STATUTORY INSTRUMENTS

1985 No. 1665

MARINE POLLUTION

The Merchant Shipping (Indemnification of Shipowners) Order 1985

Made - - - -	31*st October* 1985
Laid before Parliament	12*th November* 1985
Coming into Operation	3*rd December* 1985

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**) (hereinafter called "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Merchant Shipping (Indemnification of Shipowners) Order 1985 and shall come into operation on 3rd December 1985.

(2) The Merchant Shipping (Indemnification of Shipowners) Order 1978(**b**) is hereby revoked.

2. The requirements prescribed for the purpose of section 5(4) 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 those contained in:

(*a*) Chapters II and III of Annex I to the International Convention for the Prevention of Pollution from Ships 1973(**c**) as amended by the Protocol of 1978 relating thereto(**d**);

(*b*) Chapters II-1, II-2, IV and V of the Annex to the International Convention for the Safety of Life at Sea 1974(**e**) ("SOLAS") as amended by the Protocol of 1978 relating thereto(**f**);

(*c*) Annex I to the International Convention on Load Lines 1966(**g**);

(*d*) the International Regulations for Preventing Collisions at Sea 1972(**h**) ("the Collision Regulations").

(**a**) 1974 c. 43. (**b**) S.I. 1978/1467. (**c**) Cmnd. 5748.
(**d**) Cmnd. 7347. (**e**) Cmnd. 7874. (**f**) Cmnd. 7346.
(**g**) Cmnd. 3070. (**h**) Cmnd. 5471.

3. The requirements of the following amendments respectively to SOLAS and the Collision Regulations are prescribed as alternatives to the respective requirements of those Conventions as referred to in article 2:

(*a*) the amendments made to SOLAS adopted on 20th November 1981 by the Maritime Safety Committee of the International Maritime Organization at its 45th Session(**a**).

(*b*) 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(**b**).

Nicholas Ridley,
Secretary of State for Transport.

31st October 1985.

EXPLANATORY NOTE

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

The International Fund for Compensation for Oil Pollution Damage indemnifies, between certain limits, 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 replaces the Merchant Shipping (Indemnification of Shipowners) Order 1978 and prescribes the requirements now in force, as being those of the Conventions listed.

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

(**a**) Set out in the IMO Publication "Amendments to the International Convention for the Safety of Life at Sea" (Sales No. 092 82.01.E).
(**b**) Cmnd. 8500.

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