passenger boat licences held by an individual who has been guilty of an offence.

Section 38 provides for the level of penalties set out in Part III of the 1992 Act to be increased to bring them into line with the maximum currently permissible.

It is anticipated that no additional Exchequer costs will be incurred in implementing this Bill when it is enacted. It is also anticipated that there will be no staff implications for Departments of State, State Bodies and local authorities.

An Roinn Cumarsáide, Mara agus Achmhainní Nádurtha
1 Iúil 2003