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**MERCHANT SHIPPING (SHIP-TO-SHIP TRANSFER)
REGULATIONS, 2015**

Arrangement of Regulations

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MINISTRY OF TRANSPORT AND AVIATION

S.I. No. 79 of 2015

**MERCHANT SHIPPING (OIL POLLUTION) ACT
(CHAPTER 275)**

**MERCHANT SHIPPING (SHIP-TO-SHIP TRANSFER)
REGULATIONS, 2015**

The Minister, in exercise of the powers conferred by section 4(3) of the Merchant Shipping (Oil Pollution) Act (Ch. 275), makes the following regulations —

1. Citation.

These Regulations may be cited as the Merchant Shipping (Ship-to-Ship Transfer) Regulations, 2015.

2. Interpretation.

In these Regulations—

“**Approved STS Operations Plan**” means a plan approved by the Administration of the Qualified Ship in accordance with MARPOL Annex I and both the Delivering Ship and the Lightering Ship must have Approved STS Operation Plans;

“**Approved STS Service Provider**” means a STS Service Provider approved by the Port Controller to provide services for the safe conduct of STS Transfer operations in Bahamian waters;

“**Bahamian waters**” has the meaning assigned to it under the Merchant Shipping (Oil Pollution) Act (Ch. 275);

“**Delivering Ship**” means a ship which is authorized by the Port Controller to offload either oil or hazardous material or both oil— and hazardous material; to a Lightering Ship;

“**hazardous material**” means any chemical, liquid or gaseous substance which could form a hazard to human health or the marine environment if released;

¹Published by the International Chamber of Shipping; Oil Companies International Marine Forum; Society of International Gas Tanker and Terminal Operators; Chemical Distribution Institute.

“**Industry Best Practice**” means practice in conformity with the Ship-to-Ship transfer guide for Petroleum, Chemicals and Liquefied Gases¹ as from time to time amended;

“**Lightering Ship**” means a ship specifically intended to receive oil or hazardous material from the authorized Delivering Ship;

“**Lightering Zone**” means a location or locations within Bahamian waters specified for Ship-to-Ship transfer operations by the Port Controller in accordance with these regulations;

“**MARPOL**” means the provisions of Protocol I and Annexes I, II, III and V of the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto, together with any amendments thereto in force on the 1st January, 2000 and thereafter;

“**Minister**” means the Minister responsible for Maritime Affairs;

“**owner**” in relation to a ship means the person registered as its owner, except that in relation to a ship owned by a State and operated by a person registered as the operator of the ship, it means the person so registered;

“**Qualified Ship**” means —

(a) a Delivering Ship or a Lightering Ship; or

(b) a Delivering Ship and a Lightering Ship;

“**ship**” means a vessel, whether self-propelled or not, capable of safely carrying a cargo of oil or hazardous material;

“**Ship-to-Ship (“STS”) Transfer**” means a transfer of a cargo of oil or hazardous material from a Delivering Ship to a Lightering Ship;

“**SOLAS**” means the International Convention on the Safety of Life at Sea, 1974 as from time to time amended;

“**STS Service Provider**” means a company or organization that specializes in providing services for the safe conduct of STS Transfer Operations.

3. **Application of Regulations.**

These Regulations shall apply to all Qualified Ships engaged or to be engaged in Ship-to-Ship Transfer in Bahamian waters.

4. **Ship-to-Ship Transfer operations.**

(1) A Qualified Ship may engage in a Ship-to-Ship Transfer operation where

(a) the owner of the Qualified Ship submits in electronic form to the Port Controller, at least ninety-six hours prior to the intended commencement of the STS Transfer operation, an **STS Application Form as set out in** Form 1 of Part 1 of the *Schedule*, together with the additional following documentation —

(i) Business Licence;

