

CHAPTER 296A

SHIPPING (OIL POLLUTION) ACT

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SECOND SCHEDULE

CHAPTER 296A

SHIPPING (OIL POLLUTION)

An Act to make provision concerning oil pollution of navigable waters by ships, to provide for civil liability for oil pollution by ships and to give effect to certain international conventions relating to pollution of the sea.

1994-16.
1997-22.
1998/70.
1998/131.
2001/58.

[12th May, 1994] Commence-
ment.

PART I

Preliminary

1. This Act may be cited as the *Shipping (Oil Pollution) Act*. Short title.
2. (1) In this Act Interpretation.
"Barbadian ship" means a ship registered under the *Shipping Act*; Cap. 296.
"barge" includes a lighter and any similar vessel;
"damage" includes loss;
"discharge or escape", in relation to pollution damage, means the discharge or escape of oil from a ship whether the oil is carried in a cargo tank or in a bunker fuel tank;
"dollar" includes any foreign currency accepted by the Central Bank under the *Central Bank Act* and the *Exchange Control Act*; Cap. 323C.
Cap.71.
"exclusive economic zone" has the meaning assigned to it by the *Marine Boundaries and Jurisdiction Act*; Cap. 387.
1997-22.
"foreign" means
(a) in relation to a ship, a ship registered under a law of a country other than Barbados; and

(b) in relation to a country, a country other than Barbados or a court other than in Barbados;

"Government" means the Government of Barbados;

"government ship" means any warship and any other ship for the time being used by the government of any State for other than commercial purposes;

"guarantor" means any person providing insurance or other financial security to cover an owner's liability of the kind described in section 30;

Cap. 285B. "harbour master" includes a dock master or pier master and any person appointed under the *Barbados Port Authority Act* for the purpose of enforcing the provisions of Part II of this Act;

1997-22. "incident" means any occurrence or series of occurrences having the same origin, which causes pollution damage or creates a grave or imminent threat of causing such damage;

"Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage opened for signature at Brussels on the 29th November, 1969;

"Liability Convention country" means a country to which the Liability Convention applies;

"Minister" means the Minister responsible for Shipping;

"mixture" means a mixture of oil with water or with another substance;

"occupier", in relation to a place on land, means the person in actual occupation of that place or, if there be no such person, the owner thereof;

"oil", except in Parts IV and V, means oil of any description and includes spirit produced from oil of any description and also includes coal tar;

"oil residue" means waste consisting of or arising from oil or a mixture;

"owner" means a person or persons registered as the owner of a ship or, in the absence of registration, a person or persons owning a

ship, except that in relation to a ship owned by a State and operated by a person registered as the ship's operator, "owner" means the person so registered;

"persistent oil" includes crude oil, heavy diesel oil, fuel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of a ship;

"petroleum-spirit" means the petroleum which is tested in a manner approved by the Minister responsible for petroleum and which gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit;

"place on land" includes anything resting on the bed or shore of the territorial waters of Barbados, and anything afloat, excluding a vessel, if it is anchored or attached to the bed or shore of the territorial waters of Barbados;

"port" means an area in Barbados constituted and defined as a port under the *Barbados Port Authority Act* or having control over the port under any other law; Cap. 285B.

"ship" means any sea-going vessel or sea-borne craft of any type whatsoever;

"terminal" means any installation or site for the storage of oil in bulk which is capable of receiving oil from seaborne transportation, including any facility situated offshore and linked to the site;

"territorial waters of Barbados" means the territorial waters as defined by the *Barbados Territorial Waters Act*; Cap. 386.

"ton" means a ton of 2240 pounds;

"transfer", in relation to oil, means transfer in bulk;

"unit of account" means the special drawing rights as defined by the International Monetary Fund.

(2) In this Act "gross tonnage", "inspector", "master", "Registrar", "surveyor" and "vessel" have the meanings assigned to them by the *Shipping Act*. 1997-22.
Cap. 296.

(3) Any reference in this Act, other than in section 14, to the discharge of oil in any mixture, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or mixture or to its escaping from the vessel, place or thing.

1997-22.

(4) Reference in this Act to the area of any country includes, in relation to Barbados, the territorial sea and the exclusive economic zone thereof, and, in relation to any other country, the territorial sea and the exclusive economic zone thereof.

(5) In relation to any damage or cost resulting from the discharge of oil carried in a ship, references in this Act to the owner of the ship are references to the owner at the time of the occurrence, or the first of the occurrences, resulting in the discharge.

PART II

Prevention of Oil Pollution

Interpreta-
tion.

3. In this Part

"untreated ballast water" means ballast water which contains oil and has not been subjected to an effective process separating oil from water;

"vessel" includes, in relation to the discharge of oil or a mixture, a floating craft (other than a vessel) which is attached to a vessel and which is treated as part of that vessel.

Discharge of
oils and
mixture
from a
Barbadian
ship.

4. (1) No owner or master of a Barbadian ship shall discharge oil or a mixture from a Barbadian ship into any part of the sea outside the territorial waters of Barbados.

(2) An owner or master of a ship who discharges oil or a mixture from a Barbadian ship in contravention of subsection (1) is guilty of an offence.

(3) This section applies to

(a) crude oil, fuel oil and lubricating oil; and

(b) heavy diesel oil as defined by regulations made under this section;

- (c) any other description of oil specified in regulations having regard to the provisions of a Convention accepted by the Government in so far as it relates to the prevention of pollution of the sea by oil or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into any part of the sea outside the territorial waters of Barbados.

(4) Regulations may make exceptions from the operation of subsection (1) either generally or with respect to

- (a) particular classes of ships;
- (b) particular descriptions of oil or mixtures of oil;
- (c) the discharge of oil mixtures in particular circumstances or into particular areas of the sea,

and may do so either absolutely or subject to any specified conditions.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine of \$240 000.

5. (1) Where oil or a mixture is discharged into the territorial waters of Barbados in the manner set out in paragraphs (a) to (e), then subject to the provisions of this Part the persons referred to in those paragraphs are guilty of an offence

Discharge
of oil into
territorial
waters of
Barbados.

- (a) if the discharge is from a vessel, the owner or master of the vessel, unless he proves that the discharge took place and was caused as mentioned in paragraph (b);
- (b) if the discharge is from a vessel but takes place in the course of a transfer of oil to or from another vessel or a place on land, and is caused by the act or omission of any person in charge of any apparatus in that other vessel or that place, the owner or master of that other vessel or, as the case may be, the occupier of that place;
- (c) if the discharge is from a place on land, the occupier of that place, unless he proves that the discharge was caused as mentioned in paragraph (d);

- (d) if the discharge is from a place on land and is caused by the act of a person who is in that place without the express or implied permission of the occupier, that person;
- (e) if the discharge takes place otherwise than as mentioned in the preceding paragraphs and is the result of any operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources, the person carrying on the operations.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of \$240 000.

Discharge
of certain
oils from
pipe-lines
and explo-
ration
areas.

6. (1) Where oil to which section 4 applies, or a mixture thereof, is discharged into any part of the sea

- (a) from a pipe-line; or
- (b) (otherwise than from a ship) as the result of any operation for the exploration of the sea-bed and subsoil or the exploitation of their natural resources in a designated area,

then, subject to the following provisions of this Part, the owner of the pipe-line or, the person carrying on the operations, commits an offence unless the discharge was from a place in his occupation and he proves that it was due to the act of a person who was there without his express or implied permission.

(2) In this section, "designated area" means an area of the sea-bed and subsoil in which a person is authorised by the Government to carry on an operation relating to the exploration for, or exploitation of, natural gas or oil.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine of \$240 000.

Equipment
in ships to
prevent oil
pollution.

7. (1) For the purpose of preventing or reducing discharges of oil and mixtures into the sea, the Minister may make regulations requiring Barbadian ships, to be fitted with such equipment and to comply with such other requirements as may be specified in the regulations.

(2) Notwithstanding subsection (1) where regulations made under that subsection require ships to be fitted with equipment of a specified description, the regulations may provide that equipment of that description

- (a) shall not be installed in a ship to which the regulations apply unless the equipment is of a type tested and approved by a person appointed by the Minister;
- (b) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such time as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.

(3) The Minister may appoint persons to carry out test for the purposes of any regulations made under this section, and, in respect of the carrying out of such test, may charge such fees as may be prescribed in the regulations.

(4) Every surveyor shall be taken to be a person appointed by the Minister to carry out tests for the purposes of any regulations made under this section.

