

**GOVERNMENT OF PAKISTAN
MINISTRY OF PORTS & SHIPPING
ISLAMABAD**

Islamabad, the 30th July, 2009.

NOTIFICATION

S.R.O (I)/2009, In exercise of the powers conferred by sections 382, 375 and 609 of the Pakistan Merchant Shipping Ordinance, 2001 (LII of 2001), read with section 382 thereof, the Federal Government is pleased to make the following rules for the regulation of carriage of hazardous and dangerous substances in ships and for the control, prevention and reduction of marine pollution in the maritime zones of Pakistan in order to implement relevant international conventions, namely:-

THE PAKISTAN MERCHANT SHIPPING (CARRIAGE OF HAZARDOUS AND DANGEROUS SUBSTANCES BY SHIPS) RULES, 2009

1. **short title, application, extent and commencement:-**

(1) The rules may be called the Pakistan Merchant Shipping (Carriage of Hazardous and Dangerous Substances by Ships) Rules, 2009.

(2) They shall apply to all kinds of ships and vessels irrespective of their size or tonnage which are passing through or intending to pass through any of the maritime zones of Pakistan.

(3) They shall come into force at once.

2. **Definitions:-** In these rules unless there is anything repugnant in the subject or context :-

(a) "Act" means the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

(b) "exclusive economic Zone" or "EEZ" means the zone defined in section 6 of the Act;

(c) "hazardous and dangerous substances" includes any cargo or material carried on board a ship which belongs to any of the following categories, namely:-

- (i) explosives;
- (ii) gases;
- (iii) flammable liquids;
- (iv) flammable solids;
- (v) oxidizing substances;
- (vi) organic peroxides and toxic substances;
- (vii) radioactive materials;
- (viii) corrosive substances;
- (ix) miscellaneous dangerous substances and articles, etc; and
- (x) substances materials as such defined in the Explosives Act, 1884 (IV of 1884).

(d) "maritime zones" means the maritime zones of Pakistan and include the Territorial Sea, Contiguous Zone and the Exclusive Economic zone of Pakistan as defined in sections 2, 4 and 6 Act.

(e) "Ordinance" means Merchant Shipping Ordinance, 2001 (LII of 2001);

(f) "PASREPS" means Pakistan ship reporting system;

(g) "Ship" includes any description of vessel or boat used or designed for use in navigation without regard to method or lack of propulsion; and includes vessels specifically designed to carry or transport oil, hydrocarbons, chemicals, gas in liquid or any form, radioactive material, etc.

3. **classes of hazardous and dangerous substances:-** The classes of hazardous and dangerous substance is as under:-

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- (a) Explosives:
- (i) substances and articles which have a mass explosion hazard;
 - (ii) substances and articles which have a projection hazard but not a mass explosion hazard;
 - (iii) substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard;
 - (iv) substances and articles which present no significant hazard;
 - (v) very insensitive substances which have a mass explosion hazard, or;
 - (vi) extremely insensitive articles which do not have a mass explosion hazard.
- (b) Gases: Compressed, liquefied or dissolved under pressure
- (i) flammable gases ;
 - (ii) non flammable gases ; or
 - (iii) toxic gases.
- (c) Flammable Liquids
- (d) Flammable Solids or Substances:
- (i) Flammable solids;
 - (ii) Substances liable to spontaneous combustion; or
 - (iii) Substances which in contact with water emit flammable gases.
- (e) Oxidizing Substances
- (i) Oxidizing substances (agents) by yielding oxygen increase the risk and intensity of fire; or
 - (ii) Organic peroxides -- most will burn rapidly and are sensitive to impact or friction.
- (f) Organic peroxides and toxic substances:
- (i) Toxic substances; or
 - (ii) Infectious substances;
- (g) Radioactive materials;
- (h) Corrosive substances.
- (i) Miscellaneous dangerous substances and articles; or
- (j) Materials hazardous only when carried in bulk (MHB)

4. Carriage of hazardous and dangerous substances by ships.- All ships intending to transit through the territorial sea or the EEZ of Pakistan shall comply with applicable international conventions, codes, rules, regulations, standards and the Ordinance with respect to labelling, packaging, stowage, carriage, etc., of hazardous and dangerous materials carried on board.

5. PASREPS.- (1) All ships carrying dangerous and hazardous cargo while transiting Pakistan EEZ or intending to call on any Pakistani port shall report details as set out in rule 3 of such cargo at least twenty four hours prior to entering Pakistan EEZ or forty eight hours prior to transiting territorial waters of Pakistan or entering any Pakistani port as the case may be, whichever is earlier.

