

GHANA SHIPPING (PROTECTION OF OFFSHORE OPERATIONS AND ASSETS) REGULATIONS, 2012 (L.I. 2010)

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GHANA SHIPPING (PROTECTION OF OFFSHORE OPERATIONS AND ASSETS) REGULATIONS, 2012 (L.I. 2010)

IN exercise of the power conferred on the Minister responsible for Transport by section 477(c) and (ee) of the Ghana Shipping Act, 2003 (Act 645) these Regulations are made this 25th day of January, 2012.

Offshore installation safety zones

Regulation 1—Establishment and protection of safety zones

(1) The Minister may, by notice published in the Gazette

(a) establish safety zones around an offshore installation to protect the installation either installed, or being installed on the sea bed within Ghana's maritime jurisdiction;

(b) prescribe measures as the Minister considers necessary in the established safety zone for the protection of the offshore installation or device with respect to which the safety zone is established; and

(c) regulate or prohibit the entry of a ship or any specified class of ships, vessels or persons into the safety zone.

(2) An establishment of a safety zone under subregulation (1) may be made in anticipation of the arrival of an installation on station, so as to commence at the time of its arrival on station.

(3) The area of a safety zone established under subregulation (1) with respect to any offshore installation permanently fixed to the sea floor shall have the co-ordinates of latitude and longitude defined in the Gazette and shall comprise an area extending to a distance of five hundred metres measured from each point of the outer edge of the installation.

(4) The area of a safety zone established under subregulation (1) with respect to any floating offshore installation shall have the co-ordinates of latitude and longitude defined in the Gazette and shall comprise

(a) the floating installation rotation zone; and

(b) the annular, ring-shaped area next to the floating installation rotation zone

(i) bounded on its inner edge by the outer edge of the floating installation rotation zone; and

(ii) bounded on its outer edge by a line five hundred metres from the outer edge of the floating installation rotation zone.

(5) In accordance with section 235 (1) of the Act the Director-General shall take appropriate steps to advise the seafaring community and the public of the safety zones established under this regulation through publication in the official charts, Notices to Mariners, navigational warnings and at least two state-owned national daily newspapers.

Regulation 2—Prohibition of entry

A ship, vessel or person shall not enter a safety zone notified in the Gazette in accordance with regulation 1 without the consent in writing of the Director-General, unless

(a) it is engaged in constructing, repairing or servicing

(i) the floating or fixed installation;

(ii) a submarine pipeline connected or to be connected to the floating installation;

(iii) facilities associated with the floating installation or the pipeline; or

(b) it is a tanker authorised by the operator of the installation to enter the zone to load crude oil or other petroleum products.

Exclusion zones

Regulation 3—Establishment of exclusion zones

The Minister may, by notice published in the Gazette, establish a temporary exclusion zone in an area within Ghana's maritime jurisdiction

(a) in the interest of safety,

(b) in the event of danger or imminent danger to

(i) the state,

(ii) a person,

(iii) a vessel,

(iv) an installation,

(v) a structure,

(vi) a device, or

(vii) an equipment,

(c) to protect the environment, or

(d) to mitigate the effects of a spill.

Protection mechanisms

Regulation 4—Gazette publication of protection mechanisms

(1) The Director-General may publish in the Gazette a protection mechanism established by the International Maritime Organisation in an area within Ghana's maritime jurisdiction.

(2) The nature and location of the protection mechanism and restrictions imposed by that protection mechanism shall be published in the Gazette.

Pipeline protection areas and cable protection areas

Regulation 5—Protection of subsea pipelines

(1) The Minister may, by notice published in the Gazette, establish a protection area around a subsea pipeline to protect any pipeline whether or not permanently attached to an offshore installation, that is not otherwise protected by a safety zone established under regulation 1.

(2) The protection area established under subregulation (1) shall be defined in the Gazette and shall extend not more than one hundred metres on either side of the centre line of the specified pipeline which has the co-ordinates of latitude and longitude specified in the Gazette.

Regulation 6—Protection of subsea cables

- (1) The Minister may, by notice published in the Gazette, establish a protection area around a subsea cable or any length of the cable to protect any subsea cable.
- (2) The protection area established under subregulation (1) shall be defined in the Gazette and shall extend not more than fifty metres on either side of the centre line of the specified cable which has the co-ordinates of latitude and longitude specified in the Gazette.

Regulation 7—Prohibition of certain activities within protection areas

The following operations are prohibited in the protection area notified in the Gazette in accordance with regulations 5 and 6:

- (a) fishing operations conducted from a ship in the protection area; and
- (b) anchoring in the protection area, except where the anchoring is necessary for the purpose of saving life or a ship.

