

DEPARTMENT OF TRANSPORT

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DEPARTMENT OF TRANSPORT

SCHEDULE

MARINE POLLUTION (PREVENTION OF POLLUTION FROM SHIPS) ACT, 1986 (Act No. 2 of 1986)

DRAFT MARINE POLLUTION (PREVENTION OF SEWAGE POLLUTION FROM SHIPS) REGULATIONS, 2026

NOTE: FULL COPY OF THESE DRAFT REGULATIONS IS ACCESSIBLE ON THE SAMS SA WEBSITE AT <https://www.samsa.org.za/>

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DEPARTMENT OF TRANSPORT

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**MARINE POLLUTION (PREVENTION OF POLLUTION FROM SHIPS) ACT, 1986
(ACT NO. 2 OF 1986)**

**DRAFT MARINE POLLUTION (PREVENTION OF SEWAGE POLLUTION FROM
SHIPS) REGULATIONS, 2026**

I, Barbara Creecy, Minister of Transport hereby, in terms of section 3 Marine Pollution (Prevention of Pollution from Ships) of 1986 as amended make the Annex IV Regulations set out in the Schedule hereunder.

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Part I

1 Definitions

(1) For the purpose of these Regulations, any word or expression to which a meaning has been assigned in the Act and Annex IV of the Schedule in the Act bears that meaning and unless the context indicates otherwise—

“Act” means the Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act No. 2 of 1986)

“Annex IV” means Annex IV of the Schedule in the Act;

“Certificate” includes an International Sewage Pollution Prevention Certificate or Local Sewage Pollution Prevention Certificate;

“Contracting State” means a State which has consented to be bound by the Convention, and for which Annex IV to the Convention is in force;

“Contracting State ship” means a ship, other than a South African ship, which is registered in, or is not registered but is entitled to fly the flag of, a Contracting State;

“direct replacement” means the direct replacement of equipment and fittings with equipment and fittings that conform with the relevant requirements which apply to that ship;

“flag State” in relation to a ship, means the State whose flag the ship is entitled to fly;

“international voyage” means a voyage between—

- (a) a port in the Republic and a port outside the Republic; or
- (b) a port in a Contracting State other than the Republic and a port in any other State or territory, whether a Contracting State or not, which is

outside the Republic;

“ISPPC” or “International Sewage Pollution Prevention Certificate” means a certificate that is in the form of the International Sewage Pollution Prevention Certificate set out in the Appendix I to Annex IV;

“LSPPC” or “Local Sewage Pollution Prevention Certificate” means a certificate that is in the form of the South African Sewage Pollution Prevention Certificate set out in the Appendix I of these Regulations;

“surveyor” means any person recognised or appointed by the Authority whom it deems fit to act as such for the purposes of these Regulations;

“UNSP Exemption Certificate” means the certificate described as “International Sewage Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges” in Appendix II to Annex IV; and

“UNSP barge” means an unmanned non-self-propelled barge that—

- (a) is not propelled by mechanical means;
- (b) has neither persons nor living animals on board;
- (c) is not used for holding sewage during transport; and
- (d) has no arrangements that could produce sewage.

(2) For the purposes of these Regulations—

- (a) subject to paragraph (b), a “discharge” in relation to sewage, means any release howsoever caused from a ship, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;
- (b) a “discharge” does not include—
 - (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed at London on 13th November 1972, as amended by the 1996 Protocol (10); or
 - (ii) the release of sewage for the purposes of legitimate scientific research into pollution abatement or control.

2 General Application of these Regulations

- (1) Subject to sub-regulation (2), these Regulations shall apply to—
 - (a) every South African ship wherever the ship may be; and
 - (b) every foreign-flagged ship while in South African waters as set forth in the respective parts.
- (2) These Regulations do not apply to—
 - (a) warship;
 - (b) naval auxiliary ship;
 - (c) other ship owned or operated by a State and used, for the time being, only on government non-commercial service;
 - (d) vessels subject to Merchant Shipping (National Small Vessel Safety) Regulations, 2007;
 - (e) South African flagged fishing vessels except those vessels engaged in international voyages referred to in regulation 8(1)(a); or
 - (f) a discharge of sewage which took place in waters under the jurisdiction of a State other than the Republic.