(5) Where the provisions of regulations made under this section and which apply to a ship are contravened, the owner or master of the ship commits an offence and is liable on summary conviction to a fine of \$4 000.

8. (1) Where a person is charged with an offence under section 4 or 5, as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture was discharged for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life, unless the court is satisfied that the discharge of the oil or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.

Defences of
persons
charged
under
section 4 or
section 5.

(2) Where a person is charged with an offence as mentioned under subsection (1) it shall also be a defence to prove

- (a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or where it could not be prevented, for stopping or reducing, the escape of the oil or mixture; or
- (b) that the oil or mixture escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

9. (1) Where a person is charged, in respect of the escape of any oil or mixture, with an offence under section 5 or 6,

- (a) as the occupier of a place on land; or
- (b) as a person carrying on an operation for the exploration of the sea-bed and subsoil or the exploitation of their natural resources; or
- (c) as the owner of a pipe-line,

it shall be a defence to prove that neither the escape nor any delay in discovering the escape was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) Where a person is charged with an offence under section 5 in respect of the discharge of a mixture from a place on land, it shall also, subject to subsection (3), be a defence to prove

- (a) that the oil was contained in an effluent produced by operations for the refining of oil;
- (b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into the water concerned; and
- (c) that all reasonably practicable steps had been taken for eliminating oil from the effluent.

(3) If it is proved that, at a time to which the charge relates, the surface of the waters into which a mixture was discharged from a place on land, or land adjacent to those waters, was fouled by oil, subsection (2) shall

not apply unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharge at or before that time from that place.

10. Where any oil or mixture is discharged in consequence of

- (a) the exercise of any power conferred by sections 281 and 282 of the *Shipping Act*; or
- (b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a port authority under any other law,

Protection of acts done in exercise of certain powers.
Cap. 296.

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, commits an offence under section 4 or 5 in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

11. A port authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the port, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from a vessel shall not constitute an offence under section 5 if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

Discharge of certain ballast water into ports.

12. (1) The powers exercisable by a port authority in respect of a port shall include power to provide facilities (in this section referred to as "oil reception facilities") for enabling vessels using the port to discharge or deposit oil residues.

Facilities in port for disposal of oil residues.

(2) Any power of a port authority to provide oil reception facilities shall include power to join with any other person in providing them, and references in this section to the provision of oil reception facilities by a port authority shall be construed accordingly; and that power shall

also include power to arrange for the provision of the facilities by any other person.

(3) A port authority providing oil reception facilities or a person providing such facilities by arrangement with a port authority, may make reasonable charges for the use of the facilities, and may impose reasonable conditions in respect of the use of the facilities.

(4) Subject to the following provisions of this section, any oil reception facilities provided by, or by arrangement with, a port authority shall be open to all vessels using the port on payment of any charges, and subject to compliance with any conditions, imposed in accordance with subsection (3).

(5) Where in the case of a port it appears to the Minister after consultation with the port authority and with any organisation appearing to the Minister to be representative of owners of Barbadian ships

- (a) that the port has oil reception facilities, that those facilities are inadequate; or
- (b) that the port has no such facilities, that the port has need of such facilities,

the Minister may direct the port authority to provide, or arrange for the provision of, the oil reception facilities as may be specified in the direction.

(6) Notwithstanding the provisions of subsection (4) a port authority providing oil reception facilities, or a person providing such facilities by arrangement with a port authority, shall not be obliged to make those facilities available for use by tankers or for the reception of oil residues discharged for the purpose of enabling a vessel to undergo repairs; and the requirements of tankers, and the reception of oil residues so discharged, shall be disregarded by the Minister in exercising his powers under subsection (5).

(7) Nothing in this section shall be construed as requiring a port authority to allow untreated ballast water to be discharged into any oil reception facilities provided by, or by arrangement with, the authority, and the Minister shall exercise his powers under subsection (5) accordingly.

(8) Any port authority failing to comply with any direction given under subsection (5) within the period specified in the direction, or within any extended period allowed by the Minister, whether before or after the end of the period so specified, commits an offence and is liable on summary conviction to a fine not exceeding \$50 for each day during which the default continues, from the day after the end of the period specified in the direction or any extended period allowed by the Minister, as the case may be, until the last day before that on which the facilities are provided in accordance with the direction.

(9) Subsections (1), (2), (5) and (8) shall have effect in relation to arrangements for disposing of oil residues discharged or deposited by vessels using a port's oil reception facilities, and to the making of such arrangements, as those subsections have effect in relation to oil reception facilities and the provision of such facilities.

13. (1) No oil shall be transferred between sunset and sunrise to or from a vessel in any port unless the requisite notice has been given in accordance with this section or the transfer is for the purposes of a fire brigade.

Restriction
on transfer
of oil at
night.

(2) A general notice may be given to the harbour master of a port that transfers of oil between sunset and sunrise will be frequently carried out at a place in the port within such period, not ending later than 12 months after the date on which the notice is given, as is specified in the notice; and if such notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice.

(3) Subject to subsection (2) the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than 3 hours nor more than 96 hours before the transfer of oil begins.

(4) In the case of a port which has no harbour master, references in this section to the harbour master shall be construed as references to the port authority.

(5) Where any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from

or to a place on land, the occupier of that place, commits an offence and is liable on summary conviction to a fine of \$500.

Duty to
report
discharge
of oil into
waters of
ports.

14. (1) Where any oil or mixture

- (a) is discharged from a vessel into the waters of a port; or
- (b) is found to be escaping or to have escaped from a vessel into any such waters; or
- (c) is found to be escaping or to have escaped into any such water from a place on land,

the owner or master of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the harbour master, or, if the port has no harbour master, to the port authority, and such person or authority shall report the discharge by the quickest possible means to the Director of Maritime Affairs and to the Minister of Health or his representative.

(2) A report made under subsection (1) of this section by the owner or master of a vessel shall state whether the occurrence falls within paragraph (a) or paragraph (b) of that subsection.

(3) A person who fails to make a report as required by this section commits an offence and is liable on summary conviction to a fine of \$1 000.

PART III

Shipping Casualties

Shipping
casualties.

15. (1) In this section, unless the context otherwise requires

"accident" includes the loss, stranding, abandonment of or damage to a ship; and

"specified" in relation to a direction under this section, means specified by the direction.

(2) The powers conferred by this section shall be exercisable where

- (a) an accident has occurred to or on a ship; and

- (b) in the opinion of the Minister oil from the ship will or may cause pollution on a large scale in the territorial waters of Barbados; and
- (c) in the opinion of the Minister the use of the powers conferred by this section is urgently needed.

(3) For the purpose of preventing or reducing oil pollution, or the risk of oil pollution, the Minister may give directions as respects the ship or its cargo

- (a) to the owner of the ship, or to any person in possession of the ship; or
- (b) to the master of the ship; or
- (c) to any salvor in possession of the ship, or to any person who is the servant or agent of any salvor in possession of the ship, and who is in charge of the salvage operation.

(4) Directions under subsection (3) may require the person to whom they are given to take, or refrain from taking any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the directions may require

- (a) that the ship is to be, or is not to be, moved, or is to be moved to a specified place, or is to be removed from a specified area or locality; or
- (b) that the ship is not to be moved to a specified place or area, or over a specified route; or
- (c) that any oil or other cargo is to be, or is not to be, unloaded or discharged; or
- (d) that specified salvage measures are to be, or not to be, taken.

(5) If in the opinion of the Minister the powers conferred by subsection (3) of this section are, or have proved to be, inadequate for the purpose, the Minister may, for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, take, as respects the ship or its cargo, any action of any kind whatsoever, and without

prejudice to the generality of the preceding provisions of the subsection the Minister may

- (a) take any such action as he has power to require to be taken by a direction under this section;
- (b) undertake operations for the sinking or destruction of the ship, or any part of it, of a kind which is not within the means of any person to whom he can give directions;
- (c) undertake operations which involve the taking over or control of the ship.

(6) The powers of the Minister under subsection (5) shall also be exercisable by those persons as may be authorised in writing in that behalf by the Minister.

(7) Every person concerned with compliance with directions given, or with action taken, under this section shall use his best endeavours to avoid any risk to human life.

(8) The provisions of this section and of section 19 are without prejudice to any right or powers of the Government exercisable apart from those sections whether under international law or otherwise.