- (ii) Certificate of Incorporation;
 - (iii) Liability Insurance;
 - (iv) Employee listing for STS operation;
 - (v) Identification for Employees (Passport/Voter's Card);
 - (vi) Qualifications for Employees in STS operations;
 - (vii) Experience for Employees in STS operations;
 - (viii) STS Partner;
 - (ix) Vessels utilized in STS operations;
 - (x) Registration numbers for vessels;
 - (xi) Listing and specifications of mooring equipment;
 - (xii) Location of mooring equipment;
- (b) the owner of the Qualified Ship submits written responses satisfactory to the Port Controller to any requests from the Port Controller for further information concerning the intended STS Transfer;
 - (c) the Ship-to-Ship Transfer is conducted in compliance with these regulations;
 - (d) the Ship-to-Ship Transfer is conducted within a Lightering Zone specified by the Port Controller;
 - (e) the fees prescribed in Part II of the Schedule have been paid to the Treasurer of The Commonwealth of The Bahamas by the applicant owner and the payment of such fees so prescribed fulfils the fee obligations of both the Delivering Ship and the Lightering Ship for the Ship-to-Ship Transfer operation described in the application; and
 - (f) the owner's application has been approved and such approval, in the form of a permit to carry out a Ship-to-Ship Transfer operation as set forth in Form II of Part I of the Schedule, has been issued to the Qualified Ship by the Port Controller.
- (2) Any STS Transfer involving hazardous material, other than oil, shall be conducted only after a permit has been issued by the Port Controller with the prior specific approval for such STS Transfer given by the Minister and in that instance, the owner of the Qualified Ship may be obliged to submit additional information to the Port Controller on the nature of the cargo that is intended to be transferred and on any special precautions with regard to that transfer.
 - (3) Any STS Transfer intended as a result of collision, grounding, tank rupture or any similar emergency affecting a Qualified Ship, shall be conducted only after a permit has been issued by the Port Controller with the prior specific approval for such STS Transfer given by the Minister and in that instance, the owner of the Qualified Ship may be obliged to submit additional information to the Port Controller concerning the Ship's damaged condition stability plans, contingency plans and relevant advice from structural experts or the Ship's Classification Society.

- (4) A Ship-to-Ship Transfer application shall be submitted to the Port Controller at least ninety-six hours prior to the intended commencement of Ship-to-Ship Transfer.
- (5) Where the Port Controller determines that an emergency exists or that an approved STS Transfer endangers persons, property or the environment, or the owner of the Qualified Ship fails to comply with the applicable law, the Port Controller, may —
 - (a) authorise a deviation from these Regulations;
 - (b) revoke the permit issued for the specific STS Transfer;
 - (c) order the cessation of the specific STS Transfer.
- (6) Notwithstanding the Port Controller's determination under paragraph (5), the owner of the Qualified Ship shall be and in all respects, shall remain responsible for the safety of his respective ship and of the STS Transfer operation in question.

5. Ship-to-Ship Transfer Operations Plan.

Every Ship-to-Ship Transfer Operations Plan shall be conducted in accordance with an approved STS Operation Plan and the approved STS Operation Plan shall include —

- (a) the description (name, flag, call sign, IMO Number and ETA) of each Qualified Ship and its P&I Club or other liability insurer and safety, pollution prevention and insurance certification, including that the respective ship is fit and equipped for the purposes of conducting STS Transfer operations;
- (b) a statement that each Qualified Ship possesses a valid Approved STS Operation Plan and that the STS Transfer will be carried out in accordance with such Plan, in accordance with Industry Best Practice as defined herein, and in accordance with these Regulations;
- (c) the date, time and preferred geographical location of the intended STS Transfer operation;
- (d) whether the STS Transfer operations are to be carried out at anchor or under way;
- (e) the planned duration of the STS Transfer operation;
- (f) the manning of each ship during the course of the STS Transfer operation including details of the manning certificates if requested;
- (g) the names, qualifications and relevant experience of the individual overseeing the STS Transfer Operation along with his emergency contact details;

- (h) the identity of the STS Service Provider and any organisation tasked with directing and carrying out the Ship-To-Ship Transfer Operation, along with the STS Service Provider's relevant experience, certifications and emergency contact details;
- (i) a written confirmation that the STS Service Provider is an Approved STS Service Provider;
- (j) the quantities and properties of the cargo, fuel oils and any other petroleum products on-board each Qualified Ship;
- (k) the quantities and properties of the cargo intended to be transferred between ships;
- (l) copies of the relevant bills of lading encompassing the above;
- (m) the Shipboard Oil Pollution Emergency Plan as prescribed under Regulation 37 of Annex I of MARPOL 73/78, including each ship's Oil pollution response contingency arrangements relevant to the STS Transfer operation.