3 Exemption for UNSP barges

- 3 (1) The Authority may exempt a UNSP barge from the requirements of regulation 8, 13, 15 or 20 for a period not exceeding five years provided that the barge has undergone a survey to confirm that—
 - (a) it is not propelled by mechanical means;
 - (b) has neither persons nor living animals on board;
 - (c) is not used for holding sewage during transport; and
 - (d) has no arrangements that could produce sewage.
- (2) The Authority may, on reasonable notice, alter or cancel the exemption granted under sub-regulation (1).
- (3) An exemption granted under sub-regulation (1), or an alteration or cancellation under sub-regulation (2), must be in writing.

(4) Where an exemption is granted under sub-regulation (1), the Authority must issue a UNSP Exemption Certificate.

(5) Where an exemption is altered or cancelled under sub-regulation (2), the Authority must indicate this on the UNSP Exemption Certificate.

(6) The Authority may, at the request of another Contracting State—

- (a) survey a UNSP barge entitled to fly the flag of that State for the purpose of issuing an exemption from the requirements of regulation 21 in respect of that ship; and
- (b) if satisfied that the ship meets the requirements for that exemption, grant the exemption and issue a UNSP Exemption Certificate in respect of that ship.

(7) A UNSP Exemption Certificate issued under sub-regulation (6) must include a statement to the effect that it has been issued at the request of the relevant Contracting State.

(8) The Authority must, as soon as possible after issuing a UNSP Exemption Certificate under sub-regulation (6), send to the Contracting State who made the request, a copy of—

- (a) the exemption granted under sub-regulation (6);
- (b) the UNSP Exemption Certificate so issued; and
- (c) the corresponding survey report.

Part II

Part A - General

4 Application of Part II

(1) This Part, unless otherwise indicated therein, applies to every ship.

Part B - Discharge of Sewage

5 Prohibition on the discharge of sewage

(1) Subject to sub-regulation (4), the discharge of sewage from a ship into the sea is prohibited, except—

- (a) in the case of a ship other than a passenger ship in all areas and a passenger ship outside special areas, when the sewage is discharged in accordance with part A of regulation 11 of Annex IV;
- (b) in the case of a passenger ship operating in a special area, when the sewage is discharged in accordance with part B of regulation 11 of Annex IV; and
- (c) in the case of a South African ship operating in polar waters, when the sewage is discharged in accordance with chapter 4 of part II-A of the Polar Code.

(2) Reference in Regulation 9 of the Annex to—

- (a) the sewage treatment plant fitted on board a ship shall be in accordance with Appendix II
- (b) the comminuted and disinfected system shall be in accordance with Appendix III
- (c) the holding tanks capacity shall be in accordance with Appendix IV

(3) Reference in Regulation 11 of the Annex to the rate of discharge shall be in accordance with Appendix V

(4) Sub-regulation (1) does not apply in the case of—

- (a) a discharge of sewage which is necessary for the purpose of—
 - (i) securing the safety of a ship and those on board the ship; or
 - (ii) saving life at sea.
- (b) a discharge of sewage—
 - (i) which results from damage to a ship or its equipment; and
 - (ii) where all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the discharge.

(5) Subject to sub-regulation (4), where sewage is mixed with waste or waste water covered by an Annex to the Act, the requirements of those annexes shall be complied with in addition to the requirements of Annex IV.

Part C - Equipment

6 Sewage systems

(1) A ship must be equipped in accordance with regulation 9 of Annex IV.

(2) For the purposes of regulation 9 of Annex IV—

(a) in the case of a South African ship—

- (i) a sewage treatment plant must be of a type approved by the Authority in accordance with Section 3 of Appendix II to these Regulations;
- (ii) a sewage comminuting and disinfecting system must be approved by the Authority in accordance with Section 1 of Appendix II to these Regulations, such a system shall be fitted with facilities for the temporary storage of sewage when the ship is less than 3 nautical miles from the nearest land; or
- (iii) a holding tank the capacity of which is in accordance with Section 2 of Appendix II for the retention of all sewage, taking into account the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall be constructed in accordance with Section 2 of Appendix II.

(b) in the case of a ship which is not a South African ship—

- (i) a sewage treatment plant;
 - (ii) a sewage comminuting and disinfecting system and its facilities; or
 - (iii) a holding tank,
- will comply if the Authority is satisfied that it complies with the requirements of Annex IV.

(3) The system contemplated to in sub-regulation 2(a)(i) and (ii) shall be operated and maintained in accordance with the manufacturer's instructions and the vessel's

operating procedures.

(4) For the system contemplated to in sub-regulation 2(a)(ii), the residual chlorine levels, shall be monitored and tested at regular intervals to verify compliance with the prescribed effluent standards. Records of such testing shall be maintained onboard and shall form part of the vessel's documented operating procedures.

