

## CHAPTER 204.

## GRENADA.

Ordinance  
Cap. 154-1934  
Revision.

AN ORDINANCE TO MAKE PROVISION AGAINST THE DISCHARGE OR  
ESCAPE OF OIL INTO THE TERRITORIAL WATERS OF THE  
COLONY.

[26th March, 1928.]

Short title  
and saving.

1. (1) This Ordinance may be cited as the  
**OIL IN NAVIGABLE WATERS ORDINANCE.**

(2) The provisions of this Ordinance shall be in addition to and not in derogation of or substitution for any provisions for the protection of a harbour as defined in this Ordinance contained in any existing Ordinance or re-enactment thereof or in any order, rule, regulation, or by-law made or to be made under such Ordinance or any re-enactment thereof.

Interpreta-  
tion and  
application.

2. (1) In this Ordinance, unless the context otherwise requires —

“ barge ” includes lighter or like vessel ;

“ harbour ” means any harbour whether natural or artificial, and includes any bay, creek, inlet, port, dock, estuary or arm of the sea, and any waters in which sea-going vessels can obtain shelter or ship or unship goods or passengers ;

“ local authority ” means a District Board or the sanitary authority established and constituted by the Public Health Ordinance ;

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“ master ” when used in relation to any vessel means the person having the command or charge of the vessel for the time being ;

“oil” means oil of any description, and includes spirit produced from oil and oil mixed with water ;

“Port Officer” includes any person appointed by the Financial Secretary for the purpose of enforcing the provisions of this Ordinance ;

“transfer” in relation to oil means transfer in bulk ;

“vessel” includes any ship or boat, or any other description of vessel used in navigation.

(2) This Ordinance shall apply to any vessel which is capable of carrying in bulk, whether for cargo or for bunker purposes, more than twenty-five tons of oil, or which though not so capable is constructed or fitted to carry in bulk as aforesaid more than five tons of oil, in any one space or container.

(3) the waters to which this Ordinance applies are the territorial waters of the Colony and the waters of harbours therein.

3. (1) If any oil is discharged, or allowed to escape whether directly or indirectly, into any waters to which this Ordinance 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 to or from any other vessel (whether a vessel to which this Ordinance applies or not) 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 offence and shall, in respect of each such offence, be liable on summary conviction to a fine not exceeding four hundred and eighty dollars :

Penalty for discharge of oil into waters to which this Ordinance applies.

Provided that 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 the 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.

(2) It shall be lawful for the Financial Secretary 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 this section, be discharged at that place, but only at such times and subject to such conditions as the Financial Secretary may from time to time determine :

Provided that the foregoing provision shall not apply to ballast water containing oil other than petroleum spirit.

For the purposes of this subsection, the expression " petroleum spirit " means refined petroleum which is subject to rapid evaporation and which, when tested in the manner prescribed by the Petroleum Ordinance or any enactment amending that Ordinance, gives off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit's thermometer.

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Prohibition  
of transfer  
of oil at  
night.

4. (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 harbour unless notice of intention so to do has been given in accordance with the provisions of this section.

(2) If any oil is transferred to or from any vessel in contravention of the provisions of this section, the master of the vessel and, if 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 not exceeding ninety-six dollars.

(3) A notice for the purposes of this section must be given to the Port Officer of the harbour in which the vessel

is lying 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 the 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 Port Officer within the time hereinbefore provided, be a general notice given to the Port Officer 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.

5. (1) There shall be kept in the case of every vessel, a record, in such form as the Financial Secretary 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, so 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 Port Officer of the harbour in which the vessel is or, in the case of a barge, was at the time of transfer or by any person duly authorized in writing by him.

(4) If any person required to keep a record under this section 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 authorized to inspect it, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding two hundred and forty dollars, and if any such person 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, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding four hundred and eighty dollars.

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

6. (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 Ordinance.

(2) In the case of proceedings against any person other than the master of a vessel evidence of the matter aforesaid may be given by means of a certificate signed by the master, and, if the master of a vessel gives any certificate under this section which is to his knowledge false or in any material particular misleading, he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding two hundred and forty dollars.

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

Application of fines.

7. Where any person is convicted of the offence of having in contravention of the provisions of this Ordinance discharged or allowed to escape any oil into any waters to which this Ordinance 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 premises and vessels.

8. (1) The Financial Secretary may, if he thinks fit appoint a public officer or other competent or independent person to inspect any vessel being in any waters to which this Ordinance applies, and any person so appointed or the Port Officer of the harbour in which the vessel is, may at all reasonable times enter upon the vessel and examine the measures adopted to prevent the escape of oil.

(2) If it is represented to the Financial Secretary by any local authority that there is reason to suspect that

oil is escaping or has escaped whether directly or indirectly, into waters to which this Ordinance applies, from premises adjacent to or in the neighbourhood of those waters, the Financial Secretary may, if he thinks fit, appoint a public officer or other competent or 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) If any person obstructs or interferes with any person authorized to enter on any premises or vessels under this section, he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding forty-eight dollars.

9. (1) Where an offence under this Ordinance is alleged to have been committed by the master of a vessel who thereafter departs from the Colony before the expiration of the period within which proceedings for the offence might have been instituted against him, proceedings for the offence may, notwithstanding anything in the Criminal Procedure Code, be instituted against him at any time within two months next after the date on which he first returns to the Colony.

Legal  
proceedings.

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(2) For the purpose of any proceedings for an offence under this Ordinance, the offence may be treated as having been committed either at the place at which it was actually committed or at any place in 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 Ordinance 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 or impounding and sale of the vessel, her tackle, furniture and apparel.

(4) Proceedings for an offence under this Ordinance shall not be instituted except by the Financial Secretary or by some person authorized by him in writing to do so.

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