(9) It is hereby declared that any action taken as respects a ship which is under arrest or as respects the cargo of such a ship, being action duly taken in pursuance of a direction given under this section, or being any action taken under subsection (5) or (6)

- (a) does not constitute contempt of court; and
- (b) does not in any circumstances make a person who arrested the ship or who has it in charge after arrest, liable in any civil proceedings.

16. (1) Where any action duly taken by a person in pursuance of a direction given to him under section 15, or any action taken under subsection (5) or (6) of that section

- (a) was not reasonably necessary to prevent or reduce oil pollution, or risk of oil pollution; or

Right to
recover in
respect of
unreason-
able loss or
damage.

- (b) was such that the good it did or was likely to do was disproportionately less than the expenses incurred, or damage suffered as a result of the action,

a person incurring expenses or suffering damage as a result of, or by himself taking, the action shall be entitled to recover compensation from the Government.

(2) In considering whether subsection (1) applies, account shall be taken of

- (a) the extent and risk of oil pollution if the action had not been taken;
- (b) the likelihood of the action being effective; and
- (c) the extent of the damage which has been caused by the action.

(3) Any reference in this section to the taking of any action includes a reference to a compliance with a direction not to take some specified action.

(4) The Admiralty jurisdiction of the Supreme Court shall include jurisdiction to hear and determine any claim arising under this section.

17. (1) Where a person to whom a direction is duly given under section 15 contravenes any requirement of the direction, he commits an offence. Offences in relation to section 15.

(2) A person who wilfully obstructs another person who is

- (a) acting on behalf of the Minister in connection with the giving or service of a direction under section 15;
- (b) acting in compliance with a direction under section 15; or
- (c) acting under subsection (5) or (6) of that section, commits an offence.

(3) In proceedings for an offence under subsection (1) it shall be a defence for the accused to prove that he has used all due diligence to ensure compliance with the direction, or that he had reasonable cause for believing that compliance with the direction, would have involved a serious risk to human life.

(4) A person who commits an offence under this section shall be liable on summary conviction to a fine of \$240 000.

Service of
directions
under
section 15.

18. (1) Where the Minister is satisfied that a company or other body is not one to which any provisions of a law relating to the service of notices on a company or other body applies so as to authorise the service of a direction on that body under such provision, he may give a direction under section 15

- (a) to that body, as the owner of, or the person in possession of, a ship, by serving the direction on the master of the ship; or
- (b) to that body, as a salvor, by serving the direction on the person in charge of the salvage operations.

(2) For the purpose of giving or serving a direction under section 15 to or on any person on a ship, a person acting on behalf of the Minister shall have the right to go on board the ship.

Application
of sections
15 to 18 to
certain
foreign and
other ships.

19. (1) The Minister may by order published in the *Official Gazette* provide that sections 15 to 18, together with any other provisions of this Act, shall apply to a ship

- (a) which is not a Barbadian ship; and
- (b) which is for the time being outside the territorial waters of Barbados,

in such cases and circumstances as may be specified in the order, and subject to such exceptions, adaptations and modifications, if any, as may be so specified.

(2) An order under subsection (1) may contain such transitional and other consequential provisions as appear to the Minister to be expedient.

(3) Except as provided by an order under subsection (1), no direction under section 15 shall apply to a ship which is not a Barbadian ship and which is for the time being outside the territorial waters of Barbados and no action shall be taken under subsection (5) or (6) of section 15 of this Act as respects any such ship.

(4) No direction under section 15 of this Act shall apply to any Government ship, and no action shall be taken under subsection (5) or (6) of that section as respects any such vessel or ship.

PART IV

Civil Liability for Oil Pollution

20. (1) Where, as a result of any occurrence, oil is discharged or escapes from a ship to which this section applies, then (except as otherwise provided by this Act) the owner of the ship shall be liable Liability for oil pollution.

- (a) for any damage caused, outside the ship in the area of Barbados, by contamination resulting from that discharge or escape; and
- (b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the area of Barbados by contamination resulting from the discharge or escape; and
- (c) for any damage so caused in the area of Barbados by any measures so taken.

(2) Where a person incurs a liability under subsection (1) he is liable for any damage or cost for which he would be liable under that subsection if the references in it to the area of Barbados included the area of any other Convention country.

(3) When an incident involving 2 or more ships occurs and pollution damage results therefrom the owners of all the ships concerned, unless exonerated under section 21, shall be jointly and severally liable for all such damage which is not reasonably separate. 1997-22.

(4) For the purposes of this Act where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one, but any measures taken after the first of them shall be deemed to have been taken after the discharge or escape.

Cap. 195. (5) The *Contributory Negligence Act* shall apply in relation to any damage or costs for which a person is liable under this section, but which is not due to his fault, as if it were due to his fault.

1997-22. (6) For the purposes of this Part and Part V "oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

(7) For the purposes of this Part and Part V "ship" means any sea-going vessel and sea-borne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.

Exemptions
from
liability
under
section 20.

21. No liability shall be incurred by the owner of a ship under section 20 by reason of any discharge or escape of oil from the ship, or by reason of any relevant threat of contamination, if he proves that the discharge or escape, or the threat of contamination

- (a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or
- (b) was due wholly to anything done or omitted to be done by another person, not being a servant or agent of the owner, with intent to do damage; or
- (c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

Restriction
of liability
for oil
pollution.
1997-22.

22. (1) Where, as a result of any occurrence

- (a) any oil is discharged or escapes from a ship to which section 20 applies; or
- (b) there arises a relevant threat of contamination,

then whether or not the owner of the ship in question incurs liability under section 20

- (i) he shall not be liable otherwise than under that section for any such damage or cost so mentioned; and
 - (ii) no person to whom this paragraph applies shall be liable for any such damage unless the damage resulted from his personal act or omission, committed recklessly with the intent to cause such damage, or committed recklessly with knowledge that such damage would probably result.
- (2) Subsection (1)(b)(ii) applies to 1997-22.
- (a) the servants or agents of the owner of the ship or the members of the crew;
 - (b) the pilot or any other person who, without being a member of the crew, performs services for the ship;
 - (c) any charterer (however described, including a bareboat charterer), manager or operator of the ship;
 - (d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;
 - (e) any person taking preventative measures; or
 - (f) all servants or agents of persons mentioned in sub-paragraphs (c), (d) and (e).

23. (1) Where the owner of a ship incurs a liability under section 20 by reason of a discharge or escape which occurred without his actual fault or privity Limitation of liability under section 20.

- (a) section 302 of the *Shipping Act* shall not apply in relation to that liability; but Cap. 296.
- (b) he may limit that liability in accordance with the provisions of this Act, and if he does so his liability (that is to say the aggregate of his liability under section 20 resulting from the discharge) shall not exceed 1997-22.

s.24

- (i) 3 million units of account for a ship not exceeding 5 000 units of tonnage;
- (ii) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 420 units of account in addition to the amount mentioned in sub-paragraph (i)

provided, however, that this aggregate amount shall not in any event exceed 59.7 million units of account.

1997-22. (2) For the purposes of this Part the ship's tonnage shall be ascertained as follows:

- (a) gross tonnage shall be calculated in accordance with the tonnage measurements contained in Annex 1 of the International Convention on Tonnage Measurement, 1969;
- (b) if a ship is not a ship to which the said Convention applies or is of a description to which no provision is for the time being made by regulations under section 82 of the Shipping Act, its tonnage shall be taken as being 40 per cent of the weight (expressed in tonnes) of oil which the ship is capable of carrying; and
- (c) if the tonnage of the ship cannot be ascertained in accordance with the preceding paragraphs, a surveyor shall, if so directed by the court, certify what, on the evidence specified in the direction, would in his opinion be the tonnage of the ship if ascertained in accordance with those paragraphs, and the tonnage stated in his certificate shall be taken to be the tonnage of the ship.

Limitation
actions.

24. (1) Where the owner of a ship has, or is alleged to have, incurred a liability under section 20 he may apply to the Supreme Court for the limitation of that liability to an amount determined in accordance with section 23.

(2) If on an application under this section the Court finds that the applicant has incurred a liability and is entitled to limit it, the Court shall, after determining the limit of the liability and directing payment into court of the amount of that limit

(a) determine the amounts that would, apart from the limit, be due in respect of the liability to the several persons making claims in the proceedings; and

(b) direct the distribution of the amount paid into court, or so much of it as does not exceed the liability, amongst those persons in proportion to their claims subject to the following provisions of this section.

(3) No claim shall be admitted in proceedings under this section unless it is made within such time as the Court may direct or such further time as the Court may allow.

