



**LEGAL NOTICE NO.....**

**MERCHANT SHIPPING ACT, 2009**  
*(No. 4 of 2009)*

**THE MERCHANT SHIPPING (PREVENTION OF POLLUTION BY SEWAGE  
FROM SHIPS) REGULATIONS, 2023**

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“Kenya sewage certificate” or “KSPC Certificate” means the Kenya sewage pollution prevention certificate issued in accordance with regulation 7 (2);

“Polar Code” means the Antarctic area or Arctic waters;

“recognized organization” means an organization that has been assessed and authorized by the Authority to perform statutory certification and services on its behalf;

- (a) drainage and other wastes from any form of toilets, and urinals;
- (b) drainage from medical premises (such as dispensary, sick bay) via wash basins, wash tubs and scuppers located in such premises;
- (c) drainage from spaces containing living animals; or
- (d) other waste waters when mixed with the drainages defined above;

“special area” means a designated sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by sewage is required as specified by the Organization;

“unmanned nonself-propelled barge” or “UNSP barge” means a 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; or
- (d) has no arrangements that could produce sewage.

Application.

3. (1) These Regulations shall apply to—

- (a) Kenyan ships, wherever they may be, of—
  - (i) four hundred gross tonnage and above; and
  - (ii) less than four hundred gross tonnage which are certified to carry more than fifteen persons.
- (b) other ships while in waters under the Kenyan jurisdiction.

Limitation of application.

**4.** The discharge controls set out in regulation 13 of Annex IV of the Convention shall not apply to the discharge of sewage —

- (a) from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
- (b) resulting from damage to the ship or its equipment has occurred and if all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimize the discharge.

Application of other Annexes to the Convention.

**5.** Where sewage to which these Regulations applies is mixed with wastes or waste water regulated by other Annexes of the Convention, the requirements of those Annexes shall be complied with in addition to the requirements of these Regulations.

Definition of sewage.

**6.** For purposes of these Regulations, “sewage” means—

- (a) drainage and other wastes from any form of toilets, and urinals;
- (b) drainage from medical premises such as dispensary, sick bay via wash basins, wash tubs and scuppers located in such premises;
- (c) drainage from spaces containing living animals; or
- (d) other waste waters when mixed with the drainages defined above;

Prohibition on the discharge of sewage.

**7.** (1) Unless otherwise provided under these Regulations, no

person shall discharge sewage into the sea.

(2) Without prejudice to subregulation (1), a person may be allowed to discharge sewage into the sea—

- (a) in the case of a ship on a voyage outside a special area, when the sewage is discharged in accordance with regulation 11A of Annex IV of the Convention (discharge of sewage from ships other than passenger ships in all areas and discharge of sewage from passenger ships outside special areas);
- (b) in the case of a passenger ship operating in a special area from the relevant date onwards, when the sewage is discharged in accordance with regulation 11B of Annex IV of the Convention (discharge of sewage from passenger ships within a special area); and
- (c) in the case of a Kenyan ship operating in polar waters, when the sewage is discharged in accordance with chapter 4 of part II-A of the Polar Code (prevention of pollution by sewage from ships).

(3) A person may be allowed to discharge sewage into the sea

Sewage pollution prevention exemption certificate.

**8.** A ship required to obtain a sewage pollution prevention certificate may be exempted from the provisions of these Regulations.

(2) The exemption issued under subregulation (1) shall be in the form of —

- (a) Kenya sewage pollution prevention exemption certificate for ships engaged solely in domestic voyages; or
- (b) international sewage pollution prevention exemption certificate ship engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention,

(3) Upon receipt of an application under this regulation, the Director General shall evaluate whether the applicant meets the

requirements of the Convention and regulations in respect of exemptions and cause the ship to be surveyed in accordance with the Act and these Regulations.

(4) Upon determination of the application under this regulation, the Director General may—

- (a) subject to such conditions as the Director General may consider necessary, issue a sewage pollution prevention exemption certificate to a successful applicant in the form set out in the First Schedule; or
- (b) reject the application and notify the applicant of the decision indicating the reasons thereof.

(5) An exemption certificate shall be issued or endorsed either by the Director General or by any persons or organization duly authorized.

(6) An exemption certificate may be altered or cancelled by a notice given in writing.

(7) The owner or master shall ensure that Certificates issued under these regulations are readily available onboard for examination at all times.

Exemption of UNSP barges.

**9.** (1) The Director General may exempt an unmanned non-self-propelled barge from the requirements of regulation 7 and regulation 9.

(2) The exemption issued under sub-regulation (1) shall be in the form of sewage Pollution Prevention Exemption Certificate for Unmanned Nonself-propelled barges.

(3) An application for a UNSP exemption certificate shall made and determined in accordance with regulation 5.

(4) A exemption certificate issued under this regulation shall be in the form set out in the Schedule.

(5) An unmanned nonself-propelled barges exemption certificate shall be valid for a period not exceeding five years:

Provided that the barge has undergone a survey to confirm that the conditions referred to in these Regulation are met.

