



**MARITIME (INTERNATIONAL CONVENTION FOR THE CONTROL  
MANAGEMENT OF SHIPS BALLAST WATER AND SEDIMENTS) RULES,  
2014 NO.1**

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155/14

18 December 2014

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1 Title and Commencement

(1) These Rules may be cited as the Maritime (BWM) Rules.

(1) These Rules will come into force on the day after notice of their making is given in the Gazette.

2 Interpretation – In these rules, -

“Act” means the Maritime Transport Act 2008;

“Administration” for the purposes of Flag State matters means the Administrator appointed under the Ship Registration Act 2007 for the time being and for the purposes of Port and Coastal state matters means the Ministry of Transport or such other entity of the Cook Islands Government that has competency;

“Convention” means, The International Convention for the Control and Management of Ships Ballast Water and Sediments (BWM 2004);

“Registrar” means the Registrar of Ships appointed under section 11 of the Ship Registration Act, 2007;



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“Vessel” means a vessel registered pursuant to the Ship Registration Act, 2007 and includes a vessel within the Cook Islands’ territorial sea to which the Convention applies;

3 Purpose – The purpose of these Rules is to –

- (1) Implement Cook Islands’ obligations under the Convention;
- (2) Enforce compliance with those obligations and standards by way of investigation and enforcement under the Act.

4 Convention incorporated by reference – The Convention is incorporated into and forms part of these Rules.

5 Application – These Rules shall apply to a vessel and the vessels owner and master to the extent that the Convention applies to that vessel, the owner or the master.

6 Compliance with Convention obligations –

- (1) Where the Convention imposes obligations upon the Cook Islands and the discharge of the obligations requires compliance by a vessel, the owner or the master then, the vessel, the owner or the master, as the case may be, will comply to the extent that the obligations apply to the vessel, the vessel’s owner or master so that the obligations are discharged.
- (2) If the Convention does not provide for or there is uncertainty about the manner in which Flag State obligations are to be discharged then, the vessel, the vessel owner and master must comply as directed by the Registrar from time to time.
- (3) Where the Convention imposes obligations on the Cook Islands and the discharge of the obligation does not require compliance under subclause (1), these obligations will be discharged by the Administration in the manner prescribed by the Convention.

7 Non-Compliance – A person who fails to comply with either of Rules 6 (1) or 6 (2) commits an offence against the Act, and is liable to prosecution under the Act.



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8 Amendments to Convention

- (1) Except as provided by subclause (2) all amendments and modifications to the Convention and all instruments made through the Convention from time to time are incorporated into these Rules;
  - (2) The Minister may by notice in the Gazette exclude from these Rules any instrument amendment or modification which but for the notice would be incorporated into these Rules under subclause (1).
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