CHAPTER 25

An Act to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and otherwise to make new provision for preventing the pollution of navigable waters by oil.

[6th May, 1955]

WHEREAS a Convention entitled "The International Convention for the Prevention of Pollution of the Sea by Oil, 1954" (in this Act referred to as "the Convention of 1954") was signed on behalf of Her Majesty's Government in the United Kingdom in London on the twelfth day of May, nineteen hundred and fifty-four:

And whereas it is expedient to enable effect to be given to that Convention, and otherwise to make new provision for preventing the pollution of navigable waters by oil:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Discharge of certain oils into prohibited sea areas.

1.—(1) If any oil to which this section applies is discharged from a British ship registered in the United Kingdom into a part of the sea which, in relation to that ship, is a prohibited sea area, or if any mixture containing oil to which this section applies is discharged from such a ship into such a part of the sea with the consequence that the oil in the mixture fouls the surface of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

(2) This section applies—

(*a*) to crude oil, fuel oil and lubricating oil, and

(*b*) to heavy diesel oil, as defined by regulations made under this section by the Minister of Transport and Civil Aviation (in this Act referred to as " the Minister "),

and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

(4) For the purposes of any proceedings for an offence under this section in respect of the discharge of a mixture containing oil to which this section applies,—

(*a*) if it is proved that there were not less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture fouled the surface of the sea;

(*b*) if it is proved that there were less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture did not foul the surface of the sea.

(5) In this Act " subsequent Convention " means any Convention subsequent to the Convention of 1954, being a Convention accepted by Her Majesty's Government in the United Kingdom.

Designation of prohibited sea areas.

2.—(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas in relation to tankers, and to vessels other than tankers, respectively.

(2) Subject to the following provisions of this section,—

(*a*) the areas specified in Part I of the Schedule to this Act shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to tankers;

(*b*) the areas specified in Part II of that Schedule shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to vessels other than tankers.

(3) As from the coming into operation of this subsection, the areas specified in Part III of the Schedule to this Act, and any other area designated by order of the Minister for the purpose of giving effect to the provisions of the Convention of 1954 which relate to Australia, shall (subject to the following provisions of this section) be prohibited sea areas in relation to tankers, in addition to the areas specified in Part I of that Schedule.

(4) As from the coming into operation of this subsection, the areas specified in Part IV of the Schedule to this Act shall (subject to the following provisions of this section) be prohibited sea areas in relation to vessels other than tankers, in addition to the areas specified in Part II of that Schedule.

(5) The Minister, if he considers it necessary to do so for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, may by order—

(*a*) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part I of the Schedule to this Act, as a prohibited sea area in relation to tankers;

(*b*) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part II of that Schedule, as a prohibited sea area in relation to vessels other than tankers.

(6) The powers conferred by paragraphs (*a*) and (*b*) of the last preceding subsection shall be exercisable either before or after the coming into operation of subsection (3) or (as the case may be) subsection (4) of this section; and any area designated by an order under paragraph (*a*) of the last preceding subsection before the coming into operation of subsection (3) of this section, or designated by an order under paragraph (*b*) of the last preceding subsection before the coming into operation of subsection (4) of this section, shall continue thereafter to be a prohibited sea area by virtue of the order, in so far as it is not a prohibited sea area by virtue of being included in Part III or (as the case may be) Part IV of the Schedule to this Act.

(7) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by order vary any of the areas specified in any Part of the Schedule to this Act, or declare that any area specified in a Part of that Schedule shall cease to be included therein.

(8) For the purpose of giving effect to any subsequent Convention, the Minister may by order designate, as a prohibited sea area in relation to tankers, or to vessels other than tankers, any area of the sea, outside the territorial waters of the United

Kingdom, which apart from the order is not a prohibited sea area in relation to tankers, or to vessels other than tankers, as the case may be.

Discharge of oil into United Kingdom waters.

3.—(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

(*a*) if the discharge is from a vessel, the owner or master of the vessel, or

(*b*) if the discharge is from a place on land, the occupier of that place, or

(*c*) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say,—

(*a*) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom, and

(*b*) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

(3) A harbour authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the harbour, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

In this subsection " petroleum-spirit " has the same meaning as in the Petroleum (Consolidation) Act, 1928.

