

CHAPTER 293**OIL IN NAVIGABLE WATERS****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 293

OIL IN NAVIGABLE WATERS

An Act to make provision against the discharge or escape of oil into navigable waters.

1927-5.
1960-29.
L.N. 168,
1967.

[4th June, 1927] Commence-
ment.

1. This Act may be cited as the Oil in Navigable Waters Act. Short title.

2. (1) For the purposes of this Act, the expression— Inter-
pretation.
- “ barge ” includes lighter or like vessel;
- “ master”, when used in relation to any vessel, means the person having the command or charge of the vessel for the time being;
- “ Minister ” means the Minister responsible for Shipping;
- “ oil ” means oil of any description, and includes spirit produced from oil and oil mixed with water;
- “ vessel ” includes any ship or boat or any other description of vessel used in navigation.

(2) This Act shall apply to all vessels carrying oil whether for cargo or bunker purposes.

(3) The waters to which this Act applies are the territorial waters of this Island and the territorial waters of harbours therein.

3. (1) Where any oil is discharged, or allowed to escape whether directly or indirectly, into any waters to which this Act applies from any vessel or from any place on land or from any apparatus used for the purpose of transferring oil from or to any vessel or to or from any other vessel or to or from any place, the owner or master of the vessel, from which the oil is discharged or allowed to escape, the occupier of the land, or the person having charge of the apparatus, as the case may be, shall be guilty of an

Penalty for
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offence and shall, in respect of each such offence, be liable on summary conviction to a fine of four hundred and eighty dollars.

(2) It shall be a good defence to proceedings for an offence under this section to prove—

- (a) if the proceedings are against the owner or master of a vessel, that the escape of the oil was due to, or that it was necessary to discharge the oil by reason of, the vessel being in collision or the happening to the vessel of some damage or accident and also, if the proceedings are in respect of an escape of oil, that all reasonable means were taken by the master to prevent the escape; and
- (b) if the proceedings are against any other person and are in respect of an escape of oil, that all reasonable means were taken by that person to prevent the escape.

Discharge of
ballast water
from vessels
in which
petroleum
spirit carried.

4. (1) It shall be lawful for the Minister to appoint a place at which the ballast water of vessels in which a cargo of petroleum spirit has been carried may be discharged, and where a place is so appointed, any such ballast water may, notwithstanding anything in section 3, be discharged at that place, but only at such times and subject to such conditions as the Minister may from time to time determine.

(2) Subsection (1) shall not apply to ballast water containing oil other than petroleum spirit.

(3) For the purposes of this section, the expression "petroleum spirit" means refined petroleum which is subject to rapid evaporation and which, when tested in the manner prescribed by the Storage of Petroleum Act, gives off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit's thermometer.

Cap. 172.

Prohibition
of transfer of
oil at night.

5. (1) It shall not be lawful during the hours between sunset and sunrise to transfer any oil to or from any vessel lying in any of the waters of this Island unless notice of intention so to do has been given in accordance with this section.

(2) Where any oil is transferred to or from any vessel in

contravention of this section, the master of the vessel and, where the oil is transferred from or to premises on land, the occupier of the premises shall, in respect of each offence be liable on summary conviction to a fine of ninety-six dollars.

(3) A notice for the purpose of this section must be given to the Harbour Master and shall be of no effect unless given at least three hours and not more than ninety-six hours before the time at which the operation of transferring the oil commences:

Provided that, in case of an operation to be performed at a place where such operations are frequently and regularly carried on, or in the case of a transfer of oil for fire brigade purposes, the notice may, instead of being a notice given to the Harbour Master within the time hereinbefore provided, be a general notice given to the Harbour Master to the effect that such operations will during such period not exceeding twelve months from the date of notice, as may be specified therein, be carried on between sunset and sunrise.

6. (1) There shall be kept in the case of every vessel a record, in such form as the Minister may prescribe, of all operations in connection with the transfer of oil to and from the vessel.