7 Standard Discharge connections

(1) The sewage discharge pipeline of a ship shall be fitted with a standard discharge connection in accordance with Appendix IV.

Part III

Part A - General

8 Application of Part III

- (1) Unless otherwise indicated therein, this Part shall apply to—
- (a) every South African ship wherever the ship may be which is—
 - (i) 400 gross tonnage and above; and
 - (ii) less than 400 gross tonnage which are certified to carry more than 15 persons.
 - (b) every foreign-flagged ship while in South African waters which is—
 - (i) 400 gross tonnage and above; and
 - (ii) less than 400 gross tonnage which are certified to carry more than 15 persons.
 - (c) subject to regulation 2(2), every South African ship less than 400 gross tonnage wherever the ship may be.

Part B - Survey of Ships

9 Surveys

- (1) Every ship to which this Part applies shall, be subject to a—
- (a) “initial survey” by a surveyor as prescribed in regulation 10;
 - (b) “renewal survey” by a surveyor as prescribed in regulation 11; and
 - (c) “additional survey” by a surveyor as prescribed in regulation 12.

10 Requirement for Initial survey

- (1) A ship shall not be put into service or, if she is already in service, continue in service, unless—
- (a) a survey has been carried out in respect of the ship;
 - (b) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship comply with the requirements of regulations 5 and 6; and
 - (c) in consequence, the ship referred to in—
 - (i) regulation 8(1)(a) is issued with a valid ISPPC; or
 - (ii) regulation 8(1)(c) is issued with a valid LSPPC.

11 Requirement for Renewal survey

- (1) A ship shall not proceed to sea or, if she is already at sea, remain at sea, after the date of expiry of the Certificate issued in respect of that ship unless—
- (a) a survey has been carried out in respect of the ship;
 - (b) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship comply with the requirements of regulations 6 and 7; and
 - (c) in consequence, the ship referred to in—
 - (i) regulation 8(1)(a), an ISPPC has been renewed and issued in respect of that ship and is still valid; or the certificate has been extended in accordance with regulation 18(1)(b).
 - (ii) regulation 8(1)(c), an LSPPC has been renewed and issued in respect of that ship and is still valid; or the certificate has been extended in accordance with regulation 18(1)(b).

12 Requirement for Additional survey

- (1) This regulation applies to a South African ship where—
 - (a) a repair resulting from an investigation referred to in regulation 20(3) has been made to the ship; or
 - (b) an important repair or renewal has been made to the ship which is required in order to—
 - (i) address a defect which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or
 - (ii) ensure compliance with the requirements of Annex IV.
- (2) A ship to which this regulation applies must not—
 - (a) proceed to sea; or
 - (b) if it is already at sea, remain at sea, unless an additional survey has been carried out and the surveyor has issued a survey report expressing the satisfaction required by sub-regulation (3)(b).
- (3) The requirements are that—
 - (a) a survey has been carried out in respect of that ship;
 - (b) at the date of the survey the surveyor is satisfied that—
 - (i) the repair or renewal has been made effectively;
 - (ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects;
 - (iii) the ship complies in all respects with the requirements of regulations 6 and 7; and
 - (c) the surveyor has issued a survey report expressing the satisfaction required by paragraph (b).

13 Maintenance of condition after survey

- (1) The owner and the master of a South African ship must ensure that the condition of the ship and its equipment are maintained to conform with the provisions of regulation 6 and 7, so as to ensure that the ship in all respects remains fit to proceed

to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The owner and the master of a South African ship must ensure that after any survey of the ship required by regulation 9 has been completed, no change, except by way of direct replacement, is made to the structure, equipment, systems, fittings, arrangements or material of that ship without the approval of—

- (a) the Authority; or
- (b) the Administration, of the Contracting State which issued the ISPPC following a request made pursuant to regulation 15.

Part C - Certification of Ships

14 Issue of Certificate by the Authority in respect of South African ships

(1) The Authority must issue an ISPPC for a ship subject to regulation 8(1)(a) or a LSPPC for a ship subject to regulation 8(1)(c), where—

- (a) the Authority has been notified by a surveyor that the surveyor has carried out an initial survey or a renewal survey in accordance with the requirements of regulation 10 or 11;
- (b) the notification described in paragraph (a) includes confirmation that, at the date of that survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of regulation 6 and 7; and
- (c) all fees due and payable under the Determination of Charges have been paid to the Authority.