(4) In this Act " place on land " includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and " occupier ", in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

(5) In this Act—

" harbour authority " means a person or body of persons empowered by an enactment to make charges in respect of vessels entering a harbour in the United Kingdom or using facilities therein;

" harbour in the United Kingdom " means a port, estuary, haven, dock, or other place which fulfils the following conditions, that is to say,—

(*a*) that it contains waters to which this section applies, and

(*b*) that a person or body of persons is empowered by an enactment to make charges in respect of vessels entering that place or using facilities therein.

In this subsection " enactment " includes a local enactment, and " charges " means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons, and of charges in respect of pilotage.

Special defences under ss. 1 and 3.

4.—(1) Where a person is charged with an offence under section one of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life:

Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection, it shall also be a defence to prove—

(*a*) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or

(*b*) that the oil or mixture escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(3) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to any want of reasonable care, and that as soon as practicable after the

escape was discovered all reasonable steps were taken for stopping or reducing it.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall (without prejudice to any other defence under this section) be a defence to prove—

(*a*) that the oil was contained in an effluent produced by operations for the refining of oil;

(*b*) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which the last preceding section applies; and

(*c*) that all reasonably practicable steps had been taken for eliminating oil from the effluent:

Provided that a defence under this subsection shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

(6) Where any oil, or mixture containing oil, is discharged in consequence of—

(*a*) the exercise of any power conferred by sections five hundred and thirty to five hundred and thirty-two of the Merchant Shipping Act, 1894 (which relate to the removal of wrecks by harbour, conservancy and light-house authorities), or

(*b*) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment,

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section one of this Act, or under the last preceding section, in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

(7) The last preceding subsection shall apply to the exercise of any power conferred by section thirteen of the Dockyard Ports Regulation Act, 1865 (which relates to the removal of

obstructions to dockyard ports), as it applies to the exercise of any such power as is mentioned in paragraph (*a*) of that subsection, as if references to the authority exercising the power were references to the Queen's harbour master for the port in question.

Equipment in ships to prevent oil pollution.

5.—(1) For the purpose of preventing or reducing discharges of oil and mixtures containing oil into the sea, the Minister may make regulations requiring British ships registered in the United Kingdom to be fitted with such equipment, and to comply with such other requirements, as may be prescribed.

(2) Without prejudice to the generality of the preceding subsection, where any regulations made thereunder require ships to be fitted with equipment of a prescribed description, the regulations may provide that equipment of that description—

(*a*) shall not be installed in a ship to which the regulations apply unless it is of a type tested and approved by a person appointed by the Minister;

(*b*) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made under this section, and, in respect of the carrying out of such tests, may charge such fees as, with the approval of the Treasury, may be prescribed by the regulations.

(4) Every surveyor of ships shall be taken to be a person appointed by the Minister to carry out tests for the purposes of any regulations made under this section, in so far as they relate to tests required in accordance with paragraph (*b*) of subsection (2) of this section.

(5) If, in the case of any ship, the provisions of any regulations under this section which apply to that ship are contravened, the owner or master of the ship shall be guilty of an offence under this section.

Penalties for offences under ss. 1, 3 and 5.

6. A person guilty of an offence under section one or section three of this Act, or under the last preceding section, shall, on conviction on indictment, or on summary conviction, be liable to a fine:

Provided that an offence shall not by virtue of this section be punishable on summary conviction by a fine exceeding one thousand pounds.

Keeping of records of matters relating to oil.

7.—(1) The Minister may make regulations requiring masters of British ships registered in the United Kingdom to keep records—

(*a*) of any occasion on which oil or a mixture containing oil is discharged from any such ship for the purpose of

securing her safety, or of preventing damage to the ship or her cargo, or of saving life;

(*b*) of any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from any such ship in consequence of damage to the ship, or by reason of leakage;

(*c*) of the carrying out, on board or in connection with any such ship, of such operations as may be prescribed, being operations relating to—

(i) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks, or

(ii) the separation of oil from water, or from other substances, in any mixture containing oil, or

(iii) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs, or

(iv) the disposal of any other oil residues.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil to and from vessels while they are within the seaward limits of the territorial waters of the United Kingdom.

In the case of vessels in respect of which requirements are imposed by the preceding subsection, any requirements imposed by virtue of this subsection shall be in addition to those requirements.

