

ACT

Act No. 7 of 1998

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CHAPTER 54B

CIVIL LIABILITY FOR OIL POLLUTION DAMAGE (INTERNATIONAL CONVENTION) ACT

An Act to make provision for the implementation of the International Convention on Civil Liability for Oil Pollution Damage, and for matters connected therewith.

[Act No.7 of 1998.]

[21st May, 1999.]

1. Short title

This Act may be cited as the Civil Liability for Oil Pollution Damage (International Convention) Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“Convention” means the 1969 International (Convention on Civil Liability for Oil Pollution Damage adopted in Brussels on 29 November, 1969, as amended by the Protocol adopted in London on 27 November, 1992, the text of which is set out in the Schedule to this Act;

“Court” means the High Court of Grenada;

“Director of Maritime Affairs” means the Director of Maritime Affairs appointed under section 4 of the Shipping Act, Chapter 303;

“Minister” means the Minister responsible for shipping;

“territorial sea” means the territorial sea of Grenada as defined in the Grenada Territorial Sea and Maritime Boundaries Act, Chapter 318, and includes the internal waters of Grenada.

(2) In this Act, any word, term or expression which is defined in the Convention shall have the same meaning as that assigned to it in the Convention.

3. Convention to have the force of law

Subject to sections 4 to 10 of this Act, Article I to Article XI of the Convention and Article XII, relating to the Final Clauses of the Convention, have the force of law in Grenada.

4. Action for compensation

Subject to the terms or provisions of the Convention, an action for compensation under this Act and the Convention may be instituted in the Court—

(a)

if pollution damage resulting from an incident has been caused or sustained in the territory, including the territorial sea, of Grenada, or within the exclusive economic zone of Grenada; or

(b)

if measures have been taken to prevent or minimise pollution damage in the area referred to in paragraph (a) of this section.

5. Constitution of limitation fund

Subject to the terms or provisions of the Convention, the limitation fund shall be constituted with the Court.

6. Court’s jurisdiction

(1) Notwithstanding anything contained in the Shipping Act, Chapter 303, or any other law, but subject to the terms or provisions of the Convention, an action for compensation under the Convention may be entertained by the Court in the exercise of its ordinary original jurisdiction.

(2) Pursuant to Article IX.3 of the Convention, the Court shall be exclusively competent to determine all matters relating to the apportionment and distribution of the limitation fund constituted in accordance with Article V of the Convention and section 5 of this Act.

(3) If the limitation fund is insufficient to satisfy the claims of those who are entitled to compensation, the amount of compensation of each claimant shall be reduced *pro rata*.

(4) The jurisdiction conferred by this section shall be in addition to, and not in derogation of, any jurisdiction or power afforded by any other law.

7. Certificates of insurance

(1) In respect of a ship registered in Grenada, a certificate of insurance referred to in Article VII of the Convention shall be issued by the Director of Maritime Affairs and shall be in the form set out in the Annex to the Convention.

(2) The Director of Maritime Affairs may issue the certificate referred to in subsection (1) of this section to a ship entering or leaving a port in Grenada that flies the flag of a State not a party to the Convention.

(3) Pursuant to paragraph 11 of Article VII of the Convention, the Director of Maritime Affairs shall ensure that insurance or other security to the extent specified in paragraph 1 of Article VII of the Convention, is in force in respect of any ship, whenever registered—

(a)

entering or leaving a port in the territory of Grenada; or

(b)

entering or leaving on offshore terminal in the territorial sea of Grenada,
if the ship actually carries more than 2,000 tons of oil in bulk as cargo.

8. Offences

Any ship such as is described in section 7(3) that enters or leaves a port in the territory of Grenada without carrying a valid insurance issued under or pursuant to this Act and the Convention, commits an offence under this Act and the Convention and owner of such ship shall be liable, on summary conviction, to a fine not exceeding five hundred thousand dollars and for a second or subsequent offence, to a fine not exceeding two million dollars.

9. List of Convention countries

The Minister may, from time to time, by Notice in the *Gazette*, publish a list of countries in respect which the Convention is in force.

10. Regulations

The Minister may make such regulations as appear to him or her to be necessary for giving effect to this Act and the Convention and force their due administration.

11. Commencement

This Act comes into force on the 21st day of May, 1999.

(Schedule omitted)