(2) Where a ship becomes a South African ship on transfer from the flag of another Contracting State, the Authority must issue an ISPPC for a ship subject to paragraph 8(1)(a) or a LSPPC for a ship subject to regulation 8(1)(c), where—

- (a) an ISPPC for a ship referred to in regulation 8(1)(a) or other appropriate documentation in case of a ship referred to in regulation 8(1)(c) has been issued in respect of the ship and was valid immediately before the date of the transfer;
- (b) the Authority has caused a survey to be carried out in respect of the ship;

and

(c) the Authority is satisfied that—

- (i) the condition of the ship and its equipment is maintained to conform with the provisions of Annex IV, to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and
- (ii) no change, other than the direct replacement of equipment and fittings, has been made to the structure, equipment, systems, fittings, arrangements or materials of the ship covered by the last survey carried out under regulation 4.1 of Annex IV without the approval of the Contracting State in question.

(3) Where the Authority delegates the conduct of statutory surveys and the issue of relevant certificates to a Recognised Organisation, such certificates shall be deemed to be issued by the Authority.

(4) A Certificate issued under this regulation must be in English.

15 Issue of ISPPC by another Contracting State in respect of South African ships

(1) This regulation applies to a ship subject to regulation 8(1)(a).

(2) The Authority may request a Contracting State to survey a South African ship in accordance with regulation 6 of Annex IV and if the Contracting State is satisfied that the ship complies with the requirements of the Convention to issue or authorise the issue of an ISPPC in respect of that ship and the certificate so issued shall be deemed to be issued by the Authority.

(3) The Certificate issued under this regulation must be in English.

16 Issue of ISPPC in respect of non-South African ships

(1) This regulation applies to a ship subject to regulation 8(1)(b).

(2) The Authority, when requested to do so by a Contracting State, may cause a survey to be carried out in respect of a ship of a Contracting State.

(3) The Authority must issue an ISPPC for a ship for which a survey described in sub-regulation (2) has been carried out, if—

- (a) the Authority is satisfied that the requirements of Annex IV are complied with; and
- (b) all fees due and payable under the Determination of Charges have been paid to the Authority.

(4) The Authority shall, as soon as reasonably practicable after the completion of the survey conducted in terms of sub-regulation (2), transmit to the Contracting State copies of—

- (a) the ISPPC issued pursuant to that paragraph; and
- (b) the report of the survey.

17 Duration and validity of Certificate

(1) A Certificate that is issued in respect of a South African ship is valid for the period specified therein, not exceeding 5 years from the date of the completion of the initial survey.

(2) Subject to sub-regulation (3) and regulation 18(3), where a renewal survey is completed—

- (a) within the period of 3 months before the date of expiry of the Certificate;
- (b) after the date of expiry of the Certificate; or
- (c) on a ship that has been granted an extension in terms of regulation 18(1)(b) the new Certificate is valid for the period specified therein, beginning on the original date of expiry of the previous Certificate and ending on a date not exceeding 5 years after the original date of expiry of the previous Certificate.

(3) A Certificate issued in respect of a South African ship ceases to be valid—

- (a) upon the ship being transferred to the flag of another State;

- (b) if a survey under regulation 9 is not completed in accordance with the requirements of these Regulations;
- (c) upon the ship proceeding to sea when regulation 12 applies to the ship and the requirements of regulation 12(3) have not been complied with;
- (d) upon a new Certificate being issued in respect of the ship;
- (e) upon the Certificate being cancelled by the Authority under regulation 24(1); or
- (f) upon the date of expiry of the Certificate.

(4) In this regulation “the original date of expiry” means the date on which the Certificate would have expired save for any extension of its period of validity.

18 Extension of period of validity of Certificate by the Authority

(1) Where a Certificate in respect of a South African ship is issued pursuant to regulations 10 or 11, the Authority may extend the period of validity of that Certificate—

- (a) to a maximum period of five years provided that—
 - (i) the remaining period of validity for that Certificate prior to the extension is less than five years; and
 - (ii) any surveys required under regulation 9 have been carried out.
- (b) for a period not exceeding three months if—
 - (i) a renewal survey has not been completed before the date of expiry of that Certificate;
 - (ii) at the date of expiry, the ship is not in the port in which the survey is to be carried out; and
 - (iii) it appears to the Authority that it is proper and reasonable to do so solely for the purpose of enabling the ship to proceed to the port in which the survey is to be carried out.

(2) Where the period of validity of a Certificate has been extended under sub-regulation (1)(b), the ship in question must not leave the port of survey until a new Certificate has been issued in respect of that ship.