(3) Any records required by virtue of regulations made under the last preceding subsection in the case of any vessel shall be kept by the master of the vessel:

Provided that in the case of a barge the records, in so far as they relate to the transfer of oil to the barge, shall be kept by the person supplying the oil, and, in so far as they relate to the transfer of oil from the barge, shall be kept by the person to whom the oil is delivered.

(4) Where by any regulations made under this section any records are required to be kept, the regulations may—

(*a*) prescribe the form in which the records are to be kept, and the nature of the entries to be made in them;

(*b*) require the person keeping the records to retain them for a prescribed period;

(*c*) require that person, at the end of the prescribed period, to transmit the records to a place or person determined by or under the regulations;

(*d*) provide for the custody or disposal of the records after their transmission to such a place or person;

and any regulations made under subsection (2) of this section may provide for any of the matters specified in paragraphs (*b*) to (*d*) of this subsection in relation to records kept under section three of the Oil in Navigable Waters Act, 1922 (which provides for the keeping of records such as are mentioned in subsection (2) of this section).

(5) If any person fails to comply with any requirements imposed by or under this section, he shall be liable on summary conviction to a fine not exceeding five hundred pounds; and if any person makes an entry in any records kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable on summary conviction to a fine not exceeding five hundred pounds, or imprisonment for a term not exceeding six months, or both.

(6) In any proceedings under this Act—

(*a*) any records kept in pursuance of regulations made under this section shall be admissible as evidence of the facts stated in those records;

(*b*) any copy of an entry in such records, which is certified by the person by whom the records are required to be kept to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;

(*c*) any document purporting to be records kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in the last preceding paragraph, shall, unless the contrary is proved, be presumed to be such records or such a certified copy, as the case may be.

Facilities in harbours for disposal of oil residues.

8.—(1) In respect of every harbour in the United Kingdom, the powers of the harbour authority shall include power to provide facilities for enabling vessels using the harbour to discharge or deposit oil residues (in this Act referred to as " oil reception facilities ").

(2) Any power of a harbour authority to provide oil reception facilities shall include power to join with any other person in providing them, and references in this section to the provision of oil reception facilities by a harbour authority shall be construed accordingly; and any such power shall also include power to arrange for the provision of such facilities by any other person.

(3) A harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour authority, may make reasonable charges for the use of the facilities, and may impose reasonable conditions in espect of the use thereof.

(4) Subject to the following provisions of this section, any oil reception facilities provided by, or by arrangement with, a harbour authority shall be open to all vessels using the harbour,

on payment of any charges, and subject to compliance with any conditions, imposed in accordance with the last preceding subsection.

(5) Where in the case of any harbour in the United Kingdom it appears to the Minister, after consultation with the harbour authority and with any organisation appearing to him to be representative of owners of British ships registered in the United Kingdom,—

(*a*) if the harbour has oil reception facilities, that those facilities are inadequate, or

(*b*) if the harbour has no such facilities, that the harbour has need of such facilities,

the Minister may direct the harbour authority to provide, or arrange for the provision of, such oil reception facilities as may be specified in the directions.

(6) Notwithstanding the provisions of subsection (4) of this section, a harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour authority, shall not be obliged to make those facilities available for use by tankers, or for the reception of oil residues discharged for the purpose of enabling a vessel to undergo repairs; and the requirements of tankers, and the reception of oil residues discharged for the said purpose, shall be disregarded by the Minister in exercising his powers under the last preceding subsection.

(7) Nothing in this section shall be construed as requiring a harbour authority to allow untreated ballast water (that is to say, ballast water which contains oil and has not been subjected to an effective process for separating the oil from the water) to be discharged into any oil reception facilities provided by, or by arrangement with, the authority; and the Minister shall exercise his powers under subsection (5) of this section accordingly.

(8) Any harbour authority failing to comply with any directions given under subsection (5) of this section within the period specified in the directions, or within any extended period allowed by the Minister (whether before or after the end of the period so specified), shall be guilty of an offence, and liable on summary conviction to a fine not exceeding ten pounds for each day during which the default continues, from the day after the end of the period specified in the directions, or any extended period allowed by the Minister, as the case may be, until the last day before that on which the facilities are provided in accordance with the directions.

(9) As respects any harbour in the United Kingdom, subsections (1), (2), (5) and (8) of this section shall have effect in relation to arrangements for disposing of oil residues discharged or deposited by vessels using the harbour's oil reception facilities,

and twenty-nine, as so applied, the reference to making a declaration shall be construed as a reference to the certification of such a copy.

