

**BERMUDA STATUTORY INSTRUMENT**  
**BR 44/1977**  
**OIL POLLUTION (COMPULSORY INSURANCE)**  
**REGULATIONS 1977**

*[made under section 4, 10(1) and 11(3) of the Merchant Shipping (Oil Pollution) Act 1971 of the U.K. as extended to Bermuda by the Merchant Shipping (Oil Pollution) (Bermuda) Order 1975 [title 31 item 15] and brought into operation on 4 November 1977]*

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**Citation and commencement**

1 These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations 1977 and shall come into operation on the 4th day of November, 1977.

**Interpretation**

2 In these Regulations—

"the Act" means the Merchant Shipping (Oil Pollution) Act 1971 as extended to Bermuda by the Order [title 31 item 15];

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

"Convention country" has the meaning assigned to it in section 19 (1) of the Act;

"Minister" means the Minister of Marine and Air Services;

"the Order" means the Merchant Shipping (Oil Pollution) (Bermuda) Order 1975 [*title 31 item 15*].

**Persistent oil defined**

3 For the purposes of section 10(1) of the Act (requirements as to compulsory insurance against liability for oil pollution) "persistent oil" means any of the following—

- (a) hydrocarbon mineral oils whether crude or distilled, including crude coal tar and the oily residue of tank cleaning operations necessitated by the carriage of any such oils, but excluding those oils which consist wholly of distillate fractions of which more than 50 percent by volume distil at 340° centigrade when tested by the "American Society for Testing and Materials Specification D 86/67" in the case of oils derived from petroleum and at 350° centigrade in the case of oils derived from coal tar;
- (b) residual oil, consisting of mineral hydrocarbons comprising the residues of the process of distilling or refining crude petroleum or both, and any mixture containing such residual oil;
- (c) whale oil,

**Recognition of certificates**

4 (1) Subject to paragraph (2), certificates for ships registered in any country which is not a convention country shall be recognized for the purpose of section 10(3)(c) of the Act (authorities by whom a certificate must be issued) if issued by or under the authority of the government of any of the following countries, namely—

Belgium,  
Denmark,  
Federal Republic of  
Germany,  
France,  
Greece,  
Japan,  
Netherlands,  
New Zealand,  
Norway,

Portugal,  
Spain,

Sweden,  
United Kingdom.

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

(3) For the purpose of this paragraph, "Bermuda voyage" means any voyage by a ship—

- (a) from a place outside Bermuda to a port in Bermuda or a terminal in the territorial sea of Bermuda; or
- (b) from a port in Bermuda or a terminal in the territorial sea of Bermuda to a place outside Bermuda, and the reference to the duration of such a voyage shall be taken as comprising the whole of any period during which the ship is engaged in that voyage, including any time during which, in connection with the voyage, it is in a port in Bermuda or at a terminal in the territorial sea of Bermuda.

**Fees**

5 The fee to be paid on application for a certificate to be issued by the Minister under section 11 of the Act shall be \$100.

**Cancellation and delivery up of certificate**

6 (1) Where at any time while a certificate under section 11 of the Act is in force the person to whom the certificate has been issued ceases to be *[sic]* the owner of the ship to which the certificate relates, he shall forthwith deliver up the certificate to the Minister and in such a case the certificate shall be cancelled by the Minister.

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

(3) Where, at any time while a certificate under section 11 of the Act is in force, circumstances arise in relation to the insurer or guarantor named in the certificate (or, where more than one is so named, to any of them) such that, if the certificate were applied for at that time, the Minister would be entitled to refuse the application under subsection (2) of that section (power to refuse a certificate where there is a doubt whether an insurer will be able to meet his insurance obligations), the

certificate may be cancelled by the Minister and, if so cancelled, shall on demand forthwith be delivered up to him by the person to whom it was issued.

**Revocation**

7 [omitted]