

OIL POLLUTION OF TERRITORIAL WATERS ACT

CHAPTER 37:03

Act
25 of 1951

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 37:03

OIL POLLUTION OF TERRITORIAL WATERS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 37:03

OIL POLLUTION OF TERRITORIAL WATERS ACT

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Ch. 18. No. 10.
25 of 1951.

An Act to make provision against the discharge or escape of oil into the waters of Trinidad and Tobago.

Commencement. [1ST JUNE 1951]

Short title. **1.** This Act may be cited as the Oil Pollution of Territorial Waters Act.

Interpretation. **2.** (1) In this Act—
“oil” means oil of any description, and includes spirit produced from oil and oil mixed with water;
“harbour” means any harbour established by Order under section 3(2) of the Harbours Act;
“Harbour Master” includes every Harbour Master and Assistant Harbour Master appointed under the provisions of the Harbours Act;
Ch. 50:06. “master” when used in relation to any vessel means the person having the command or charge of the vessel for the time being;
“vessel” includes any ship or boat, or any other description of vessel used in navigation.

(2) The waters to which this Act applies are the territorial waters of Trinidad and Tobago and the waters of the harbours therein.

Penalty for discharge of oil into waters of Trinidad and Tobago. **3.** (1) If any oil is discharged, or allowed to escape into any waters to which this Act applies from any vessel, the owner or master of the vessel from which the oil is discharged or allowed to escape is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for twelve months.

(2) It shall be a good defence to proceedings for an offence under this section to prove that the escape of the oil was due to, or that it was necessary to discharge the oil by reason of, the vessel being in collision or the happening to the vessel of some damage or accident, and also, if the proceedings are in respect of an escape of oil, that all reasonable means were taken by the master to prevent the escape.

(3) A Harbour Master may appoint a place within his jurisdiction at which ballast water may be discharged, and where a place is so appointed ballast water may, notwithstanding any thing in this section, be discharged at such place, but only at such times and subject to such conditions as the Harbour Master may determine.

Place for discharge of ballast water.

4. (1) Where any offence under this Act is alleged to have been committed by the master of a vessel who thereafter departs from Trinidad and Tobago before the expiration of the period within which proceedings for the offence might have been instituted against him, proceedings for the offence may, notwithstanding anything in the Summary Courts Act, be instituted against him at any time within two months next after the date on which he first returns to Trinidad and Tobago.

Legal proceedings.

Ch. 4:20.

(2) For the purpose of any proceedings for an offence under this Act, the offence may be treated as having been committed either at the place at which it was actually committed or at any place in which the person charged with the offence may at any time be.

(3) Where a fine imposed by any Court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time and in manner ordered by the Court, the Court shall, without prejudice to any other powers of the Court 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.

Recovery of fine.

(4) Proceedings for an offence against this Act shall not be instituted except by a Harbour Master, a member of the Police Service, or the Chief Immigration Officer, the Deputy Chief Immigration Officer, or any immigration officer within the meaning of the Immigration Act, or by an officer of Customs and Excise.

Ch. 18:01.

Act to be in addition to similar Acts.

5. The provisions of this Act shall be in addition to and not in derogation of or substitution for any provisions for the protection of a harbour or the carriage, storage or use of oil contained in any existing Act or re-enactment thereof or in any order, rule, regulation or bye-law made or to be made under any such Act or any re-enactment thereof.