(6) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a harbour in the United Kingdom the harbour master, and any other person appointed by the Minister under this subsection (either generally or in relation to a particular vessel), shall have power—

(*a*) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the harbour;

(*b*) to require the production of any records which by virtue of any regulations made under this Act are required to be kept in respect of the vessel;

(*c*) to copy any entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

(7) If any person fails to comply with any requirement duly made in pursuance of paragraph (*b*) or paragraph (*c*) of the last preceding subsection, he shall be liable on summary conviction to a fine not exceeding ten pounds; and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Prosecutions.

12.—(1) In respect of any of the following offences, that is to say,—

(*a*) any offence under section three of this Act which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a harbour in the United Kingdom,

(*b*) any offence under section seven of this Act relating to the keeping of records of the transfer of oil within such a harbour,

(*c*) any offence in relation to such a harbour under section nine or section ten of this Act, and

(*d*) any offence under the last preceding section in respect of failure to comply with a requirement of a harbour

master, or in respect of obstruction of a harbour master acting in the exercise of any power conferred by virtue of that section,

no proceedings shall be brought in England or Wales except by or with the consent of the Attorney General, or by the harbour authority:

Provided that the Minister, or a person authorised by any general or special directions of the Minister, may bring proceedings for any such offence as is mentioned in paragraph (*a*) of this subsection.

(2) The provisions of this subsection shall have effect as respects dockyard ports (within the meaning of the Dockyard Ports Regulation Act, 1865), that is to say—

(*a*) in relation to so much of a dockyard port as is comprised in a harbour in the United Kingdom, the preceding subsection shall apply as if the reference to the harbour authority included a reference to the Queen's harbour master for the port, and

(*b*) in relation to any part of a dockyard port which is not comprised in a harbour in the United Kingdom, the preceding subsection shall apply as if references to such a harbour included references to a dockyard port, and the reference to the harbour authority were a reference to the Queen's harbour master for the port.

(3) In respect of any other offence alleged to have been committed under this Act, no proceedings shall be brought in England or Wales except by or with the consent of the Attorney General, or by the Minister or a person authorised by any general or special directions of the Minister.

(4) Where, immediately before the date which (apart from this subsection) would be the date of expiry of the time for bringing proceedings in a court of summary jurisdiction in respect of an offence alleged to have been committed under this Act, the person to be charged is outside the United Kingdom, the time for bringing the proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters the United Kingdom.

(5) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

(6) In paragraph (*c*) of subsection (1) of section fifty-six of the Sea Fish Industry Act, 1938 (which relates to the bringing of proceedings by local fisheries committees), the reference to subsection (4) of section seven of the Oil in Navigable Waters Act, 1922, shall be construed as a reference to subsections (1) and (3) of this section, and the reference to any offence under that Act shall be construed as a reference to any offence under this Act.

Enforcement and application of fines.

13.—(1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or poinding and sale of the vessel, her tackle, furniture and apparel.

(2) Where a person is convicted of an offence under section one or section three of this Act, and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

General provisions as to application of Act.

14.—(1) The provisions of this Act, except provisions which are expressed to apply only to British ships registered in the United Kingdom, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

(2) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, any regulations made under section five of this Act, or under subsection (1) of section seven of this Act, shall apply to ships registered in countries and territories other than the United Kingdom at any time when they are in a harbour in the United Kingdom, or are within the seaward limits of the territorial waters of the United Kingdom while on their way to or from a harbour in the United Kingdom.

(3) An Order in Council under the last preceding subsection shall not be made so as to impose different requirements in respect of ships of different countries or territories:

Provided that if Her Majesty is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the Order, Her Majesty may by Order in Council direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with the said provisions applicable thereto under the law of that country or territory.

(4) No regulation shall by virtue of an Order in Council under this section apply to any ship as being within a harbour in the United Kingdom, or on her way to or from such a harbour, if the ship would not have been within the harbour, or, as the case may be, on her way to or from the harbour, but for stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

Power of Minister to grant exemptions.

15. The Minister may exempt any vessels or classes of vessels from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit.

Application of Act to Crown.

16.—(1) The provisions of this Act do not apply to vessels of Her Majesty's navy, nor to Government ships in the service of the Admiralty while employed for the purposes of Her Majesty's navy.