(3) Where the period of validity of a Certificate is extended under sub-regulation (1), the Authority must endorse the Certificate in accordance with the relevant form set out in Appendix I of Annex IV for an ISPPC or Appendix I of these Regulations for an LSPPC.

(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 surveyor 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.

Part IV

Part A - General

19 Application of Part IV

(1) This Part, unless otherwise indicated therein, applies to every ship.

Part B - Miscellaneous Provisions

20 Reporting of incidents

(1) Whenever—

(a) an accident occurs to a South African ship, or

(b) a defect is discovered on a South African ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under regulations 6 and 7, the owner and the master of the ship must comply with the requirements of sub-regulation (2).

(2) The requirements contemplated in sub-regulation (1) are that—

(a) in the case of a ship within South African waters, the accident or defect is reported within 24 hours to the Authority; or

- (b) in the case of a ship at a place outside the Republic, the accident or the defect, is immediately reported the appropriate maritime authorities in the State in which the port is situated and to the Authority.
- (3) Whenever an accident or defect is reported to the Authority in accordance with sub-regulation (2)(a), the Authority must—
 - (a) cause an investigation to be initiated to determine whether an additional survey is necessary; and
 - (b) if it considers that an additional survey is necessary, cause that survey to be carried out.
- (4) Whenever an accident or defect is reported to the Authority in accordance with sub-regulation (2)(a) and the ship in question is at a place outside the Republic, the Authority must take all appropriate steps to ascertain that the requirement in sub-regulation (2)(b) has been complied with.

21 Prohibition on South African ships proceeding to sea without a Certificate

- (1) Subject to regulation 26(2), a South African ship must not—
 - (a) proceed to sea; or
 - (b) if it is already at sea, remain at sea,unless the requirements of sub-regulation (2) are met.
- (2) The requirements contemplated in sub-regulation (1) are that—
 - (a) an initial survey or a renewal survey has been carried out in respect of the ship; and
 - (b) a Certificate has been issued in respect of that ship and is valid.

22 Prohibition on non-South African ships proceeding to sea without an ISPPC or appropriate documentation

- (1) A non-South African ship may not proceed to sea from a port in South Africa unless—
 - (a) an ISPPC has been issued pursuant to Annex IV or appropriate

- documentation has been issued in respect of that ship and is valid;
- (b) in the absence of compliance with paragraph 1(a), the Authority is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
- (c) the Authority, has granted permission under regulation 26(2).

23 Procedure to be adopted when a ship is deficient

- (1) This regulation applies where the Authority determines that—
 - (a) the condition of a ship or its equipment does not correspond substantially with the particulars of the Certificate or appropriate documentation, issued in respect of that ship; or
 - (b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) In the circumstances described in sub-regulation (1) the Authority must—
 - (a) immediately advise the owner or master of the deficiency and require same to be rectified; and
 - (b) where the ship is detained, notify the administration of the Contracting State that issued the ISPPC.
- (3) Where—
 - (a) a Certificate has been issued in respect of a South African ship and is valid; and
 - (b) the corrective action advised in accordance with sub-regulation (2)(a) is not taken within the time specified by the surveyor, the Authority may suspend the validity of that Certificate until the corrective action has been taken.
- (4) Where the Authority suspends the validity of a Certificate issued in respect of a South African ship, it must, as soon as reasonably practicable, give notice in writing of such suspension—
 - (a) to the owner or the master of the ship; and
 - (b) in the case of a ship which holds an ISPPC and where the ship is at a place outside the Republic, to the maritime authority of the State in which the port

is situated.

- (5) Where the owner of the ship is given notice of suspension, that owner must notify the master of the ship of the suspension.

24 Miscellaneous provisions relating to a Certificate

- (1) The Authority may cancel a Certificate issued in respect of a South African ship where there is reason to believe that—

- (a) the Certificate was issued on false or erroneous information; or
- (b) since the completion of any survey required by these Regulations, the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.

- (2) The Authority may direct the surrender of a Certificate issued to a South African ship where that Certificate has expired, suspended or cancelled.

- (3) A direction given by the Authority under sub-regulation (2) may specify that the Certificate must be surrendered within such time and in such manner as the Authority may determine.

- (4) In relation to a ship, no person may—

- (a) intentionally alter a Certificate, unless permitted to do so under these Regulations;
- (b) intentionally make a false Certificate;
- (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
- (d) with intent to deceive, use or lend a Certificate or permit a Certificate to be used by another person;
- (e) fail to surrender a Certificate when required to do so under sub-regulation (2); or
- (f) forge a Certificate.