Mobile offshore drilling units

Regulation 8—Requirements for operation of mobile offshore drilling units

- (1) A person shall not operate or locate a mobile offshore drilling unit in Ghana's maritime jurisdiction unless that person
 - (a) obtains a mobile offshore drilling unit safety operating permit from the Ghana Maritime Authority, and
 - (b) complies with the design, construction and equipment requirements of
 - (i) the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1979, (IMO Resolution A.414 (XI) as amended by MSC/Circ. 561); (the 1979 Mobile Offshore Drilling Unit Code) and has in force a Mobile Offshore Drilling Unit Certificate (1979); or
 - (ii) the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989, (IMO Resolution A.649 (16) as amended by MSC/Circ. 561 and Resolution MSC.38 (63); (the 1989 Mobile Offshore Drilling Unit Code) and has in force a Mobile Offshore Drilling Unit Certificate (1989).
- (2) A person shall not locate, move or relocate a mobile offshore drilling unit from or to a location in Ghana's maritime jurisdiction without prior written notification to the Authority.

Regulation 9—Requirements for mobile offshore drilling unit safety operating permit

- (1) A person who seeks to operate a mobile offshore drilling unit shall apply in writing for a safety operating permit addressed to the Director-General and supported with the relevant documents.
- (2) The Director-General shall issue a mobile offshore drilling unit safety operating permit in the form specified in the First Schedule to a person who complies with the necessary requirements.
- (3) A mobile offshore drilling unit safety operating permit is valid for a period of one year from the date of issue and may be renewed, subject to an annual inspection by the Authority.

(4) Where a person does not comply with the necessary requirements, the Authority shall give notice to the person to take remedial steps specified in that notice within the time specified in that notice.

(5) Where a person does not take the remedial steps within the time specified in the notice, the Authority shall in writing revoke the permit of that person.

(6) A person whose mobile offshore drilling unit safety operating permit is revoked by the Authority may re-apply to the Authority for the mobile offshore drilling unit safety operating permit after taking the remedial steps.

Safety permit

Regulation 10—Requirements for safety permit

A person who intends to

- (a) operate a vessel,
- (b) site an installation,
- (c) site a storage facility, or
- (d) lay a pipeline, a cable, an equipment or any other structure or device

on the seabed in an area within Ghana's maritime jurisdiction shall obtain a permit from the Ghana Maritime Authority.

(2) The Director-General shall issue a safety permit in the form specified in the Second Schedule to a person who complies with the necessary requirements.

(3) A safety permit is valid for a period of one year from the date of issue and may be renewed, subject to an annual inspection by the Authority.

(4) Where a person does not comply with the necessary requirements, the Authority shall give notice to the person to take remedial steps specified in that notice within the time specified in the notice.

(5) Where a person does not take the remedial steps within the time specified in the notice, the Authority shall in writing revoke the permit of that person.

(6) A person whose safety permit is revoked by the Authority may re-apply to the Authority for the safety permit after taking the remedial steps.

Miscellaneous provisions

Regulation 11—Offences and penalties

(1) The owner of a ship or a vessel or a person who is in charge of a ship or a vessel or a person that

- (a) enters or remains in a safety zone in contravention of regulation 2, or

(b) carries out an operation prohibited in an area defined as a protection area in accordance with regulation 5 or 6 commits an offence and is liable on summary conviction

(c) in the case of an individual, to a fine of not less than fifty penalty units and not more than seven thousand five hundred penalty units or a term of imprisonment of not more than fifteen years or to both the fine and the imprisonment, and

(d) in the case of a body corporate, to a fine of not less than five hundred penalty units and not more than ten thousand penalty units.

(2) A person who enters or remains in a temporary exclusion zone established under regulation 3 commits an offence and is liable on summary conviction to a fine of not more than ten thousand penalty units or to a term of imprisonment of not more than five years or to both the fine and the imprisonment.

(3) A person who does not comply with the restrictions imposed in a protection mechanism established under regulation 4 commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units.

(4) A person who operates a mobile offshore drilling unit within Ghana's maritime jurisdiction and fails to

(a) register the mobile offshore drilling unit with the Ghana Maritime Authority, or

(b) obtain a mobile offshore drilling unit safety operating Permit commits an offence and is liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not more than five years or to both the fine and the imprisonment.

(5) A person who

(a) operates a vessel,

(b) sites an installation,

(c) sites a storage facility, or

(d) lays a pipe, cable, equipment or any other structure or device on the seabed or in an area within Ghana's maritime jurisdiction without registering with the Ghana Maritime Authority or obtaining a safety permit from the Ghana Maritime Authority commits an offence and is liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not more than five years or to both the fine and the imprisonment.

Regulation 12—Defence

It is a defence to a charge of an offence cited in regulation 11, if it is established that the offence occurred because

(a) of factors beyond the control of the person charged,

(b) it was necessary to secure the safety of, or appeared to be the only way of averting a threat to human life; or

(c) it was necessary to secure, or appeared to be the only way of averting a threat to the safety of a ship at sea or of an offshore installation.

