

S.I. No. 16/1999 — Oil Pollution of the Sea (Civil Liability and Compensation) (Annual Returns and Contributions) Regulations, 1999



STATUTORY INSTRUMENTS.

S.I. No. 16 of 1999.

OIL POLLUTION OF THE SEA (CIVIL LIABILITY AND COMPENSATION)
(ANNUAL RETURNS AND CONTRIBUTIONS) REGULATIONS, 1999

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OIL POLLUTION OF THE SEA (CIVIL LIABILITY AND COMPENSATION)
(ANNUAL RETURNS AND CONTRIBUTIONS) REGULATIONS, 1999

I, MICHAEL WOODS, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by section 19 (as amended by paragraph 4 of the Second Schedule to the Sea Pollution Act, 1991 (No. 27 of 1991) and section 9 of the Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Act, 1998 (No. 13 of 1998)) of the Oil Pollution of the Sea (Civil Liability and Compensation) Act, 1988 (No. 11 of 1988) , hereby make the following Regulations:

1. These Regulations, may be cited as the Oil Pollution of the Sea (Civil Liability and Compensation) (Annual Returns and Contributions) Regulations, 1999.

2. In these Regulations, “section 19” means section 19 of the Oil Pollution of the Sea (Civil Liability and Compensation) Act, 1988 (No. 11 of 1988) (as amended by paragraph 4 of the Schedule to the Sea Pollution Act, 1991 (No. 27 of 1991) , and section 9 of the Oil Pollution of the Sea (Civil Liability and Compensation) Act, 1998 (No. 13 of 1998)).

3. (1) All persons who in any year receive in harbours, terminal installations or offshore terminals, in the State, crude oil or fuel oil are hereby prescribed for the purposes of subsection (1) of section 19.

(2) All annual returns of crude oil or fuel oil to which subsection (1) of section 19 applies shall be submitted not later than the 31st day of January in the year immediately following the year to which the returns relate, and shall be in the form set out in the Schedule to these Regulations.

(3) The following persons are hereby prescribed for the purpose of subsection (2) of section 19, that is to say:

- (a) any person who in any year receives in harbours, terminal installations or offshore terminals, in the State, amounts of crude oil or fuel oil the aggregate of which exceed 150,000 tonnes, and
- (b) any person who in any year receives in harbours, terminal installations or offshore terminals, in the State, amounts of crude oil or fuel oil, where the aggregate of those amounts and such amounts of crude oil or fuel oil as are received in the same year by a company in which he has a controlling interest or (where the person is a company) a related company, in harbours, terminal installations or offshore terminals in the State, exceeds 150,000 tonnes.

(4) Sums determined under subsection (2) of section 19 in accordance with returns submitted to the Minister under subsection (1) of that section, shall be paid not later than the 1st day of February in the year immediately following the year to which the returns concerned relate.

4. (1) In these Regulations—

“company” has the same meaning as it has in section 155 of the Companies Act, 1963 (No. 33 of 1963);

“holding company” means a holding company within the meaning of the said section 155;

“related company” in relation to a company, means the holding company or a subsidiary of that company, or a company that is a subsidiary of the first-mentioned company's holding company;

“subsidiary” means a subsidiary within the meaning of the said section 155;

(2) In these Regulations, a person has a controlling interest in a company if circumstances exist whereby, were that person a company, the first-mentioned company would be that company's subsidiary.

5. The Oil Pollution of the Sea (Annual Returns and Contributions in respect of Compensation Fund) Regulations, 1992 (S.I. No. 402 of 1992), are hereby revoked.

SCHEDULE

Return under section 19(1) of Oil Pollution of the Sea (Civil Liability and Compensation) Act, 1988.

Name:
.....

Return in respect of the year
.....

.....
.....

Name of person receiving crude oil or fuel oil	Date of receipt of crude oil or fuel oil	Name of harbour, terminal installation or offshore terminal at which received	Volume of crude oil or fuel oil received
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(Signature of person who received oil, or in the case of a company,
signature of secretary or director of company together with company
seal)

.....
.....

Date:
.....



GIVEN under my Official Seal, this 28th day of January, 1999.

MICHAEL WOODS,

Minister for the Marine and Natural Resources.

EXPLANATORY NOTE.

*(This note is not part of the Instrument and does not purport to be a legal
interpretation).*

These Regulations provide that persons who receive more than 150,000 tonnes of crude or fuel oil each year must make an annual return to that effect to the Minister for the Marine and Natural Resources and pay pro-rata annual contributions to the International Oil Pollution Compensation Fund, 1992. The Fund's purpose is to provide compensation to victims of oil pollution damage.

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