- (5) The owner and master of a ship, in respect of which a Certificate has been

issued, must ensure that the Certificate is readily available on board the ship for examination at all times, except where it has been surrendered pursuant to sub-regulation (2).

Part B - Enforcement

25 Inspection of ships

(1) The Authority has powers to inspect ships, equipment, any part of the ship, any articles on board and any document carried in the ship, to which these Regulations apply.

(2) The power to inspect a ship and its equipment, any part of the ship, any articles on board and any document carried in the ship, is limited to—

- (a) verifying whether sewage has been discharged from the ship in violation of these Regulations;
- (b) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures for preventing pollution by sewage;
- (c) verifying whether a Certificate has been issued in respect of the ship and is still valid; or
- (d) verifying whether appropriate documentation has been issued in respect of the ship and is still valid;

except where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or appropriate documentation referred to in paragraph (c) or (d).

(3) The powers contemplated in this regulation to go on board a ship may only be exercised if the ship is—

- (a) in a port in South Africa;
- (b) at an offshore terminal in South African waters;
- (c) a fixed platform in South African waters; or
- (d) a floating platform in South African waters, other than a floating platform which is in transit.

(4) Where the ship is inspected for the purposes of sub-regulation (2)(a) and is not a South African ship, the Authority must ensure that the report of the inspection is sent to—

- (a) a diplomatic representative of the ship's flag State or the appropriate maritime authority of that State; and
- (b) any other party to the Convention who requested the inspection.

26 General provisions on detention

(1) Where—

- (a) a determination is made of the kind mentioned in regulation 23(1) in relation to a ship; or
- (b) the Authority has clear grounds for believing that—
 - (i) a Certificate or appropriate documentation is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
 - (ii) the condition of a ship or its equipment does not correspond substantially with the particulars of that Certificate or appropriate documentation;
 - (iii) the master or crew of a ship are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage; or
 - (iv) an offence under regulation 23(1) is being committed in respect of a ship,

the ship is liable to be detained until the Authority is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) Notwithstanding sub-regulation (1), the Authority may permit a ship which is liable to be detained under sub-regulation (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where the Authority has clear grounds for believing that an offence under regulation 28(4)(d) or (e) has been committed in respect of a ship, the ship is liable to be detained.

(4) The power under this regulation to detain a ship may only be exercised if the ship is—

- (a) in a port in South Africa;
- (b) at an offshore terminal in South African waters ;
- (c) a fixed platform in South African waters; or
- (d) a floating platform in South African waters, other than a floating platform which is in transit.

(5) Where a ship is liable to be detained under the preceding provisions of this regulation, the Authority must serve on the master of the ship a notice of detention which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by the Authority.

(6) Where a ship other than a South African ship is detained, the Authority must immediately inform a diplomatic representative of the ship's flag State or the appropriate maritime authority of that State.

27 Duty of a Harbour Master to report deficient ships

(1) Where a ship is within port limits and the Harbour Master has reason to believe that a ship does not comply with the requirements of these Regulations, that Harbour Master must immediately notify the Authority.

28 Offences

(1) Any person who contravenes or fails to comply with any provision of these Regulations commits an offence.

(2) The owner and the master of a ship that fails to comply with the requirements of these Regulations each commit an offence.

- (3) Without limiting sub-regulation (1), an offence includes—
- (a) the unlawful discharge of sewage;
 - (b) the making of a false or misleading entry in any record required under these regulations;
 - (c) the bypassing or deliberate disabling of sewage treatment equipment;
 - (d) obstruction of an authorised officer in the exercise of his or her powers; or
 - (e) operation of a ship without the certificates required by these Regulations.
- (4) Any contravention of—
- (a) regulation 12(2), 13, 18(2), 20(1), 21(1), 22 and 24(5) is an offence by the owner and master of the ship;
 - (b) regulation 6(1), 7, or 23(5) is an offence by the owner of the ship;
 - (c) regulation 24(4) is an offence by the person in question;
 - (d) regulation 5 in the case of a fixed or floating platform, is an offence by the owner and manager of the platform; or
 - (e) regulation 5 is an offence by the owner, manager, demise charterer and master of the ship.
- (5) Any contravention of Annex IV committed by a South African ship within waters under the jurisdiction of another State or in international waters shall constitute an offence under these regulations.
- (6) An offence under sub-regulation (4) is punishable on conviction
- (7) (a) If any person—
- (i) admits to the Authority of contravening any provision of the Act or these Regulations, or the failure to comply with any such provision with which it was a duty to comply; and
 - (ii) agrees to abide by the decision of the Authority; and
 - (iii) deposits with the Authority such sum as may be required for that offence, but not exceeding the maximum fine which may be imposed upon a conviction for the contravention or failure in question,

the Authority may, after such enquiry as it deems necessary, determine the matter summarily and may, without legal proceedings, order by way of penalty the whole or any part of the said deposit to be forfeited.