(4) Where a sum has been paid in or towards satisfaction of any claim in respect of the damage or cost to which the liability extends

(a) by the owner or the person referred to in section 32 as an insurer; or

(b) by a person who has, or is alleged to have incurred a liability, otherwise than under section 20, for the damage or cost and who is entitled to limit his liability in connection with the ship by virtue of the *Shipping Act*,

Cap. 296.

the person who paid the sum shall, to the extent of that sum, be in the same position with respect to any distribution made in proceedings under this section as the person to whom it was paid would have been.

(5) Where the person who incurred the liability has voluntarily made any reasonable sacrifice or taken any other reasonable measures to prevent or reduce damage to which the liability extends or might have

extended, he shall be in the same position with respect to any distribution made in proceedings under this section as if he had a claim in respect of the liability equal to the cost of the sacrifice or other measure.

(6) The Court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims that may later be established before a foreign court.

(7) No lien or other right in respect of any ship or other property shall affect the proportions in which any amount is distributed in accordance with subsection (2)(b).

(8) A payment into Court of the amount of a limit determined in pursuance of this section shall be made in dollars and

(a) for the purpose of converting such an amount from special drawing rights into dollars one special drawing right shall be treated as equal to such a sum in dollars as the International Monetary Fund has fixed as being the equivalent of one special drawing right for

(i) the day on which the determination is made; or

(ii) if no sum has been so fixed for that day, the last day before that day for which the sum has been so fixed;

(b) a certificate given by or on behalf of the Central Bank stating

(i) that a particular sum in dollars has been so fixed for the day on which the determination was made; or

(ii) that no sum has been so fixed for that day and that a particular sum in dollars has been so fixed for a day which is the last day for which a sum has been so fixed before the day on which the determination was made,

shall be conclusive evidence of those matters for the purposes of this Act;

(c) a document purporting to be such a certificate shall in any proceedings be received in evidence and unless the contrary is proved to be deemed to be such a certificate.

Restriction
on enforce-
ment of
claims
after
establi-
shment of
limitation
fund.

25. Where the Supreme Court has found that a person who has incurred a liability under section 20 is entitled to limit that liability to any amount and he has paid into Court a sum not less than that amount

- (a) the Court shall order the release of any ship or other property arrested in connection with a claim in respect of that liability or any security given to prevent or obtain release from such an arrest; and
- (b) no judgment or decree for any such claim shall be enforced, except so far as it is for cost,

if the sum paid into Court, or such part thereof as corresponds to the claim, will be actually available to the claimant or would have been available to him if the proper steps in the proceedings under section 24 had been taken.

Concurrent
liabilities
of owners
and other
persons.

26. Where, as a result of any discharge or escape of oil from a ship the owner of a ship incurs a liability under section 20 and any other person incurs a liability, otherwise than under that section, for any such damage or cost as is mentioned in subsection (1) then where

- (a) the owner has been found, in proceedings under section 24, to be entitled to limit his liability to any amount and has paid into Court a sum not less than that amount; and
- (b) the other person is entitled to limit his liability in connection with the ship by virtue of the *Shipping Act*

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no proceedings shall be taken against the other person in respect of his liability, and if any such proceedings were commenced before the owner paid the sum into Court, no further steps shall be taken in the proceedings except in relation to costs.

Establish-
ment of
limitation
fund outside
Barbados.

27. Where the events resulting in the liability of any person under sections 20 and 24 also resulted in a corresponding liability under the law of another Liability Convention country, sections 25 and 26 shall apply as if the references to sections 20 and 24 included references to the corresponding provisions of that law and the references to sums paid into court included references to any sums secured under those provisions in respect of the liability.

28. (1) Sections 23 to 27 shall not apply to a ship which at the time of the discharge or escape of oil was registered in a country

Cases excluded from sections 23 to 27.

- (a) which was not a Liability Convention country; and
- (b) which was a country in respect of which the 1976 Convention was in force.

(2) In this section "1976 Convention" means the International Convention relating to the Limitation of the Liability for Maritime Claims.

(3) Where the Minister by order published in the *Official Gazette* declares that a country

- (a) is not a Liability Convention country; and
- (b) is a country in respect of which the 1976 Convention is in force,

or that it was such a country at a time specified in the order, the order shall while in force be conclusive evidence of the facts stated in the order.

29. No action to enforce a claim in respect of a liability incurred under section 20 shall be entertained by a court in Barbados unless the action is commenced not later than 3 years after the claim arose nor later than 6 years after the occurrence or the first of the occurrences resulting in the discharge or escape of oil by reason of which the liability was incurred.

Extinguishment of claims.

30. (1) No ship shall

- (a) enter or leave a port; or
- (b) arrive at or leave a terminal

Compulsory insurance against liability for pollution.

in the territorial waters of Barbados unless there is in force a certificate complying with the provisions of subsection (4) and showing that there is a contract of insurance or other security in force in respect of the ship which satisfies the requirements of Article VII of the Liability Convention.

(2) No Barbadian ship shall

(a) enter or leave a port of another country; or

(b) arrive at or leave a terminal in the territorial sea of another country

unless there is in force a certificate complying with the provisions of subsection (4) which shows there is a contract of insurance or other security in force which satisfies the requirements of Article VII of the Liability Convention.

(3) Subject to the provisions of this Act relating to Government ships, subsections (1) and (2) shall apply to a ship carrying in bulk a cargo of more than 2 000 tons of oil of a description specified in regulations made by the Minister.

(4) The certificate stated in subsections (1) and (2) shall

(a) where the ship is a Barbadian ship, be a certificate issued by the Minister;

(b) where the ship is registered in a Liability Convention country other than Barbados, be a certificate issued by or under the authority of the government of that country; and

(c) where the ship is registered in a country which is not a Liability Convention country, be a certificate issued or certified by the Minister by or under the authority of the government of a Convention country other than Barbados.

1997-22.

(5) The Minister may make regulations providing

1997-22.

(a) that certificates issued or certified under the authority of a Contracting State in accordance with subsection (4)(c) shall be accepted for the purposes of that subsection and shall be regarded as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State, and

(b) that the country that may be so designated may be either

- (i) the country in which the ship is registered; or
- (ii) any country specified in the regulations for the purposes of this section.

(6) A certificate required under this section shall be carried on board the ship and a copy deposited with the authorities which keep the ship's registry, or if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate. 1997-22.

(7) The certificate referred to in subsection (6), shall, on demand, be produced by the master to a customs officer or officer designated by the Minister, or where the ship is a Barbadian ship, to the Director, a Registrar, consular officer or inspector under the provisions of the *Shipping Act*. 1997-22. Cap. 296.

(8) Where a ship 1997-22.

- (a) enters or leaves a port;
- (b) attempts to enter or leave a port; or
- (c) arrives at or leaves a port; or
- (d) attempts to arrive at or leave a terminal

in contravention of subsection (1) or (2) the master or owner of the ship commits an offence and is liable on conviction to a fine of \$150 000.

(9) Where a ship fails to carry, or the master of a ship fails to produce, a certificate as required by subsection (5) the master commits an offence and is liable on summary conviction to a fine of \$1 000. 1997-22.

(10) A ship which attempts to leave a port in Barbados in contravention of this section may be detained as provided by section 303 of the *Shipping Act*. 1997-22. Cap. 296.

Issue of
certificate
by Minister.

31. (1) Subject to subsection (2) where the Minister is satisfied, on an application for such a certificate as is mentioned in section 30 in respect of a Barbadian ship or a ship registered in a foreign country which is not a Liability Convention country, that there will be in force in respect of the ship, throughout the period for which the certificate is to be issued, a contract of insurance or other security satisfying the requirements of Article VII of the Liability Convention, the Minister shall issue such a certificate to the owner.

(2) If the Minister is of the opinion that there is a doubt whether the person providing the insurance or other security will be able to meet his obligations thereunder, or whether the insurance or other security will cover the owner's liability under section 20 in all circumstances, he may refuse the certificate.

(3) The Minister may make regulations

(a) prescribing the fee to be paid on an application for a certificate to be issued by him under this section; and

(b) providing for the cancellation and delivery up of such a certificate in such circumstances as may be prescribed by the regulations.

(4) Where a person required by regulations under subsection (3)(b) to deliver up a certificate fails to do so he commits an offence and is liable on summary conviction to a fine of \$1 000.

(5) The Minister shall send copies of any certificate issued by him under this section in respect of a Barbadian ship to all Registrars, who shall make the copies available for public inspection.