6. STS Service Provider.

- (1) Every STS Service Provider who intends to provide STS Transfer Services in Bahamian waters shall provide the Port Controller with information regarding its services, a list of its qualifications and experience, insurance arrangements and such other information as the Port Controller may request.
- (2) If the Port Controller approves the STS Service Provider to provide STS Transfer Services, then such STS Service Provider shall be deemed an Approved STS Service Provider for a period to be designated in writing, by the Port Controller.

7. Floating Storage.

If a Qualifying Ship intends to engage in floating storage of cargoes in Bahamian waters for a period in excess of twenty-one days, the owner of the Qualifying Ship shall notify the Port Controller in writing of its intention, along with —

- (a) the quantity and nature of any Oil or hazardous material or any oil and hazardous material on-board;
- (b) the intended location of the floating storage;
- (c) whether such intended floating storage will be at anchor or drifting or under way;
- (d) the intended duration of such floating storage; and
- (e) such other information as the Port Controller may from time to time request in writing.

8. Attendance of an Inspector appointed by the Port Controller.

The Port Controller may, following the receipt of an application to carry out a STS Transfer Operation, require the attendance of an Inspector on-board either of the Designated Ships —

- (a) to be present during the course of an STS Transfer Operation; or
- (b) for the purpose of conducting a preliminary inspection.

9. Notice.

- (1) The owner or the owner's agent of each Qualified Ship, shall provide at least ninety-six hours' notice as set out in Form III of Part I of the *Schedule* to the Port Controller, prior to the Qualified Ship's projected arrival at the Lightering Zone.
- (2) The notice made under paragraph (1) shall be accompanied by—
 - (a) an approval letter by the Port Controller to the STS provider;
 - (b) the STS Provider employee listing and qualification regarding STS operation;
 - (c) the STS Partner;
 - (d) a certificate of registration for each participating vessel;
 - (e) the Master's name and certificate of competency for each vessel;
 - (f) a Protection and Indemnity Certificate;
 - (g) the Pollution prevention and insurance certificates;
 - (h) the proposed geographical area and ETA for STS operation;
 - (i) the duration of the STS operation;
 - (j) the approved STS plan;
 - (k) a statement whether the STS is at anchor or under way;
 - (l) the manning of each ship during STS operation and certificates of competency;
 - (m) the Safe manning certificate;
 - (n) the Mooring master and relevant qualifications;
 - (o) the Product name to be transferred;
 - (p) the material safety data sheet for product to be transferred;
 - (q) the quantity of fuel on board;
 - (r) the properties of fuel on board;
 - (s) the shipboard oil pollution plan;
 - (t) the emergency arrangements for STS operations;
 - (u) the designated oil spill response agency;
 - (v) the weather forecast during the STS operation; and

- (w) the mooring and fender arrangements.
- (3) In the event that the Qualified Ship's estimated time of arrival at the Lightering Zone changes by a period in excess of six hours, the owner or the owner's agent of each Qualified Ship shall promptly advise the Port Controller of such change in writing along with the new estimated time of arrival.

10. Navigational warnings.

- (1) The Port Controller shall communicate the co-ordinates of any Lightering Zone to charting authorities, for their issuance as a Notice to Mariners.
- (2) For the duration of any Ship-To-Ship Transfer Operation, every ship that is involved therein shall transmit appropriate navigational warnings to every other concerned ship.

11. Reporting of an incident.

- (1) In the event of any fire, explosion, collision, grounding or any similar emergency or the threat thereof, the owner of a Qualified Ship shall immediately report to the Port Controller such emergency or threat thereof, and shall confirm to the Port Controller that all applicable contingency and response plans have been duly activated.
- (2) In the event of any escape of oil or hazardous material into Bahamian waters or the threat thereof, the owner of the Qualified Ship shall immediately report to the Port Controller such incident in accordance with the provisions of the Merchant Shipping (Oil Pollution) Act (*Ch. 275*) and shall confirm to the Port Controller, that all applicable contingency and response plans have been duly activated.
- (3) If the Owner fails to make a report as required by this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

12. Designated Lightering Zones.

The Minister shall, upon obtaining the advice of the Port Controller following the Port Controller's consultation with The Bahamas National Oil Spill Advisory Committee, The Royal Bahamas Defence Force, The Department of Environmental Health Services, The Bahamas Environment of Science and Technology Commission and any other organisation deemed necessary by the Minister, designate by notice published in the Official Gazette, all Lightering Zones and their requisite operational requirements.