(2) Subject to the preceding subsection—

(*a*) provisions of this Act which are expressed to apply only to British ships registered in the United Kingdom apply to Government ships so registered as they apply to other ships which are registered in the United Kingdom as British ships;

(*b*) provisions of this Act which are expressed to apply to vessels generally apply to Government ships as they apply to other vessels.

(3) In this section " Government ships " has the same meaning as in section eighty of the Merchant Shipping Act, 1906.

Provisions as to Isle of Man, Channel Islands, colonies and dependencies.

17.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order (including any enactments for the time being in force amending or substituted for those provisions) shall extend, with such exceptions and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, or any colony.

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being Her Majesty has jurisdiction.

(3) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, the provisions of this Act which (apart from section fourteen of this Act and the last preceding section) apply only to British ships registered in the United Kingdom shall apply also to ships registered in any country or territory specified in the Order, being a country or territory to which the provisions of this Act can be extended by virtue of either of the preceding subsections.

Enforcement of Conventions relating to oil pollution.

18.—(1) Her Majesty may by Order in Council empower such persons as may be designated by or under the Order to go on board any ship to which the Convention of 1954 applies, while the ship is within a harbour in the United Kingdom, and to require production of any records required to be kept in accordance with that Convention.

(2) An Order in Council under this section may, for the purposes of the Order, and with any necessary modifications, apply any of the provisions of this Act relating to the production and inspection of records and the taking of copies of entries therein, and to the admissibility in evidence of such records and copies, including any provisions of the Merchant Shipping Act, 1894, applied by those provisions and including any penal provisions of this Act in so far as they relate to those matters.

(3) For the purposes of this section Her Majesty, if satisfied that the government of any country has accepted, or denounced, the Convention of 1954, or that the Convention of 1954 extends, or has ceased to extend, to any territory, may by Order in Council make a declaration to that effect; and in this section "ship to which the Convention of 1954 applies" means a ship registered in—

(*a*) a country the government of which has been so declared to have accepted that Convention, and has not been so declared to have denounced it, or

(*b*) a territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend.

(4) The preceding provisions of this section shall apply to any subsequent Convention, in so far as it relates to the prevention of pollution of the sea by oil, as those provisions apply to the Convention of 1954.

Annual Report.

19. The Minister shall, as soon as possible after the end of each calendar year, make a report on the exercise and performance of his functions under this Act during that year, which shall include such observations as he may think fit to make on the operation during that year of this Act, of the Convention of 1954 and of any subsequent Convention, and he shall lay a copy of every such report before each House of Parliament.

General provisions as to Orders in Council, regulations and orders.

20.—(1) Any power to make regulations or an order under this Act shall be exercisable by statutory instrument.

(2) Any statutory instrument containing any such regulations, or containing any Order in Council under this Act, other than an Order in Council under section seventeen of this Act, or containing any order (other than an Order in Council) made under any of the preceding provisions of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any Order in Council, or other order, made under any provision of this Act may be varied or revoked by a subsequent Order in Council or order made thereunder.

(4) Where a power to make regulations is conferred by any provision of this Act, regulations under that power may be made either as respects all, or as respects any one or more, of the classes of vessels, or other matters, to which the provision relates; and different provision may be made by any such regulations as respects different classes of vessels, or otherwise as respects different classes of cases or different circumstances.

Financial provisions.

21.—(1) There shall be defrayed out of moneys provided by Parliament—

(*a*) any administrative expenses of the Minister under this Act, and

(*b*) any increase attributable to the provisions of section eight of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954.

(2) Any fees received by the Minister under this Act shall be paid into the Exchequer.

Interpretation.

22.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" barge " includes a lighter or any similar vessel;

" harbour authority " and " harbour in the United Kingdom " have the meanings assigned to them by section three of this Act;

" harbour master " includes a dock master or pier master, and any person specially appointed by a harbour authority for the purpose of enforcing the provisions of this Act in relation to the harbour;

" local enactment " means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

" mile " means a nautical mile, that is to say, a distance of six thousand and eighty feet;

" the Minister " means the Minister of Transport and Civil Aviation;

" oil " means oil of any description and includes spirit produced from oil of any description, and also includes coal tar, and any power conferred by any provision of this Act to prescribe descriptions of oil for the purposes of that provision shall be construed accordingly;

" oil reception facilities " has the meaning assigned to it by section eight of this Act;

" oil residues " means any waste material consisting of, or arising from, oil or a mixture containing oil;

" outside the territorial waters of the United Kingdom " means outside the seaward limits of those waters;

" place on land " has the meaning assigned to it by section three of this Act;

" prescribed " means prescribed by regulations under this Act;

" sea " includes any estuary or arm of the sea;

" subsequent Convention " has the meaning assigned to it by section one of this Act;

" tanker " means a vessel constructed or adapted for carrying a cargo of oil in bulk;

" transfer ", in relation to oil, means transfer in bulk.