Keeping of records with respect to transfer of oil

(2) The record required to be kept under this section shall, in the case of a barge, be kept, as far as relates to the transfer of oil to the barge, by the person supplying the oil and, so far as relates to the transfer of oil from the barge, by the person to whom the oil is delivered and shall, in every other case, be kept by the master of the vessel.

(3) Every record kept under this section may at all reasonable times be inspected by the Harbour Master or by any person duly authorised in that behalf by the Minister.

(4) Any person required to keep a record under this section—

(a) who fails to keep such a record or to make proper entries therein or to produce the record on a demand in that behalf made by any person authorised to inspect it shall, in respect of each offence, be liable on summary conviction to a fine of two hundred and forty dollars;

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- (b) who makes any entry in the record which is to his knowledge false or in any material particular misleading or wilfully fails to make any entry in the record shall, in respect of each offence, be liable on summary conviction to a fine of four hundred and eighty dollars.

Liquid contained in spaces used for carriage of oil to be deemed oil for purposes of Act.

7. (1) Where oil has been contained in any tanks or other spaces in a vessel, any liquid discharged or allowed to escape from those tanks or spaces shall, unless it is proved that the tanks or spaces have been cleaned of oil or that the liquid has been freed from oil by means of a separating apparatus, be deemed to be oil within the meaning of this Act.

(2) In the case of proceedings against any person other than the master of a vessel, evidence of the matters mentioned in subsection (1) may be given by means of a certificate signed by the master, but any master of a vessel who gives any certificate under this section which is to his knowledge false or in any material particular misleading shall on summary conviction be liable in respect of each offence to a fine of two hundred and forty dollars.

(3) For the purposes of this section, the expression "master of a vessel" means the person named as the master in the agreement with the crew.

Application of fines.

8. Where any person is convicted of the offence of having in contravention of this Act discharged or allowed to escape any oil into any waters to which this Act applies, the court before which he is convicted may, on the application of the prosecutor, order that the whole or any part of the fine imposed in respect of the offence shall be paid to such person as the court may direct for the purpose of being applied by him in or towards meeting any expenses incurred or to be incurred in the removal of the oil so discharged or allowed to escape.

Power to inspect vessels or premises.

9. (1) The Minister may, if he thinks fit, appoint any public officer or other competent and independent person to inspect any vessel being in any waters to which this Act applies, and any person so appointed or the Harbour Master may at all reasonable times enter upon the vessel and examine the measures adopted to prevent the escape of oil.

(2) Where it is represented to the Minister that there is reason to suspect that oil is escaping or has escaped, whether directly or indirectly, into waters to which this Act applies from premises adjacent to, or in the neighbourhood of those waters, the Minister may, if he thinks fit, appoint any public officer or other competent and independent person to inspect the premises, and any officer or person so appointed may at all reasonable times enter upon and inspect the premises.

(3) Any person who obstructs or interferes with any person authorised to enter on any premises or vessels under this section shall on summary conviction be liable in respect of each offence to a fine of forty-eight dollars.

10. (1) Where an offence under this Act is alleged to have been committed by the master of a vessel who thereafter departs from this Island before the expiration of the period within which proceedings for the offence might have been instituted against him, proceedings for the offence may be instituted against him at any time within two months next after the date on which he first returns to the Island. Legal proceedings.

(2) For the purpose of any proceedings for an offence under this Act, the offence may be treated as having been committed either at the place at which it was actually committed or at any place at which the person charged with the offence may at any time be.

(3) Where a fine imposed by any court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time and in manner ordered by the court, the court shall, without prejudice to any other powers of the court for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress and sale of the vessel, her tackle, furniture and apparel.

11. The provisions of this Act shall be in addition to and not in derogation of or substitution for any provisions for the protection of the harbours of Barbados contained in any enactment or in any order, rule, regulation or bye-law made under such enactment. Saving.

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