STATUTORY INSTRUMENTS

1978 No. 1467

MERCHANT SHIPPING

OIL POLLUTION

The Merchant Shipping (Indemnification of Shipowners) Order 1978

Made - - - -	10*th October* 1978
Laid before Parliament	11*th October* 1978
Coming into Operation	16*th October* 1978

The Secretary of State, in exercise of powers conferred by section 5(4)(*a*) of the Merchant Shipping Act 1974(**a**) (hereinafter referred to as "the Act") 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) Order 1978 and shall come into operation on 16th October 1978.

2.—(1) The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In Article 3 of this Order "the Fund Convention" has the same meaning as in section 1(1)(*b*) of the Act.

3. The requirements prescribed for the purposes of section 5(4)(*a*) of the Act, being those which appear to the Secretary of State appropriate to implement the provisions of Article 5(3) of the Fund Convention, are:—

(*a*) Sections 1, 2, 4, 17 and 22 of the Prevention of Oil Pollution Act 1971(**c**);

(*b*) Sections 4, 5, 16 and 17 of the Merchant Shipping Act 1964(**d**);

(*c*) Sections 3, 4, 5, 9, 10, 13 and 14 of the Merchant Shipping (Load Lines) Act 1967(**e**);

(*d*) Section 419 of the Merchant Shipping Act 1894(**f**).

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

10th October 1978.

(**a**) 1974 c. 43. (**b**) 1889 c. 67. (**c**) 1971 c. 60. (**d**) 1964 c. 47.
(**e**) 1967 c. 27. (**f**) 1894 c. 60.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The International Fund for Compensation for Oil Pollution Damage indemnifies, above a certain limit, shipowners and their guarantors in respect of their liability under the Merchant Shipping (Oil Pollution) Act 1971 (c. 59). However, under section 5(4)(*a*) of the Merchant Shipping Act 1974, a court may exonerate the Fund wholly or partly if it is proved that, as a result of the actual fault or privity of the owner, the ship did not comply with requirements prescribed by the Secretary of State. This Order prescribes those requirements.

The relevant provisions of the Merchant Shipping Act 1974 are brought into force by the Merchant Shipping Act 1974 (Commencement No. 3) Order 1978 (S.I. 1978/1466).

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