

**MERCHANT SHIPPING (COMPULSORY INSURANCE)
REGULATIONS 2004**

BR 50/2004

MERCHANT SHIPPING ACT 2002

2002 : 35

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ARRANGEMENT OF REGULATIONS

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The Minister of Transport, in exercise of the powers conferred by section 161(1) of the Merchant Shipping Act 2002, makes the following regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Compulsory Insurance) Regulations 2004.

Interpretation

2 (1) In these Regulations "the Act" means the Merchant Shipping Act 2002.

(2) For the purposes of section 161(1) of the Act, "oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, but excluding any oil which at the time of shipment, consists of hydrocarbon fractions —

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- (a) at least 50% of which, by volume, distil at a temperature of 340°C; and
- (b) at least 95% of which, by volume, distil at a temperature of 370°C,

when tested by the ASTM Method D86/78 published by the American Society for Testing and Materials.

Cancellation and delivery of certificates

3 (1) Where, at any time while a certificate issued under section 162 of the Act is in force, the person to whom the certificate has been issued ceases to be the owner of the ship to which the certificate relates, he shall immediately deliver the certificate to the Minister or to a proper officer for cancellation by the Minister.

(2) Where, at any time while a certificate issued under section 162 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 immediately be delivered to him by the person to whom it was issued.

(3) Where, at any time while a certificate issued under section 162 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 the certificate may be cancelled by the Minister and, if so cancelled, shall on demand immediately be delivered to him by the person to whom it was issued.

Revocation

4 The Oil Pollution (Compulsory Insurance) Regulations 1977 are revoked.

Made this 20th day of July 2004

Minister of Transport