13. Compulsory Insurance.

- (1) The owner of a Qualified Ship shall ensure that valid hull and machinery and Protection and Indemnity (P&I) policies are maintained at his own expense.
- (2) The Owner's Protection and Indemnity policies shall include provisions for —
 - (a) injury, illness and death of crew, passengers and stevedores, or injury, illness or death of crew, passengers and stevedores;
 - (b) repatriation of crew and substitute expenses;
 - (c) diversion and other expenses incurred in landing refugees;
 - (d) sick persons and stowaways;
 - (e) collision liability and excess collision liability;
 - (f) pollution by oil or other substances;
 - (g) property damage;
 - (h) towage contract liabilities and liabilities under other contracts;
 - (i) indemnities, cargo loss, shortage and damage;
 - (j) unrecoverable general average contributions;
 - (k) salvor's expense, fines, certain legal and other costs; and
 - (l) wreck removal.
- (3) Evidence of insurance shall be provided to the Port Controller in the application for the STS Transfer.

14. Appeal.

An owner or an Approved STS Service Provider who is aggrieved by a decision of the Port Controller to refuse the grant of a permit to conduct an STS Transfer may within seven days of notification of the refusal, appeal to the Minister who may confirm, or reverse the decision of the Port Controller.

15. Fees.

- (1) The fees for each application and for each Ship-to-Ship Transfer pursuant to these Regulations are set out in Form IV of Part II of the *Schedule* to these Regulations and these fees may be amended from time to time.
- (2) Every Designated Ship shall be jointly and severally liable to pay the fees set out in paragraph (1), the payment of which shall be effected by its agent.

16. Offences.

- (1) An owner or manager of a Qualified Ship which carries out a Ship-To-Ship Transfer Operation in a grossly negligent manner, or with wilful misconduct, commits an offence.
- (2) An owner or manager who commits a contravention of paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to a term of imprisonment not exceeding one year.

SCHEDULE

PART I

FORM I (Regulations 4 & 13)

**PORT DEPARTMENT STS APPLICATION FORM TO CARRY OUT SHIP TO SHIP
TRANSFER OPERATIONS**

**MERCHANT SHIPPING (OIL POLLUTION) ACT
(Ch. 275)**

MERCHANT SHIPPING (SHIP-TO-SHIP TRANSFER) REGULATIONS

NAME OF APPLICANT: _____

ADDRESS: _____

EMAIL: _____

TELEPHONE: _____

FAX: _____

24 HOUR EMERGENCY CONTACT: _____

COMPANY STS REPRESENTATIVE(S): _____

NAME OF SERVICE VESSEL(S): _____

REGISTRATION NUMBER: _____

MOORING EQUIPMENT: _____

LOCATION OF MOORING EQUIPMENT: _____

INSURANCE: _____

MOORING MASTER OR AGENTS: _____

OIL SPILL RESPONDERS: _____

WAS AN APPLICATION PREVIOUSLY MADE FOR LIGHTERING:

YES [] NO [], IF YES, WAS THE APPLICATION APPROVED: _____

SIGNATURE OF APPLICANT

DATE

FORM II (Regulation 4(1)(f))

PERMIT TO CARRY OUT A SHIP-TO-SHIP TRANSFER OPERATION

MERCHANT SHIPPING (OIL POLLUTION) ACT
(Ch. 275)

MERCHANT SHIPPING (SHIP-TO-SHIP TRANSFER) REGULATIONS

Permit No. _____

This Permit is granted to _____ authorising him or it to carry out a
ship-to-ship transfer operation for commercial purposes by means of

(Name(s) and Description(s) of vessel(s)
Registration number _____

This Permit —

- (a) shall not be transferred or assigned;
- (b) authorises only the vessel(s) named and described thereon to carry out a ship-to-ship transfer operation for commercial purposes;
- (c) _____
(Insert any other conditions that may be imposed or information that may be requested).

