STATUTORY INSTRUMENTS

1986 No. 296

MARINE POLLUTION

The Merchant Shipping (Indemnification of Shipowners) (Amendment) Order 1986

Made - - - - - - - - -	21*st February* 1986
Laid before Parliament - - -	28*th February* 1986
Coming into Operation	
The whole Order except article 3	1*st May* 1986
Article 3 - - - - - - - -	1*st August* 1986

The Secretary of State for Transport, in exercise of powers conferred on him by section 5(4)(*a*) and (6) of the Merchant Shipping Act 1974**(a)** and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Merchant Shipping (Indemnification of Shipowners) (Amendment) Order 1986 and except for article 3 shall come into operation on 1st May 1986. Article 3 shall come into operation on 1st August 1986.

2. The Merchant Shipping (Indemnification of Shipowners) Order 1985**(b)** shall be amended as follows:—

(*a*) in article 2 there shall be added at the end of paragraph (*b*) the words:—

"and as amended by the amendments adopted on 20th November 1981 by the Maritime Safety Committee of the International Maritime Organization at its 45th Session**(c)**"; and

(*b*) for article 3 the following shall be substituted:—

"**3.** The requirements of the amendments to the Collision Regulations adopted on 19th November 1981 by the Assembly of the International Maritime Organization at its Twelfth Session by Resolution A464**(d)** are prescribed as alternatives to the requirements of the Collision Regulations prescribed in article 2.".

(a) 1974 c. 43. **(b)** S.I. 1985/1665.

(c) Set out in the IMO publication 'Amendments to the International Convention for Safety of Life at Sea' (Sales No. 092 82.01.E.)

(d) Cmnd. 8500.

3. The Merchant Shipping (Indemnification of Shipowners) Order 1985 shall be further amended by adding to the end of paragraph (*a*) of article 2 the words:—

> "and as amended by the amendments to the Annex of that Protocol adopted on 7th September 1984 by the Marine Environment Protection Committee of the International Maritime Organization at its 20th Session**(a)**".

Nicholas Ridley,
Secretary of State for Transport.

21st February 1986.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Merchant Shipping (Indemnification of Shipowners) Order 1985 to take account of the decision of the Assembly of the International Fund for Compensation for Oil Pollution Damage, made at its 8th Session in October 1985, under article 5.4 of the Convention setting up that Fund. The decision was to replace references to the Safety of Life at Sea Convention 1974, as amended, and the International Convention for the Prevention of Pollution at Sea 1973, as amended, by references to those Conventions as further amended by the International Maritime Organization on the 20th November 1981 and the 7th September 1984 respectively.

A Court may now exonerate the Fund wholly or partly from indemnifying shipowners in respect of their liability under the Merchant Shipping (Oil Pollution) Act 1971 (c. 59) if it is proved that as a result of the actual fault or privity of the shipowner, the ship did not comply with the requirements prescribed in the Merchant Shipping (Indemnification of Shipowners) Order 1985 as amended by this Order.

IMO Publications are obtainable from IMO, 4 Albert Embankment, London SE1 7SR.

(a) Set out in the IMO publication 'Supplement to the Regulations for the Prevention of Pollution by Oil' (Sales No. 527 85.06.E).

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