Rights of
third parties
against
insurers.

32. (1) Where it is alleged that the owner of a ship has incurred a liability under section 20 as a result of a discharge or escape of oil occurring while there was in force a contract of insurance or other security to which a certificate as stated in section 30 relates, proceedings to enforce the claim in respect of the liability may be brought against the insurer who provided the insurance or other security.

(2) In proceedings brought against the insurer under this section, it shall be a defence to prove that the discharge, escape or the threat of contamination was due to the wilful misconduct of the owner.

(3) The insurer may limit his liability in respect of claims made against him by virtue of this section in like manner and to the same extent as the owner may limit his liability but the insurer may do so whether or not the discharge or escape of oil resulted from anything done or omitted to be done by the owner as mentioned in subsection (3) of section 23.

33. (1) The Admiralty jurisdiction of the Supreme Court shall be construed as extending to a claim in respect of a liability incurred under this Part. Jurisdiction.

(2) Where any persistent oil is discharged from a ship but does not result in any damage caused by contamination in the area of Barbados and no measures are reasonably taken to prevent or reduce such damage in that area, no court in Barbados shall entertain an action (whether *in rem* or *in personam*) to enforce a claim arising from

- (a) any damage caused in the area of another Liability Convention country by contamination resulting from the discharge or escape;
- (b) any cost incurred in taking measures to prevent or reduce such damage in the area of such other country; or
- (c) any damage caused by any measures so taken.

34. (1) Nothing in the preceding provisions of this Part shall apply in relation to any Government ship. Government ships.

(2) In relation to a ship owned by a State and for the time being used for commercial purposes it shall be a sufficient compliance with subsection (2) of section 30 if there is in force a certificate issued by the government of that State showing that the ship is owned by that State and that any liability for pollution damage as defined in Article I of the Liability Convention will be met up to the limit prescribed by Article V of the Convention.

(3) Every Liability Convention country shall, for the purposes of any proceedings brought in a court in Barbados to enforce a claim in respect of a liability incurred under section 20, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which such proceedings are to be commenced and carried on; but nothing in this subsection shall authorise the issue of execution against the property of any State.

Liability for cost of preventative measures where section 20 does not apply.

35. (1) Where

- (a) after a discharge or escape of oil from a ship, measures are reasonably taken for the purpose of preventing or minimising damage in the area of Barbados which may be caused outside the ship by contamination resulting from the discharge or escape; and
- (b) a person incurs, or might but for the measures have incurred, a liability otherwise than under section 20, for the damage,

then notwithstanding that subsection (1)(b) of section 20 does not apply, the person shall be liable for the cost of the measures, whether or not the person taking them does so for the protection of his interests or in the performance of a duty.

(2) Where a person is liable under subsection (1) for the cost of any measures, he shall also be liable for any damage caused in the area of Barbados by those measures.

Cap. 296.

(3) For the purposes of section 302 of the *Shipping Act* any liability incurred under this section shall be deemed to be a liability to damages in respect of such loss, damage or infringement as is mentioned in that section.

Saving for recourse actions.

36. Nothing in this Act shall prejudice any claim or the enforcement of any claim that a person incurring a liability under this Act may have against another person in respect of that liability.

PART V

*The International Oil Pollution Compensation Fund***37. (1)** In this PartInterpreta-
tion.

"Director" means the Director of the Fund;

"the Fund" means the International Fund established by the Fund Convention;

"Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, as amended by the 1976 and 1992 Protocols; 1997-22.

"Fund Convention country" means a country in which the Fund Convention is in force;

"Fund Convention ship" means a ship registered under the law of a Fund Convention country;

"guarantor" means any person providing insurance or other financial liability to cover an owner's liability in pursuance of section 30; 1997-22.

"pollution damage" means

- (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship wherever such escape or damage may occur, provided that compensation for impairment of the environment other than losses of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and 1997-22.
- (b) the costs of preventative measures and further loss or damage caused by preventative measures;

"preventative measures" means any reasonable measures taken by a person to prevent or minimise pollution damage, being measures taken

- (a) after an incident has occurred; or
- (b) in the case of an incident consisting of a series of occurrences, after the first of those occurrences.

1997-22. (2) For the purposes of this Part a ship's tonnage shall be gross tonnage calculated in accordance with the tonnage measurements contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969.

(3) For the purposes of this Part where more than one discharge results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one.

Contribu-
tions by
importers of
oil and other
persons.
1997-22.

38. (1) Annual contributions shall be payable to the Fund in respect of oil carried by sea to ports or terminals in Barbados.

(2) Subsection (1) shall apply whether or not the oil is being imported, and notwithstanding that contributions were payable in respect of carriage of the same oil on a previous voyage.

(3) Contributions shall also be payable to the Fund in respect of oil when first received in any installation in Barbados after having been carried by sea and discharged in a port or terminal in a country which is not a Fund Convention country.

(4) The person liable to pay contributions shall be

- (a) in the case of oil which is being imported into Barbados, the importer; or
- (b) in any other case, the person by whom the oil is received.

(5) A person shall not be liable to make contributions in respect of the oil imported or received by him in any year if the oil so imported or received in the year does not exceed 150 000 metric tons.

(6) For the purpose of subsection (5)

- (a) all the members of a group of companies shall be treated as a single person; and
- (b) any 2 or more companies which have been amalgamated into a single company shall be treated as the same person as that single company.

(7) The contributions payable by a person for any year shall

- (a) be of such amount as may be determined by the Assembly of the Fund under Articles 11 and 12 of the Fund Convention and notified to that person by the Fund;
- (b) be payable in such instalments, becoming due at such times, as may be so notified to him,

and if any amount due from him remains unpaid after the date on which it became due, it shall from then on bear interest, at a rate determined from time to time by the said Assembly, until it is paid.

(8) The Minister may by regulations impose on persons who are or may be liable to pay contributions under this section obligations to give security for payment to the Minister or to the Fund, and regulations under this subsection

- (a) may contain such supplemental or incidental provisions as appear to the Minister expedient; and

- (b) may impose penalties for contravention of the regulations punishment on summary conviction by a fine of \$2 000.

(9) In this section and section 39, unless the context otherwise requires

"company" means a body incorporated under the laws of Barbados, or of any other country;

"importer" means the person by whom or on whose behalf the oil in question is entered for customs purposes on importation, and "import" shall be construed accordingly;

"oil" means crude oil and fuel oil, and

- (a) "crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes

(i) crude oils from which distillate fractions have been removed, and

(ii) crude oils to which distillate fractions have been added,

"fuel oil" means heavy distillates or residues from crude oil, or blends of such materials, intended for use as a fuel for the production of heat or power, of a quality equivalent to the "American Society for Testing and Materials Specification for Number Four Fuel Oil (Designation D 396-69)" or heavier.

39. (1) For the purpose of transmitting to the Fund names and addresses of the persons who under section 38 are liable to make contributions to the Fund for any year, and the quantity of oil in respect of which they are so liable, the Minister may by notice require any person engaged in producing, treating, distributing, or transporting oil to furnish such information as may be specified in the notice.

Power to
obtain
informa-
tion.

(2) A notice under this section may require a company to give such information as may be required to ascertain whether its liability is affected by subsection (6) of section 38.

(3) A notice under this section may specify the way in which, and the time within which, it is to be complied with.

(4) In proceedings by the Fund against any person to recover any amount due under section 38, particulars contained in any list transmitted by the Minister to the Fund shall, so far as those particulars are based on information obtained under this section, be admissible as evidence of the facts stated in the list, and so far as particulars which are so admissible are based on information given by the person against whom the proceedings are brought, those particulars shall be presumed to be accurate until the contrary is proved.

(5) If a person discloses any information which has been furnished to or obtained by him under this section, or in connection with the execution of this section, he shall, unless the disclosure is made

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the execution of this section; or
- (c) for the purposes of any legal proceedings arising out of this section or of any report of such proceedings,

commits an offence and is liable on summary conviction to a fine of \$2 000.

(6) A person who

- (a) refuses or wilfully neglects to comply with a notice under this section; or
- (b) in furnishing any information in compliance with a notice under this section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

commits an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for a term of 12 months or to both.

Liability of
the Fund.