(2) The report of dangerous and hazardous cargo shall be made to the following on PASREPS in the following format, namely:-

- (a) Director General Maritime Security Agency
 KDLB Building, West Wharf Road
 P O Box No. 13333, Karachi
 Tele: 92-21-9214624, 92-21-9214964-7
 Fax: 92-21-9214621, 92-21-9214625
 E-mail: nrecpmsa@cyber.net.pk

- (b) Director General (P&S), Ministry of Ports & Shipping
Plot No.12, Miscellaneous Area, Mal Kolachi By Pass,
Near KESC Grid, Karachi
Tele: 92-21-9206405, 92-21-9206407
Fax: 92-21-9206407
- (c) Hydrographer of the Pakistan Navy
Hydrographic Department
11, Liaquat Barracks, Karachi
Tele: 92-21-48506151, 92-21-48506152
Telex: 20774 HDRO PK
E-mail: hydrogk@bol.edu.pk
- (d) Format of PASREPS:
Name and type of ship
Port of registry
Position
IMO number
Port of departure
Next port of call
Type of package e.g. steel drums, boxes, freight containers, portable tanks etc
UN number(s)
Quantity, weight and destination
Details of arms and ammunition being carried onboard
Correct technical name of goods

6. **Application of notices to mariners on marine pollution in the EEZ.**- Without prejudice to the generality and applicability of these rules every master of a ship shall be responsible for compliance with Pakistan notices to mariners issued from time to time by or on behalf of the Government of Pakistan.

7. **Failure to report or declare dangerous and hazardous cargo.**- Failure to report or declare the presence of dangerous and hazardous cargo onboard or non compliance with notices to mariners shall make the vessel as unsafe and its master shall be liable for action under due process of law.

8. **Power of visit, search, diversion, arrest or detention.**- Vessels suspected of violation of these rules or notices to mariners on marine pollution in the EEZ and along the coast shall be liable to visit and search by Pakistan Navy Ships and ships or vessels belonging to the Maritime Security Agency, and may be diverted for this purpose. If any violation of the aforesaid is detected, the ship concerned will be considered as unsafe and liable for detention, arrest and action under due process of law.

9. **Procedure and jurisdiction:** - (1) Any master of a ship contravening any provision of these rules shall be directed to the nearest port in Pakistan or any other place as deemed appropriate by the Captain of the naval, MSA or Government vessel for further investigations and legal proceedings.

(2) The legal proceedings shall be instituted against the vessel and the master in the court of competent jurisdiction in accordance with the provisions of Part XV of the Ordinance.

SOP - HMCR IMPLEMENTATION IN PAKISTAN

GOVT LEVEL

1. Ministry of Ports and Shipping to recommend inspection of a suspected vessel to Ministry of Defence (MoD).
2. Ministry of Defence (MoD) is to issue alert warning to Pakistan Navy (PN) and Maritime Security Agency (MSA).
3. Decision for inspection is taken at MoD. PN or MSA is tasked as appropriate.
4. Min of P & S is to coordinate with Port Authority and media.
5. Depending upon the tasking by MoD, NHQ/MSA is to task suitable unit(s) for boarding/inspection.
6. Boarding/inspection by PN units will normally be restricted to tension period/war.

NHQ/HQ MSA

1. NHQ/HQ MSA is to detail PN/MSA unit for boarding/inspection.
2. Inspection of the material/goods as per NAVAREA IX Coordinator signal DTG 141050 Jan 05.
3. Upon completion of inspection, PN/MSA unit will signal outcome of search to NHQ/HQ MSA alongwith assessment and recommendations (as per format). Based on this report, decision to escort the suspected vessel to nearest Pakistani port or anchorage near the coast or to release will be sought through MoD.
4. If visit and search at sea is impossible or unsafe, PN/MSA unit may divert a merchant vessel to an appropriate area or port in order to exercise the right of visit and search.
5. Non-compliant inspection/boarding will be under taken with explicit instructions of NHQ/MoD.
6. If capture is exercised, the safety of passengers and crew and their personal effects must be provided for. The documents and papers relating to the vessel must be safeguarded.
7. Rules of Engagement (ROE) as per Pakistan Charge Book (PCB) 20(A) are to be complied with.
8. Vessel (if captured) be handed over to local authority (DG P&S).
9. Takedown of the vessel through disabling fire is to be exercised only after explicit instructions from NHQ/MoD.
10. Necessary entries of the event be made in the merchant ship's log, with names of the boarding officer and the commanding officer of PN unit.
11. Detailed report on the event be rendered to MoD/NHQ immediately on conclusion of the task.