Regulation 13—Interpretation

In these Regulations unless the context otherwise requires,

“floating installation point” means the point at which the installation is permanently moored and around which the installation can pivot;

“floating installation rotation zone” means the area bounded by the locus while the floating installation is moored at its permanent station offshore or the part of the floating installation most distant from the floating installation point;

“pipeline” includes

(a) a pipe used or intended to be used for the conveyance of gas including natural gas, petroleum, oil, water, or any other mineral, liquid, or substance; and

(b) all fittings, pumps, tanks, appurtenances, or appliances used in connection with a pipeline; and

“safety zone” means the safety zone established by a notice published in the Gazette in accordance with regulation 1.

SCHEDULE

FIRST SCHEDULE

(Regulation 9 (2))

MOBILE OFFSHORE DRILLING UNIT SAFETY OPERATING PERMIT

Form for Mobile Offshore Drilling Unit Safety Operating Permit

(Official seal)

(State)

Issued under Regulation 9 (2) of the Ghana Shipping (Protection of Offshore Operations and Assets) Regulations, 2012

Under the authority of the Government of Ghana

By

.....
.....

(Director-General, Ghana Maritime Authority)

Particulars of mobile offshore drilling unit

Name of mobile offshore drilling unit.....

Distinctive number or letters.....

Port registry..... of
.....

Gross tonnage.....
.....

IMO number
.....
.....

THIS IS TO CERTIFY:

1. That the mobile offshore drilling unit has been inspected by the Ghana Maritime Authority.
2. That the inspection confirms that the mobile offshore drilling unit complies with the design, construction and equipment requirement of: —

(a) the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1979 (IMO Resolution A.414(XI) as amended by MSC/Circ.561); (the 1979 Mobile Offshore Drilling Unit Code) and has in force a Mobile Offshore Drilling Unit Certificate (1979), or

(b) the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989 (IMO Resolution A.649(16) as amended by MSC/Circ.561 and Resolution MSC.38(63), (the 1989 Mobile Offshore Drilling Unit Code); and has in force a Mobile Offshore Drilling Unit Certificate (1989), or a Mobile Offshore Drilling Unit Certificate issued under a subsequent amendment of the 1989 Mobile Offshore Drilling Unit Code.

This permit is valid for one year and is renewable subject to inspection by the Ghana Maritime Authority to verify ongoing compliance with Regulation 8 of the Ghana Shipping (protection of Offshore Operations and Assets) Regulations, 2012.

Issued at
.....

(Place of issue of permit)
.....
.....

(Date of issue)

(Signature of Director-General)

(Seal or stamp of the issuing authority as appropriate)

SECOND SCHEDULE

(Regulation 10 (2))

SAFETY PERMIT A

Permit No. : GMA...../

Form for Safety Permit for vessels, installations and storage facilities located in an area within Ghana's maritime jurisdiction

Issued under Regulation 10 (2) of the Ghana Shipping (Protection of Offshore Operations and Assets) Regulations, 2012.

This permit is given on condition that:

- (a) Ghana Maritime Authority inspectors reserve the right to board the vessel or facility for inspections,
- (b) the vessel is maintained in Class at all times during the time the vessel is operating within Ghana's maritime jurisdiction,
- (c) all statutory safety certificates remain valid at all times during the time that the vessel remains within Ghana's maritime jurisdiction,
- (d) the vessel, structure or facility complies strictly with MARPOL Annexes I, II, III, IV, V and VI all other relevant marine pollution laws, and
- (e) all fees due the Ghana Maritime Authority are settled.

N.B THE VALIDITY OF THIS PERMIT IS SUBJECT TO THE CLEARANCES OR PERMITS OBTAINED FROM OTHER GOVERNMENT AGENCIES REMAINING VALID AND COMPLIANCE WITH THE ABOVE CONDITIONS.

Under the Authority of the Government of Ghana

By

.....
.....

Director-General, Ghana Maritime Authority

(Official Seal)

To:

To operate:

NAME OF VESSEL: —

PORT OF REGISTRY: —

OFFICIAL NUMBER: —

CALL SIGN: —

GROSS TONNAGE: —

NET TONNAGE: —

DEAD WEIGHT: —

IMO NUMBER: —

Date of issue:

Date of expiry:

SECOND SCHEDULE

(Regulation 10 (2))

SAFETY PERMIT B

Permit No. : GMA/.....

Form for Safety Permit for cables, pipelines, devices, structures or equipment located in an area within Ghana's maritime jurisdiction

Issued under Regulation 10 (2) of the Ghana Shipping (Protection of Offshore Operations and Assets) Regulations, 2012.

Under the Authority of the Government of Ghana

By

.....
.....

Director-General, Ghana Maritime Authority

(Official Seal)

To:

To operate:

DESCRIPTION OF OBJECT —

IDENTIFYING MARKS —

COORDINATES/LOCATION —

Date of issue:

Date of expiry:

HON. ALHAJI COLLINS DAUDA (MP)

Minister responsible for Transport

Date of Gazette notification: 27th January, 2012.

Entry into force: 2nd March, 2012.