(b) The imposition of a penalty under sub-regulation (1) shall not be deemed to be a conviction of a criminal offence, but no prosecution for the relative offence shall thereafter be competent.

29 Jurisdiction for instituting proceedings

(1) Where there has been an offence under regulation 28(4)(d) or (e) in respect of a South African ship while in the internal waters, territorial sea or exclusive economic zone of a foreign State or in international waters, South Africa may institute proceedings in respect of that offence, irrespective of whether proceedings have been instituted by the foreign State.

30 Penalties

- (1) A person convicted of an offence under these Regulations is liable to—
- (a) a fine or imprisonment as provided for in the Act;
 - (b) suspension, withdrawal or endorsement of a certificate issued under these Regulations;
 - (c) detention of the ship concerned;
 - (d) recovery of clean-up and remediation costs; or
 - (e) any combination of the penalties referred to in these Regulations.

31 Defences

(1) In any proceedings for an offence under these Regulations, it is a defence for the person charged to prove that they took all reasonable steps and exercised all due diligence to ensure that the regulation in question was complied with.

Part V

Part A - Transitional Provisions

32 Existing ships

- (1) An existing ship must comply with these Regulations within 24 months after the date of commencement of these Regulations.

Schedule

Appendix I - Form of LSPPC

FORM OF CERTIFICATE

Local Sewage Pollution Prevention Certificate

Certificate No: _____

Issued under the provisions of Marine Pollution (Prevention of Sewage Pollution from Ships) Regulations, 2026, (hereinafter referred to as "Regulations") under the authority of the Government of Republic South Africa:

by.....
(full designation of the competent person or organization authorized
under the provisions of the Convention)

Particulars of ship

Name of ship:	
Distinctive number or letters:	
Port of registry:	
Gross tonnage:	
IMO Number:	
Number of persons which the ship is certified to carry:	
Type of ship:*	Passenger ship Ship other than a passenger ship
New/existing ship:*	

THIS IS TO CERTIFY

1 That the ship is equipped with a sewage treatment plant/comminuter/holding tank* and a discharge pipeline in compliance with Regulations 6 and 7 as follows:

* 1.1 Description of the sewage treatment plant:

Type of sewage treatment plant

Name of manufacturer.....

The sewage treatment plant is certified by the Authority to meet the effluent standards as provided for in resolution MEPC.2(VI). ☐

* Delete as appropriate

The sewage treatment plant is certified by the Authority to meet the effluent standards as provided for in resolution MEPC.159(55). ☐

The sewage treatment plant is certified by the Authority to meet the effluent standards as provided for in the Guidelines on implementation of effluent standards and performance test for sewage treatment plants, adopted by resolution MEPC.227(64), as amended, including/excluding* the standards of section 4.2 thereof. ☐

* 1.2 Description of comminuter:

Type of comminuter

Name of manufacturer

Standard of sewage after disinfection

* 1.3 Total capacity of the holding tank ism³

Location

1.4 A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.

2 That the ship has been surveyed in accordance with Regulation 7.

3 That the survey shows that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements the Regulations.

This Certificate is valid until** subject to surveys in accordance with Regulation 17.

Completion date of survey on which this Certificate is based: dd/mm/yyyy

Issued at..... (Place of issue of Certificate)

.....

(Date of issue)

.....

(Signature of authorized official issuing the Certificate)

(Seal or stamp of the authority, as appropriate)

* Delete as appropriate

** Insert the date of expiry. The day and the month of this date correspond to the anniversary date as defined in regulation 1.11 of Annex IV of the Convention.

Endorsement to extend the Certificate if valid for less than 5 years where Regulation 18.1 applies

The ship complies with the relevant provisions of the Regulations, and this Certificate shall, in accordance with Regulation 18.1, be accepted as valid until (dd/mm/yyyy).....

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation 18.4 applies

The ship complies with the relevant provisions of the Regulations, and this Certificate shall, in accordance with Regulation 18.4, be accepted as valid until (dd/mm/yyyy).....

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the Certificate until reaching the port of survey or for a period of grace where regulation 18.1 applies

This certificate shall, in accordance with Regulation 18.1, be accepted as valid until (dd/mm/yyyy).....

