

OIL POLLUTION OF THE SEA (ANNUAL RETURNS AND CONTRIBUTIONS IN RESPECT OF COMPENSATION FUND) REGULATIONS 1992

I, MICHAEL WOODS, Minister for the Marine, in exercise of the powers conferred on me by section 19 (as amended by paragraph 4 of the Second Schedule to the Sea Pollution Act, 1991 (No. 27 of 1991)) of the Oil Pollution of the Sea (Civil Liability and Compensation) Act, 1988 (No. 11 of 1988), hereby make the following Regulations:

REG 1

1. These Regulations may be cited as the Oil Pollution of the Sea (Annual Returns and Contributions in respect of Compensation Fund) Regulations, 1992.

REG 2

2. In these Regulations—

"the Act" means the Oil Pollution of the Sea (Civil Liability and Compensation Act, 1988 (No. 11 of 1988);

"the Minister" means the Minister for the Marine.

REG 3

3. (1) The receivers of oil in the State are the persons hereby prescribed for the purposes of section 19 (1) of the Act.

(2) The form set out in the Schedule to these Regulations is hereby prescribed as the manner in which every return for the purposes of section 19 (1) of the Act is to be submitted to the Minister.

(3) The 31st day of January is hereby prescribed, for the purposes of section 19 (1) of the Act, as the date by which the relevant returns are to be submitted to the Minister in respect of the immediately preceding calendar year.

REG 4

4. (1) The persons who alone or together with one or more subsidiaries or commonly controlled entities have received in total in any calendar year in harbours, terminal installations and offshore terminals in the State, quantities of crude oil and fuel oil exceeding 150,000 tonnes are the persons hereby prescribed for the purposes of section 19 (2) of the Act.

(2) Where the quantity of crude oil and fuel oil received by any person in a calendar year in harbours, terminal installations and offshore terminals in the State, when aggregated with the quantity of crude oil and fuel oil so received by one or more subsidiaries or commonly controlled entities, exceeds 150,000 tonnes, then that person shall, for the purposes of section 19 (2) of the Act, pay in respect of the actual quantity received by him, notwithstanding that such quantity did not exceed 150,000 tonnes.

(3) The 1st day of February is hereby prescribed, for the purpose of section 19 (2) of the Act, as the date on or before which the relevant sums are to be duly paid in respect of the preceding

calendar year.

(4) (a) In this Regulation "subsidiaries" has the same meaning as it has in the Companies Act, 1963, by virtue of section 155 of that Act.

(b) In this Regulation an entity shall be deemed to be under common control if the decision as to how or by whom each shall be managed can be made either by the same person or by the same group of persons acting in concert.

SCHEDULE

Form of Return by Oil Receiver for purposes of section 19 (1) of the above Act

Name of Oil Receiver

.....

Return in respect of the year

.....

Relevant harbour, terminal installation or offshore terminal in the StateName of Oil ReceiverDate relevant crude oil or fuel oil duly received in the StateName of harbour or terminalName of person receiving crude oil or fuel oil at that harbour or terminalVolume of crude oil or fuel oil received by each person

GIVEN under my Official Seal, this 11th day of December, 1992.

MICHAEL WOODS,

Minister for the Marine.

EXPLANATORY NOTE.

These Regulations provide that persons who receive more than 150,000 tonnes of crude or fuel oil each year must make an annual return to that effect to the Minister for the Marine and pay pro-rata annual contributions to the International Oil Pollution Compensation Fund. The Fund's purpose is to provide compensation to victims of oil pollution damage.