



LAWS OF SEYCHELLES

MERCHANT SHIPPING (OIL POLLUTION) (SEYCHELLES) ORDER 1975

CHAPTER 128 (SUBSIDIARY LEGISLATION)

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**THE MERCHANT SHIPPING (OIL POLLUTION)
(SEYCHELLES) ORDER, 1975**

[Cap 128]

The Oil Pollution (Compulsory Insurance) Regulations. S.I. 8 of 1976.

[1st April, 1976]

1. These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations. Citation.

2. In these Regulations, unless the context otherwise requires words and expression used shall have the same meaning as in the Act as applied by the Order and in addition - Interpretation.

“applied” means applied to Seychelles;

“certificate” means a document showing that there is in force in respect of a ship to which section 10(2) of the Act as applied by the Order applies a contract of insurance or other security such as is mentioned in that subsection;

“Convention country” has the meaning assigned to it in section 19(1) of the Act as applied by the Order.

3. For the purposes of section 10(1) of the Act as applied by the (requirements as to compulsory insurance against liability for oil pollution) “persistent oil” means any of the following — Definition of “persistent oil”

- (a) hydrocarbon mineral oils whether crude or distilled, including crude coal tar and the oily residue of tank cleaning operations necessitated by the carriage of any such oils, but excluding those oils which consist wholly of distilled fractions of which more than 50 per cent, by volume distill at 340° centigrade when tested by the “American Society for Testing and Materials Specification D 86/67” in the case of oils derived from petroleum and at 350° centigrade in the case of oils derived from coal tar;

(b) residual oil, consisting of mineral hydrocarbons comprising the residues of the process of distilling and/or refining crude petroleum, and any mixture containing such residual oil;

(c) whale oil.

Recognition of
certificates.

4.(1) Subject to paragraph (3) below, certificates for ships registered in any country which is not a Convention country shall be recognised for the purposes of section 10(3)(c) of the Act as applied by the Order (Authorities by whom a certificate must be issued) if issued by or under the authority of the government of any of the following countries, namely: —

Denmark,
Federal Republic of Germany,
France,
Netherlands,
Norway,
Spain,
Sweden,
United Kingdom.

(2) Subject to paragraph (3) below, a certificate for a ship registered in any of the following countries namely:—

Australia,
Austria,
Belgium,
Canada,
Finland,
Greece,
Iceland,
Italy,
Japan,
Luxembourg,

New Zealand,
Portugal,
Republic of Ireland,
Switzerland,
Turkey,
United States of America,

shall be recognised for the purposes of the said section 10(3)(c) if issued by or under the authority of the government of the country specified above in which the ship is registered.

(3) Where a ship such as is mentioned in paragraph (1) or (2) above is engaged on a Seychelles voyage, a certificate relating to that ship shall not, by virtue of either of those paragraphs, be recognised for the purposes of section 10(3)(c) of the Act as applied by the Order unless the certificate has, and is expressed to have, as the period of its validity a period ending not earlier than the completion of that Seychelles voyage.

For the purposes of this paragraph, "Seychelles voyage" means any voyage by a ship —

- (a) from a port in Seychelles or a terminal in the territorial sea of Seychelles to another such port or terminal; or
- (b) from a place outside Seychelles to a port in Seychelles or a terminal in the territorial sea of Seychelles; or
- (c) from a port in Seychelles or a terminal in the territorial sea of Seychelles to a place outside Seychelles,

and the reference to the duration of such a voyage shall be taken as comprising the whole of any period during which the ship is engaged in that voyage, including any time during which, in connection with the voyage, it is in a port in Seychelles or at a terminal in the territorial sea of Seychelles.

5. The fee to be paid on application for a certificate to be issued by the Minister under section 11 of the Act as applied by the Order shall be Rs. 160.

Fee for
certificates.

Cancellation and
delivery up of
certificates.

6.(1) Where at any time while a certificate under section 11 of the Act as applied by the Order is in force the person to whom the certificate has been issued ceases to be the owner of the ship to which the certificate relates, he shall forthwith deliver up the certificate to the Minister or to a proper officer within the meaning of section 97(1) of the Merchant Shipping Act 1970 and in such a case the certificate shall be cancelled by the Minister.

(2) Where at any time while a certificate under the said section 11 is in force it is established in any legal proceedings that the contract of insurance or other security in respect of which the certificate was issued is or may be treated as invalid, the certificate may be cancelled by the Minister and if so cancelled shall on demand forthwith be delivered up to him by the person to whom it was issued.

(3) Where at any time while a certificate under the said section 11 is in force circumstances arise in relation to the insurer or guarantor named in the certificate (or, where more than one is so named, to any of them) such that, if the certificate were applied for at that time, the Minister would be entitled to refuse the application under subsection (2) of that section (power to refuse a certificate where there is a doubt whether an insurer will be able to meet his insurance obligations), the certificate may be cancelled by the Minister and if so cancelled shall on demand forthwith be delivered up to him by that person to whom it was issued.

Penalty for
failure to deliver
up certificate.

7. Any person who is required under the provisions of regulation 6 of these regulations to deliver up a certificate and who fails to do so shall be guilty of an offence and on conviction shall be liable to a fine not exceeding Rs. 2,500.