40. (1) Except as provided in subsection (7) the Fund is liable for pollution damage in Barbados if the person suffering the damage has been unable to obtain full compensation under section 20

-
- (a) because the discharge, or escape of oil from a ship by reason by which the damage was caused
- (i) resulted from an exceptional, inevitable and irresistible phenomenon,
 - (ii) was due wholly to anything done or omitted to be done by another person who is not a servant or agent of the owner with intent to do damage, or
 - (iii) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible and because liability is wholly displaced by section 21, or
- (b) because the owner or guarantor liable for the damage cannot meet his obligations in full; or
- (c) because the damage exceeds the liability under section 20 as limited
- (i) by section 23; or
 - (ii) (where the said section 23 is displaced by section 28) by section 303 of the *Shipping Act*.
- Cap. 296.
- (2) Subsection (1) of this section shall apply with the substitution for the words "Barbados" of the words "a Fund Convention country" where
- (a) the headquarters of the Fund is for the time being in Barbados, and proceedings under the Liability Convention for compensation for the pollution damage have been brought in a country which is not a Fund Convention country; or
 - (b) the incident has caused pollution damage both in Barbados and in another Fund Convention country, and proceedings under the Liability Convention for compensation for the pollution damage have been brought in a country which is not a Fund Convention country or in Barbados.
- (3) Where an incident has caused pollution damage both in Barbados and in another Liability Convention country references in this section to the provisions of this Part shall include references to the

corresponding provisions of the law of any country giving effect to the Liability Convention.

(4) Where proceedings under the Liability Convention for compensation for pollution damage have been brought in a country which is not a Fund Convention country and the Fund is liable for that pollution damage by virtue of subsection (2) (a) of this section, references in this section to the provisions of this Act shall be treated as references to the corresponding provisions of the law of the country in which those proceedings were brought.

(5) For the purposes of this section an owner or guarantor is to be treated as incapable of meeting his obligations if the obligations have not been met after all reasonable steps to pursue the legal remedies available have been taken.

(6) Expenses reasonably incurred, and sacrifices reasonably made, by the owner voluntarily to prevent or minimise pollution damage shall be treated as pollution damage for the purposes of this section, and accordingly he shall be in the same position with respect to claims against the Fund under this section as if he had a claim in respect of liability under section 20.

(7) The Fund shall incur no obligation under this section if

(a) it proves that the pollution damage

(i) resulted from an act of war, hostilities, civil war, or insurrection; or

(ii) was caused by oil which has been discharged from a Government ship; or

(b) the claimant cannot prove that the damage resulted from an occurrence involving a ship identified by him, or involving 2 or more ships one of which is identified by him.

(8) Where the Fund proves that the pollution damage resulted wholly or partly

(a) from an act done or omitted to be done with intent to cause damage by the person who suffered the damage; or

(b) from the negligence of that person

the Fund may, subject to subsection (10), be exonerated wholly or partly from its obligation to pay compensation to that person.

(9) Where liability under section 20 is limited to any extent by subsection (5) of that section, the Fund shall be exonerated to the same extent.

(10) The Fund's liability under this section shall be subject to the limits imposed by paragraphs 4, 5 and 6 of Article 4 of the Fund Convention (as amended by Article III of the Protocol dated 2nd December, 1992), which imposed an overall liability on the liabilities of the owner and of the Fund and the text of which is set out in the *First Schedule* to this Act. 1997-22.

First
Schedule.

(11) Notwithstanding any other law, evidence of any organ of the Fund or of any document in the custody of the Fund, or any entry in extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of the Fund; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.

(12) For the purpose of giving effect to the provisions of the Fund Convention mentioned in subsection (10) of this section, a court giving judgment against the Fund in proceedings under this section shall notify the Fund, and

- (a) no steps shall be taken to enforce the judgment unless and until the court gives leave to enforce it;
- (b) that leave shall not be given unless and until the Fund notifies the court either that the amount of the claim is not to be reduced under the said provisions, or that it is to be reduced to a specified amount; and
- (c) in the latter case the judgment shall be enforceable only for the reduced amount.

(13) Any steps taken to obtain payment of an amount or a reduced amount in pursuance of such a judgment as is mentioned in subsection (12) shall be steps to obtain payment in dollars and

s.41

- (a) for the purpose of converting such an amount from special drawing rights into dollars one special drawing right shall be treated as equal to such a sum in dollars as the International Monetary Fund have fixed as being the equivalent of one special drawing right for
 - (i) the day on which the judgment is given, or
 - (ii) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed;
 - (b) a certificate by or on behalf of the Central Bank stating
 - (i) that a particular sum in dollars has been so fixed for the day on which the judgment was given, or
 - (ii) that no sum has been so fixed for that day and that a particular sum in dollars has been so fixed for a day which is the last day for which a sum has been so fixed before the day on which the judgment was given,
- shall be conclusive evidence of those matters for the purposes of this Act;
- (c) a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Indemnifi-
cation
where
damage is
caused by
Fund
Convention
ship.

41. (1) Where a liability is incurred under section 20 in respect of a Fund Convention ship, the Fund shall indemnify the owner of the ship and his guarantor for that portion of the aggregate amount of the liability which

- (a) is in excess of an amount equivalent to 100 special drawing rights for each ton of the ship's tonnage or of an amount of 8 333 000 special drawing rights, whichever is the less; and
- (b) is not in excess of an amount equivalent to 133 special drawing rights for each ton of the said tonnage or an amount of 14 million special drawing rights, whichever is the less.

(2) Where proceedings under the Liability Convention for compensation for pollution damage have been brought in a country which is not a Fund Convention country (but it is a Liability Convention country) and either

(a) the incident has caused pollution damage in Barbados (as well as in that other country); or

(b) the headquarters of the Fund is for the time being in Barbados,

subsection (1) of this section shall apply with the omission of the words "under section 20".

(3) The Fund shall not incur an obligation under this section where the pollution damage resulted from the wilful misconduct of the owner of this ship.

(4) In proceedings to enforce the Fund's obligation under this section the court may exonerate the Fund wholly or partly if it is proved that, as a result of the actual fault or privity of the owner of the ship

(a) the ship did not comply with such requirements as the Minister may by regulations prescribe for the purposes of this section; and

(b) the occurrence or damage was caused wholly or partly by that non-compliance.

(5) The requirements referred to in subsection (4) of this section are such requirements as appear to the Minister appropriate to implement the provisions of

(a) article 5(3) of the Fund Convention (marine safety conventions); and

(b) article 5(4) of the Fund Convention (which enables the Assembly of the Fund to substitute new conventions).

(6) Regulations made under subsection (4) of this section may contain such transitional or other supplemental provisions as appear to the Minister to be expedient.

(7) Expenses reasonably incurred, and sacrifices reasonably made, by the owner voluntarily to prevent or minimise the pollution damage shall be treated as included in the owner's liability for the purposes of this section.

(8) For the purpose of converting into dollars the amount in special drawing rights adjudged to be payable by the Fund by way of indemnity in such proceedings as are mentioned in subsection (4), paragraphs (a) to (c) of subsection (13) of section 40 shall have effect

(a) if the liability in question has been limited in pursuance of section 24, as if

(i) for the reference in the said paragraph (a) to the amount there mentioned there were substituted a reference to the amount adjudged as aforesaid, and

(ii) for any reference to the day on which the judgment is or was given there were substituted a reference to the day on which the determination of the limit was made in pursuance of the said section 24; and

(b) if the liability in question has not been so limited, with the modification made by paragraph (a)(i) of this subsection and as if for any reference to the day on which the judgment is or was given there were substituted a reference to the day on which the said amount was so adjudged.

Jurisdiction.

42. (1) The Admiralty jurisdiction of the Supreme Court shall be construed as extending to any claim in respect of a liability falling on the Fund under this Part.

(2) Where in accordance with rules of court made for the purposes of this subsection the Fund has been given notice of proceedings brought against an owner or guarantor in respect of liability under section 20, any judgment given in the proceedings shall, after it has become final and enforceable, become binding upon the Fund in the sense that the facts and evidence in the judgment may not be disputed by the Fund even if the Fund has not intervened in the proceedings.

(3) Where a person incurs a liability under the law of a Fund Convention country corresponding to Part IV for damage which is partly in the area of Barbados subsection (2) of this section shall, for the purpose of proceedings under this Part, apply with any necessary modifications to a judgment in proceedings under that law of the said country.

43. (1) No action to enforce a claim against the Fund under this Part shall be entertained by a court in Barbados unless

Extinguish-
ment of
claims.

- (a) the action is commenced; or
- (b) a third party notice of an action to enforce a claim against the owner or his guarantor in respect of the same damage is given to the Fund, not later than three years after the claim against the Fund arose, and in this subsection "third party notice" means a notice of the kind described in subsections (2) and (3) of section 42.