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

* Delete as appropriate

Appendix II - Sewage Systems

Section 1

Comminuting and Disinfecting System

1 General Requirements

1.1 Any sewage comminuting and disinfecting system shall be approved by the Authority and shall be designed to effectively comminute, disinfect and manage sewage generated on board prior to discharge or retention.

2 Effluent Quality Standards

2.1 The effluent discharged from a sewage comminuting and disinfecting system shall comply with the following minimum performance standards—

(a) Faecal Coliform Standard—

The concentration of faecal coliform bacteria in the effluent shall not exceed 1,000 per 100 cm³ Most Probable Number (MPN)

(b) Residual Chlorine Standard—

Where chlorination is employed as part of the disinfection process, the residual chlorine concentration in the effluent, measured after comminution and disinfection, shall not exceed 0.5 mg/litre.

(c) Comminution Standard—

When a one-litre sample of effluent is passed through a U.S. Standard Sieve No. 12 having openings of 1.68 mm, the dry weight of material retained on the sieve, after drying to constant weight at 103°C, shall:

- not exceed 10 per cent of the total suspended solids; and
- not exceed 50 mg.

3 Storage of Sewage

3.1 Where a comminuting and disinfecting system is fitted and sewage cannot be discharged in accordance with discharge requirements of Regulation 6(2)(a)(ii), the sewage shall be retained in a holding tank meeting the requirements of Section 2 of this Appendix.

Section 2

Holding Tanks

1 Design and construction Requirements

1.1 The holding tank shall—

- (a) be designed, constructed and installed to prevent leakage under all normal operating conditions and anticipated sea and weather conditions;
- (b) be fitted with a readily accessible means of indicating the level of its contents by means of a sight glass, level gauge, electronic monitoring system, or other approved arrangement; and
- (c) be fitted with a high-level alarm.

2 Capacity

2.1. The holding tank shall be of sufficient capacity to retain all sewage generated on board, taking into account—

- 1) the number of persons;
- 2) the vessel's service and voyage pattern;
- 3) the duration of operation in areas where the discharge of sewage is prohibited; and
- 4) any other operational factors affecting sewage generation and retention.

In all cases, the holding tank capacity shall provide for not less than one day's sewage retention, unless a larger capacity is required by the vessel's area of operation.

3 System Separation

3.1 The sewage collection, storage and discharge system shall be independent of ballast water systems and shall not have any permanent connection to a ballast water tank or ballast water piping system.

4 Retention Time

4.1 Retention time is the maximum continuous period during which sewage cannot be discharged and must therefore be retained on board. This includes the combined volume of wastewater from sinks, showers, laundry, toilets etc. generated during the

entire period, taking into account all applicable operational and environmental constraints, including but not limited to port stays, anchorage periods, environmentally restricted areas, marine protected areas, and any other waters where sewage discharge is prohibited.

5 Estimated Sewage Generation Rates

5.1 The estimated sewage generation rates given below may be used in calculating the capacity of the holding tank—

System	Rate*	Rate**	Notes
Vacuum Toilets	25 L/person/day	185 L/person/day	Typical
Gravity Toilets	70 L/person/day	230 L/person/day	Conventional
Passenger Vessels	70-100 L/person/day	260 L/person/day	Service dependent

* applicable where wastewater from sinks, showers, laundry, etc.is not combined with wastewater from toilets

** applicable where wastewater from sinks, showers, laundry, etc.is combined with wastewater from toilets

6 Capacity Calculation

6.1 The capacity of the holding shall be calculated using the formula—

$V = N \times Q \times T \times 1.25$, where 25% safety margin is mandatory.

Where—

V = Volume (m³)

N = Number of persons on board

Q = Litres/person/day

T = Retention time

1.25 = 25% Safety margin

7 Tank Calibration Table

7.1 Calibration table for the holding tank shall be provided

Section 3

Sewage Treatment Plant

1 Sewage treatment plants shall comply with the Technical Standard prescribed by the Authority.

Appendix III - Rate of Sewage Discharge

1 Discharge Rates

1.1 The rate of discharge of untreated sewage from ships shall comply with the Technical Standard prescribed by the Authority.

Appendix IV - Standard Dimension of Flanges for Discharge Connections

1 To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

<i>Description</i>	<i>Dimension</i>
Outside diameter	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm
Slots in flange	4 holes 18 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 600 kPa.	

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

2 For ships in dedicated trades, i.e. passenger ferries, alternatively the ship's discharge pipeline may be fitted with a discharge connection approved by Authority, such as quick connection couplings.