

UNITED KINGDOM STATUTORY INSTRUMENT

SI 1988 No. 788

**THE MERCHANT SHIPPING (PREVENTION OF
OIL POLLUTION) (BERMUDA) ORDER 1988**

Whereas by virtue of section 20(1)(a), (c) and (d) of the Merchant Shipping Act 1979^(a) ("the Act of 1979") Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to—

- (a) the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 ("the Convention")^(b),
- (b) the Protocol relating to the Convention which constitutes attachment 2 to the final act of the International Conference on Tanker Safety and Pollution Prevention signed in London on 17th February 1978 ("the Protocol")^(c), and
- (c) any international agreement, not mentioned in paragraphs (a)-(c) of the said section 20(1) of the Act of 1979, which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships:

And whereas the said section 20(1) of the Act of 1979 further provides that the reference to an agreement in paragraph (d) of the said section 20(1) of the Act of 1979 (being the provision recited in paragraph (c) above) includes an agreement which provides for modification of another agreement, including the Protocol:

And whereas the Marine Environment Protection Committee of the International Maritime Organization by resolution MEPC 14(20) dated 7th December 1984 adopted amendments to the Annex to the Protocol:

And whereas by virtue of section 20(3)(e) of the Act of 1979 such an Order may extend to certain territories:

And whereas this Order is made only for the purpose of giving effect in Bermuda to the Convention and the Protocol amended as aforesaid:

And whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 28th day of March 1988, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 20(1)(a), (c) and (d), (3) and (4) of the Act of 1979 and of all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1 This Order may be cited as the Merchant Shipping (Prevention of Oil Pollution) (Bermuda) Order 1988 and shall come into force on 26th May 1988.

^(a) 1979 c. 39.

^(b) Cmnd. 5748.

^(c) Cmnd. 7347.

2 The provisions of Articles 3(1) and 6 of the Merchant Shipping (Prevention of Oil Pollution)
Order 1983^(a), as modified in the Schedule

^(a) S.I. 1983/1106, amended by S.I. 1985/2002.

hereto, shall extend to Bermuda.

G.I. de Denev
Clerk of the Privy Council

SCHEDULE

Article 2

ARTICLES 3(1) AND 6 OF THE MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) ORDER
1983, AS EXTENDED TO BERMUDA

3 (1) The Governor may make regulations for the prevention of oil pollution (hereinafter referred to as "the Regulations") for the purpose of giving effect to the Convention and Protocol and to amendments thereto adopted by the Marine Environment Protection Committee of the International Maritime Organization at its 20th Session by resolution MEPC 14(20), and the Regulations may in particular include provisions—

- (a) with respect to the carrying out of surveys and inspections for that purpose, and for the issue, duration and recognition of certificates for that purpose and the payment of fees in connection with such a survey, inspection or certificate;
- (b) with respect to the applications of the Regulations to the Crown and the extra-territorial operation of the Regulations;
- (c) that specified contraventions of the Regulations shall be offences punishable on summary conviction by a fine not exceeding \$10,000 and on conviction on indictment by imprisonment for a term not exceeding two years and a fine not exceeding \$25,000;
- (d) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 692 of the Merchant Shipping Act 1894^(b) (which relates to the detention of a ship) with such modifications, if any, as are prescribed by the Regulations;

and the Regulations may—

- (i) provide that the Regulations for the time being in force under Article 3(1) of the Merchant Shipping (Prevention of Oil Pollution) Order 1983 as it applies in the United Kingdom shall, subject to such modifications (if any) as may be specified by the Governor, be deemed to be Regulations made by the Governor under this Article;
- (ii) make different provisions for different circumstances;
- (iii) provide for exemptions from any provisions of the Regulations;
- (iv) provide for the delegation of functions exercisable by virtue of the Regulations; and
- (v) include such incidental, supplemental and transitional provisions as appear to the Governor to be expedient for the purposes of the Regulations.

6. Any discharge of oil or oily mixture from a ship to which any Regulations made under this Order apply which is not prohibited by any such Regulations is authorised by this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Bermuda certain provisions of the Merchant Shipping (Prevention of Oil Pollution) Order 1983. Its main purpose is to give the Governor of Bermuda power to make regulations to enable effect to be given in Bermuda to the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd. 5748), the Protocol of 1978 (Cmnd. 7347) relating to the Convention, and amendments to the Protocol adopted by resolution MEPC 14(20) on 7th September 1984 by the Marine Environment Protection Committee of the International Maritime Organization at its 20th Session (which resolution may be obtained from IMO, 4 Albert Embankment, London SE1 7SR).

^(b) 1894 c.60.