(2) No action to enforce a claim against the Fund under this Part shall be entertained by a court in Barbados unless the action is commenced not later than 6 years after the occurrence or first of the occurrences resulting in the discharge or escape of oil by reason of which the claim against the Fund arose.

44. (1) In respect of any sum paid under section 40(1)(b) the Fund shall acquire by subrogation the rights of the recipient against the owner or guarantor.

Subrogation
and rights of
recourse.

(2) The right of the Fund under subsection (1) of this section is subject to any obligation of the Fund under section 41 to indemnify the owner or guarantor for any part of the liability on which he has defaulted.

- (3) In respect of any sum paid

(a) under paragraph (a) or paragraph (c) of section 40(1); or

(b) under section 41,

the Fund shall acquire by subrogation any rights of recourse or subrogation which the owner or guarantor or any other person has in respect of his liability for the damage in question.

(4) In respect of any sum paid by a public authority in Barbados as compensation for pollution damage, that authority shall acquire by subrogation any rights which the recipient has against the Fund under this Part.

Supplementary provisions as to proceedings involving the Fund.

45. (1) Any proceedings by or against the Fund may either be instituted

(a) by or against the Fund in its own name; or

(b) by or against the Director of the Fund as the Fund's representative.

(2) Evidence of an instrument issued by an organ of the Fund or of a document in the custody of the Fund or any entry in or extract from the document may be given in a legal proceeding by production of a copy certified as a true copy by an official of the Fund.

(3) A document which purports to be such a copy shall in the proceedings be received in evidence without proof of the official position or handwriting of the person signing the certificate.

PART VI

Enforcement

Oil records.

46. (1) The Minister may make regulations requiring oil record books to be carried in Barbadian ships and requiring the master of any such ship to record in the oil record book carried by it

- (a) the carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed, that is to say, operations relating to
 - (i) the loading of oil cargo; or
 - (ii) the transfer of oil cargo during a voyage; or
 - (iii) the discharge of oil cargo; or
 - (iv) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of such tanks; or
 - (v) the separation of oil from water, or from other substances, in mixtures; or
 - (vi) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs; or
 - (vii) the disposal of any other oil residues;
- (b) any occasion on which oil or a mixture is discharged from the ship for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;
- (c) any occasion on which oil or a mixture is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil to and from vessels while they are within Barbadian territorial waters, and the requirements of any regulations made under this subsection shall be in addition to the requirements of any regulations made under subsection (1) of this section.

(3) Any records required to be kept by regulations made under subsection (2) of this section shall, unless the vessel is a barge, be kept by the master of the vessel, and shall, if the vessel is a barge, be kept, in so far as they relate to the transfer of oil to the barge, by the person

supplying the oil and, in so far as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.

(4) Regulations under this section requiring the carrying of oil record books or the keeping of records may

- (a) prescribe the form of the oil record books or records and the nature of the entries to be made in them;
- (b) require the person providing or keeping the books or records to retain them for a prescribed period;
- (c) require that person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;
- (d) provide for the custody or disposal of the books or records after their transmission to such a place or person.

(5) The following persons shall commit an offence and are liable on summary conviction to a fine of \$1 500

- (a) the owner or master of a ship which fails to carry such an oil record book as it is required to carry by regulations under this section;
 - (b) any person who fails to comply with any requirement placed upon him by or under this section;
 - (c) any person who makes an entry, in an oil record book carried, or record kept, in pursuance of regulations under this section, which is to his knowledge false or misleading in any material particular,
- and in the case of a person guilty of an offence under paragraph (c) of this subsection the court may impose a sentence of imprisonment of 12 months either in addition to or in lieu of such fine.

(6) In any proceedings under this Act, and notwithstanding any other law

- (a) any oil record book carried or record kept in pursuance of regulations made under this section shall be admissible as evidence of the facts stated in it;
- (b) any copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept to be a true copy of the entry shall be admissible as evidence of the facts stated in the entry;
- (c) any document purporting to be an oil record book carried or record kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in the preceding paragraph shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

47. (1) The Minister may appoint any duly qualified person to report to him Powers of inspection.

- (a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so imposed by the creation of offences under any provision of this Act other than section 6) have been complied with;
- (b) what measures (other than measures made obligatory by regulations made under section 7) have been taken to prevent the escape of oil and mixtures; or
- (c) whether the oil reception facilities provided in ports are adequate.

(2) Every inspector shall be taken to be a person appointed generally under the preceding subsection to report to the Minister in every kind of case falling within that subsection.

(3) Section 344 of the *Shipping Act* shall apply to persons appointed or taken to be appointed under subsection (1) of this section as it applies to inspectors referred to in that section and shall, as so applying, have effect as if Cap. 296.

- (a) in paragraph (a) of subsection (1) of that section, the reference to a ship included any vessel, and the reference to that Act were a reference to this Act and any regulations made under this Act; and
- (b) any power of inspection under that section included power to inspect any apparatus used for transferring oil.

(4) Any power of an inspector applied by subsection (3) of this section to inspect a vessel shall include power to test any equipment with which the vessel is required to be fitted in pursuance of regulations made under section 7.

Cap. 296. (5) Any power of an inspector applied by subsection (3) of this section to require the production of any oil record book required to be carried or records required to be kept in pursuance of regulations made under section 46 shall include power to copy any entry therein and require the master to certify the copy as a true copy of the entry, and in section 344 of the *Shipping Act* as so applied, the reference to making a declaration shall be construed as a reference to the certification of such a copy.

(6) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a port the harbour master, and any other person appointed or taken to be appointed by the Minister under this section (either generally or in relation to a particular vessel), shall have power

- (a) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to any alleged discharge of oil or mixture from the vessel into the waters of the port;
- (b) to require the production of any oil record book required to be carried or records to be kept in pursuance of regulations made under section 46; and
- (c) to copy any entry in any such book or record and require the master to certify the copy as a true copy of the entry.

(7) A person exercising any powers conferred by subsection (6) of this section shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

(8) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of subsection (6) of this section, he commits an offence, and is liable on summary conviction to a fine not exceeding \$25, and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section, he commits an offence and is liable on summary conviction to a fine of \$500.

48. (1) Where, immediately before the date on which (apart from this subsection) the time for bringing proceedings for an offence under this Act would expire, the person to be charged is outside Barbados, the time for bringing proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters Barbados. Proceedings.

(2) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

(3) Proceedings for an offence under section 6 may be brought only by or with the consent of the Attorney-General, and any such proceedings may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Barbados.

49. (1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the court, the court shall, in addition to any other powers 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. Enforcement and application of fines.

(2) Where a person is convicted of an offence under section 4 or section 5 and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage which

is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

Enforcement
of Conven-
tions.

50. (1) The Minister may by order published in the *Official Gazette* empower such persons as may be designated by or under the order to go on board any Convention ship while the ship is within any port, and to require production of any oil record book required to be carried in accordance with the Convention.

(2) An order under this section may, for the purposes of the order, and with any necessary modification apply any of the provisions of this Act relating to the production and inspection of oil record books and the taking of copies of entries therein, and to the admissibility in evidence of such oil record books and copies, including any provisions of this Act in so far as they relate to those matters.

(3) The Minister, if satisfied that the government of any state or country has accepted, or denounced, a Convention, or that a Convention extends, or has ceased to extend, to any territory, may by order published in the *Official Gazette* make a declaration to that effect, and such order shall, while in force be conclusive evidence of the facts stated therein.

(4) In this section "Convention" means any Convention referred to in this Act and any other Convention accepted by the government in so far as it relates to the prevention of pollution of the sea by oil: and "Convention ship" means a ship registered under the laws of

- (a) a country the government of which has been declared by an order under subsection (3) of this section to have accepted the Convention, and has not been so declared to have denounced it; or
- (b) a territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend.

PART VII

Supplemental

51. (1) The Minister may by order published in the *Official Gazette* direct that, subject to such exceptions and modifications as may be specified in the order, any regulations made under section 7 or section 46(1) shall apply to foreign ships at any time when they are in a port, or are within Barbadian waters while on their way to or from a port.

Power to
apply
certain
provisions
to foreign
ships.

(2) An order under subsection (1) of this section shall not be made so as to impose different requirements in respect of ships of different countries or territories but if the Minister is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the order, he may, by such order, direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with such of those provisions as are applicable thereto under the law of that country or territory.

