

## MARINE ENVIRONMENT REGULATIONS, 2012

### OFFENCES

<b>1. MERCHANT SHIPPING (ANTI-FOULING SYSTEMS) REGULATIONS, 2012</b>			
REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg. 13	Application, Installation or Use of Harmful AFS <sup>1</sup>	Does not apply to: (i) a Fixed or Floating platform (ii) a Floating storage unit; or (iii) a Floating production and off-loading unit  <i>*so long as it was constructed before 1<sup>st</sup> July 2003 and has not been in dry dock on or after 1<sup>st</sup> July 2003*</i>	Ten Million Naira (N10,000,000) borne by the Ship owner and Master of the vessel, severally
<b>2. MERCHANT SHIPPING (BALLAST WATER MANAGEMENT) REGULATIONS, 2012</b>			
Reg. 9 (1)(a)	Failure to prepare and implement Ballast Water Management Plan <sup>2</sup>	Ability to demonstrate that all reasonable precautions were taken and that due diligence was exercised to avoid commission of the offence	jis borne by the Ship owner and Master of the Vessel jointly and severally  Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.
Reg. 9 (1)(b)	Failure to educate the vessel's officers and crew on their duties in accordance with implementing the plan <sup>3</sup> relevant to the vessel that they are on board	Ability to demonstrate that all reasonable precautions were taken and that due diligence was exercised to avoid commission of the offence	Liability is borne by the Ship owner and Master of the Vessel jointly and severally  Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.

<sup>1</sup> Anti-Fouling System

<sup>2</sup> Details as to the content of the Ballast Water Management Plan are contained in Regulation 9(2) of the Merchant Shipping (Ballast Water Management) Regulations, 2012

<sup>3</sup> Ballast Water Management Plan