Surveys.

**10.** (1) Every ship to which this regulation applies shall be subjected to an initial, and renewal survey as required under regulation 4 of Annex IV of the Convention.

(2) An additional survey, whether general or partial, shall be undertaken after a repair resulting from an investigation or whenever any important repairs or renewals are made on a ship.

(3) The repairs envisaged under sub-regulation (2) shall include repairs effected in order to —

(a) address a defect which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or

(b) ensure compliance with the requirements of Annex IV of the Convention.

(4) Upon completion of a survey under this regulation, the owner or master of a ship shall ensure that—

(a) the ship and its equipment are maintained to conform with the provisions of Annex IV of the Convention;

(b) no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the approval of the Director General, except the direct replacement of such equipment and fittings;

(5) The Director-General, upon request from a Party to the Convention, may cause a ship to be surveyed under the Convention and if satisfied that the requirements of Annex IV of the Convention are complied with, issue an ISPP Certificate and a survey report as requested by the other Party State.

Corrective action.

**11.** When a nominated surveyor or recognized organization determines that—

(a) the condition of the ship or its equipment does not

correspond substantially with the particulars of the respective certificate; or

- (b) the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment,

such ship shall be required to take corrective action and where such corrective action is not taken, the certificate shall be withdrawn.

Accidents, defects, etc.

**12. Where—**

- (a) an accident occurs to a ship; or
- (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under Annex IV of the Convention, the owner or master of the ship shall report at the earliest opportunity to the Director-General and in the case of a ship in a port outside Kenya, the accident or the defect is immediately reported to the Director-General and appropriate maritime authorities in the country in which the port is situated.

Duration and validity of certificates.

**13.(1)** An exemption certificate shall be valid for a period not exceeding five years.

(2) Notwithstanding sub-regulation (1), the duration and validity of a certificate shall be as per the requirements of regulation 8 of Annex IV of the Convention.

(3) An ISPP or KSPP certificate ceases to be valid—

- (a) if relevant surveys are not completed within the periods specified in regulation 4.1 of Annex IV of the Convention;
- (b) where a certificate is cancelled by the Director-General or recognised organization;
- (c) where alterations have taken place in the equipment, fittings, arrangement or material required without the approval of the Director-General, except the direct replacement of such equipment or fittings;



(d) upon transfer of the ship to the flag of another State.

Sewage system.

**14.** (1) Every ship to which these Regulations apply shall be equipped with at least one of the following sewage systems approved by the Director General in line with the provisions of regulation 9 of Annex IV of the Convention—

- (a) a sewage treatment plant; or
- (b) a sewage comminuting and disinfecting system and its facilities; or
- (c) a holding tank of an approved capacity.

(2) Notwithstanding sub-regulation (1) every passenger ship to which these Regulations, and for which the special area regulations applies while a ship is in a special area, shall be equipped with one of the following sewage systems—

- (a) a sewage treatment plant; or
- (b) a holding tank of an approved capacity.

(3) An owner or master operating a ship who contravenes the obligations imposed under this regulation commits an offence.

Standard discharge connections.

**15.** 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 specified in the Second Schedule.

(2) Where a ship has a moulded depth of five meters or less, the inner diameter of the discharge connection may be thirty-eight millimetres.

(3) Where a ship is in dedicated trades such as passenger ferries, alternatively the ship's discharge pipeline may be fitted with a discharge connection which shall be approved by the Director General, such as quick connection couplings.

(4) An owner or master of a ship to which these regulations apply operating without a standard discharge connection commits an offence.

Ships operating in  
Polar waters.

**16.** (1) The owner or master of a ship to which this regulation applies shall, when operating in Polar waters, ensure the ship complies with—

- (a) the environment-related provisions of the Introduction;  
and
- (b) Chapter 1 of part II-A of the Polar Code.

(2) In ensuring compliance with sub-regulation (2)(b) consideration must be given to the guidance in part II-B of the Polar Code.

Offences.

**17.** (1) A person, owner or master—

- (a) who falsifies, forges or alters a certificate issued by the Authority under these Regulations;
- (b) knowingly or recklessly provides false information in connection with a survey required under these Regulations;
- (c) with intent to deceive, uses, lends, or allows to be used by another, an ISPP, KSPP or UNSP exemption certificate,

commits an offence.

(2) A person who commits an offence under subregulation (1) shall be liable, upon conviction, to the penalty specified under section 412A of the Act.

Transitional and  
saving provisions.

**18.** (1) Any licence or approval in respect of a matter to which these regulations apply shall remain valid and in force for the remainder of the unexpired term unless otherwise revoked, replaced, rescinded

(2) Any ongoing application in respect of any licence or approval to which these regulations apply shall be processed in accordance with these Regulations.



**FIRST SCHEDULE**

**FORMS**

**SECOND SCHEDULE**

**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
<p>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.</p>	