(3) No regulation shall by virtue of an order under this section apply to any ship as being within a port, or on her way to or from such a port, if the ship would not have been within the port, or, as the case may be, on her way to or from the port, but for stress of weather or any other circumstances which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

52. Where an offence under this Act, or any regulations made thereunder, which has been committed by body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences by
bodies
corporate.

Testing of
equipment.

53. Any power conferred by this Act or by regulations made thereunder to test equipment on board a vessel shall be construed as including a power to require persons on board the vessel to carry out such work as may be requisite for the purpose of testing the equipment, and any provisions of this Act or such regulations as to submitting equipment for testing shall be construed accordingly.

Applied
regulations.
Second
Schedule.

54. (1) The regulations, rules and orders specified in the *Second Schedule* to this Act (hereinafter referred to as "the applied regulations") as from time to time amended, shall be deemed to have been made under the relevant provisions of this Act and shall have full force and effect accordingly; and

- (a) any reference in the applied regulations to British ships, or to ships registered in the United Kingdom, shall be construed as a reference to Barbadian ships, and any reference to a port or harbour in the United Kingdom shall be construed as a reference to a port in Barbados;
- (b) any reference in the applied regulations to the Secretary of State or to the Board of Trade shall be construed as a reference to the Minister;
- (c) the applied regulations shall be otherwise construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the relevant Conventions and Protocols to which Barbados is a Party;
- (d) any certificate, form or code of instructions printed and officially published for use in compliance with the applied regulations shall apply in similar manner; and
- (e) the applied regulations may be amended or replaced by rules made under this Act.

Second
Schedule.

(2) The Minister may by notice in the *Official Gazette* amend or add to the *Second Schedule* to this Act.

Construction
of Article V
of Conven-
tions.

55. For the purposes of section 30 (2) and section 31 (1) (which refer to Article VII of the International Convention of Civil Liability for Oil Pollution Damage signed in Brussels in 1969) reference in that

Article to Article V of the Convention shall be construed as reference to Article V as amended by Article II of the Protocol dated 19th November, 1976 to the Convention.

PART VIII

Conventions

56. (1) Sections 57 and 58 apply in respect of the following international conventions and protocols:

Application
of conven-
tion and
protocols.

- (a) Protocol of 1978 relating to the International Convention for the Prevention of Pollution from ships (1973 as amended);
- (b) International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;
- (c) Protocol of 1973 relating to Intervention on the High Seas in Cases of Pollution by Substances other than oil;
- (d) International Convention on Civil Liability for Oil Pollution Damage, 1969;
- (e) Protocol of 1976 to the International Convention on Civil Liability for Oil Pollution Damage;
- (f) International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971;
- (g) Protocol of 1976 to amend the International Convention on the Establishment of an International Fund for Oil Pollution Damage;
- (h) International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;
- (i) Protocol of 1992 to the International Convention on Civil Liability for Oil Pollution Damage; and
- (j) Protocol of 1992 to the International Convention on the Establishment of an International Compensation Fund for Oil Pollution Damage.

1997-22.

1997-22.

(2) If the Minister by notice in the *Official Gazette* declares that a convention or protocol enumerated or described in subsection (1) is not applicable to Barbados, this section and section 57 thereupon cease to apply thereto.

(3) The Director and the Principal Registrar of Ships shall maintain in their offices a copy of

- (a) all international conventions and protocols that have application in Barbados; and
- (b) all regulations or directions made pursuant to this Act;

and copies must be made available for inspection or, upon payment of a prescribed fee, for the taking of copies thereof by members of the public, seafarers or persons being concerned with or having an interest in vessels or shipping.

Convention
or protocol
prevail.

57. Where a provision of an international convention or protocol and a provision of this Act or any regulation in force by virtue of this Act conflict in any manner, the provision of the international convention or protocol prevails unless the Minister otherwise provides by such regulations as he may make in that behalf.

Contra-
ven-
tion of
conventions
or protocols.
Cap. 296.
1997-22.

58. Where, in respect of any Barbadian ship, there is any contravention of a requirement of any international convention or protocol, the Director, a Registrar or inspector may by virtue of the provisions of the *Shipping Act* suspend the certificate of registry of the ship until the contravention is rectified.

FIRST SCHEDULE

1997-22.

(Section 40(10))

OVERALL LIMITATION ON LIABILITY OF FUND

Article 4 - Paragraphs 4, 5 and 6

4. (a) Except as otherwise provided in sub-paragraphs (b) and (c) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the 1992 Liability Convention for pollution damage within the scope of application of this Convention as defined in Article 3 shall not exceed 135 million units of account.
 - (b) Except as otherwise provided in sub-paragraph (c), the aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 135 million units of account.
 - (c) The maximum amount of compensation referred to in sub-paragraphs (a) and (b) shall be 200 million units of account with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such Parties, during the preceding calendar year, equalled or exceeded 600 million tons.
 - (d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the 1992 Liability Convention, if any, shall not be taken into account for the computation of the maximum compensation payable by the Fund under this Article.
 - (e) The amounts mentioned in this Article shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the decision of the Assembly of the Fund as to the first date of payment of compensation.
5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants.

- 1997-22. 6. The Assembly of the Fund may decide that, in exceptional cases, compensation in accordance with this Convention can be paid even if the owner of the ship has not constituted a fund in accordance with Article V, paragraph 3, of the 1992 Liability Convention. In such case paragraph 4(e) of this Article applies accordingly.

SECOND SCHEDULE

1998/70.
1998/131.
2001/58.

(Section 54)

Applied Regulations United Kingdom Regulations, Rules and Orders

<i>Publication</i>	<i>Title</i>
S.I. 1967 No. 710	The Oil in Navigable Waters (Heavy Diesel Oil) Regulations, 1967
S.I. 1983 No. 1106	The Merchant Shipping (Prevention of Oil Pollution) Order, 1983
S.I. 1985 No. 2002	The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Order, 1985
S.I. 1991 No. 2885	The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Order, 1991
S.I. 1993 No. 1580	The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Order, 1993
S.I. 1996 No. 2154	The Merchant Shipping (Prevention of Oil Pollution) Regulations, 1996
S.I. 1997 No. 1910	The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations, 1997
S.I. 2000 No. 483	The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations, 2000

<i>Publication</i>	<i>Title</i>
S.I. 1987 No. 470	The Merchant Shipping (Prevention and Control of Pollution) Order, 1987
S.I. 1990 No. 2595	The Merchant Shipping (Prevention and Control of Pollution) Order, 1990
S.I. 2000 No. 3216	The Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc. (INF Code)) Regulations, 2000
S.I. 1998 No. 1500	The Merchant Shipping (Control of Pollution) (SOLAS) Order, 1998
S.I. 1996 No. 1143	The Merchant Shipping (Liability and Compensation for Oil Pollution Damage) (Transitional Provisions) Order, 1996
S.I. 1998 No. 254	The Merchant Shipping (Prevention of Pollution) (Amendment) Order, 1998
S.I. 1996 No. 3010	The Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations, 1996
S.I. 1998 No. 1153	The Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) (Amendment) Regulations, 1998
S.I. 1995 No. 2498	The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations, 1995
S.I. 1999 No. 2121	The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) (Amendment) Regulations, 1999
S.I. 1980 No. 1093	The Merchant Shipping (Prevention of Pollution) (Intervention) Order, 1980
S.I. 1997 No. 1869	The Merchant Shipping (Prevention of Pollution: Substances other than Oil) (Intervention) Order, 1997

<i>Publication</i>	<i>Title</i>
S.I. 1986 No. 2225	The Merchant Shipping (Oil Pollution) (Parties to Convention) Order, 1986
S.I. 1986 No. 2223	The International Oil Pollution Compensation Fund (Parties to Convention) Order, 1986
S.I. 1957 No. 358	The Oil in Navigable Waters (Transfer Records) Regulations, 1957
S.I. 1972 No. 1929	The Oil in Navigable Waters (Records) Regulations, 1972 (applicable only to tankers under 150 gross tons and cargo ships under 400 gross tons)
S.I. 1997 No. 1820	The Oil Pollution (Compulsory Insurance) Regulations, 1997
S.I. 1987 No. 220	The Merchant Shipping (Indemnification of Shipowners) Order, 1987
S.I. 1998 No. 1377	The Merchant Shipping (Prevention of Pollution by Garbage) Regulations, 1998
S.I. 1997 No. 3018	The Merchant Shipping (Port Waste Reception Facilities) Regulations, 1997