This Permit expires on _____

Dated this _____ day of _____, 20 _____

FOR OFFICIAL USE ONLY

THE INFORMATION ON THIS PERMIT MUST BE SUBMITTED TO THE PORT
CONTROLLER 96 HOURS PRIOR TO THE COMMENCEMENT OF THE SHIP-TO-
SHIP TRANSFER OPERATION.

WRITTEN APPROVAL FROM THE PORT DEPARTMENT MUST BE OBTAINED
PRIOR TO COMMENCING LIGHTERING OPERATIONS.

PORT CONTROLLER

FORM III (Regulation 9(1))

OFFSHORE SHIP-TO-SHIP TRANSFER OPERATION NOTICE

MERCHANT SHIPPING (OIL POLLUTION) ACT
(Ch. 275)

MERCHANT SHIPPING (SHIP-TO-SHIP TRANSFER) REGULATIONS

LIGHTERING VESSEL INFORMATION

VESSEL NAME: _____ LIGHTERING LOCATION: _____

CALL SIGN: _____ IMO NO: _____

CARGO QUANTITY
ON-BOARD (BBL/TONS): _____ FLAG: _____

CARGO QUANTITY
TO LIGHTER (TONNES): _____ PRODUCT NAME: _____

ESTIMATED TIME
OF ARRIVAL (ETA): _____

RECEIVING VESSEL INFORMATION

VESSEL NAME: _____ IMO NO: _____

CALL SIGN: _____ FLAG: _____

ETA: _____ DESTINATION: _____

DATE/TIME/DURATION AND AMOUNT OF EACH TRANSFER OPERATION

1ST
TRANSFER: _____

2ND
TRANSFER: _____

3RD
TRANSFER: _____

LIGHTERING VESSEL SPILL RESPONSE PLAN

AGENT (NAME/TEL): _____ P & I CLUB: _____

(NAME/TEL): _____

OSRO (NAME/TEL): _____ AMPD COVERAGE: _____

AMT: _____

OSRO CONTACTED PRIOR TO LIGHTERING
OPERATION: YES NO IF NO, EXPLAIN _____

RECEIVING VESSEL SPILL RESPONSE PLAN
AGENT (NAME/TEL): _____ P & I CLUB
(NAME/TEL): _____
OSRO (NAME/TEL): _____ AMPD COVERAGE _____
AMT: _____
OSRO CONTACTED PRIOR TO LIGHTERING OPERATION: YES ____ NO ____ IF NO,
EXPLAIN _____

****IF THE ESTIMATED TIME FOR THE LIGHTERING OPERATION CHANGES BY MORE
THAN SIX HOURS, THE MASTER, OWNER, OR AGENT MUST ADVISE THE PORT
CONTROLLER AS SOON AS POSSIBLE.**

SUBMITTED BY: _____
TITLE: _____
TEL NO: _____ FAX: _____
NO: _____
SIGNATURE: _____
DATE: _____

PART II

FORM IV (Regulation 15)

FEES FOR CARRYING OUT SHIP-TO-SHIP TRASFER OPERATIONS

**MERCHANT SHIPPING (OIL POLLUTION) ACT
(Ch. 275)**

MERCHANT SHIPPING (SHIP-TO-SHIP TRANSFER) REGULATIONS

Lightering & Ship-to-Ship Transfer Operation Fee Services	Fees
All fees below are paid in US currency	
Application to operate a tug or lighter within The Bahamas	\$100.00
Licence for tug or lighter within The Bahamas	\$500.00
Fee for certifying certificates of competency	\$200.00
Fee for preliminary inspection by Port Officer	\$300.00
Fee for attendance by Port Inspector	\$500.00
Application for Lightering of goods other than Oil	\$100.00
Permit to carry out Lightering or STS Operations	\$2500.00
Application Fee for Lightering Specialist within The Bahamas	\$100.00
Fee for Lightering Specialist Certification	\$500.00
Fee for Duplication of Lightering Certification	\$300.00.

Dated this 7th day of October, 2015.

Signed
GLENYS HANNA-MARTIN
Minister responsible for Maritime Affairs