(2) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.

(3) Any reference in this Act to the discharge of oil or a mixture containing oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or mixture, or (as the case may be) to its escaping, from that vessel, place or thing.

(4) For the purposes of any provision of this Act relating to the discharge of oil or a mixture containing oil from a vessel, any floating craft (other than a vessel) which is attached to a vessel shall be treated as part of the vessel.

(5) Any power conferred by this Act to test any equipment on board a vessel shall be construed as including a power to require persons on board the vessel to carry out such work as may be requisite for the purpose of testing the equipment; and any provision of this Act as to submitting equipment for testing shall be construed accordingly.

(6) Subject to the preceding subsections, expressions used in this Act and in the Merchant Shipping Act, 1894, have the same meanings in this Act as in that Act.

(7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

Provisions as to Northern Ireland.

23.—(1) The provisions of this section shall have effect for the purposes of the application of this Act in relation to Northern Ireland.

(2) References in section eight of this Act to the Minister shall be construed as references to the Ministry of Commerce for Northern Ireland (in this section referred to as " the Ministry of Commerce ")

(3) In relation to places on land in Northern Ireland, and to apparatus located in Northern Ireland otherwise than on board a vessel,—

(*a*) persons appointed by the Minister as inspectors under section eleven of this Act, and surveyors of ships in their capacity as persons so appointed, shall have no powers of entry or inspection, but

(*b*) persons appointed by the Ministry of Commerce shall have the like powers as (but for the preceding paragraph) persons appointed by the Minister would have by virtue of that section, and the provisions of that section shall have effect in relation to persons appointed by the Ministry of Commerce as, in England and Wales, they have effect in relation to persons appointed by the Minister.

(4) Subsections (1) and (3) of section twelve of this Act shall apply to proceedings in Northern Ireland as they apply to proceedings in England and Wales, with the substitution, for references to the Attorney General, of references to the Attorney General for Northern Ireland:

Provided that in relation to proceedings for an offence under section three of this Act—

(*a*) if the alleged offence relates to the discharge of oil or a mixture containing oil from a vessel in a harbour or inland waterway in Northern Ireland, references in those subsections to the Minister shall be construed as references to the Minister or the Ministry of Commerce;

(*b*) if the alleged offence relates to the discharge of oil or a mixture containing oil from a place on land in Northern Ireland, or from apparatus located in Northern Ireland otherwise than on board a vessel, references in those subsections to the Minister shall be construed as references to the Ministry of Commerce.

(5) "Court of summary jurisdiction" means a court of summary jurisdiction constituted in accordance with the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction, and "summary conviction" means conviction in accordance with those enactments; and in the definition of "local enactment" in subsection (1) of the last preceding section the reference to a local or private Act includes a reference to a local or private Act of the Parliament of Northern Ireland, and the reference to an order confirmed by Parliament includes a reference to an order confirmed by that Parliament.

(6) In subsection (3) of section three of this Act, the reference to the Petroleum (Consolidation) Act, 1928, shall be construed as a reference to the Petroleum (Consolidation) Act (Northern Ireland), 1929.

(7) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland to make laws), this Act shall be deemed to have been passed before the day appointed for the purposes of that section.

Repeal and savings.

24.—(1) The Oil in Navigable Waters Act, 1922, is hereby repealed:

Provided that in the case of section three of that Act (which relates to the keeping of records of transfers of oil) the repeal effected by this subsection shall not take effect until the first regulations made under subsection (2) of section seven of this Act come into operation.

(2) Subject to the preceding subsection, and to section thirty-three of the Interpretation Act, 1889 (which relates to offences under two or more laws), nothing in this Act shall affect any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

Short title, extent and commencement.

25.—(1) This Act may be cited as the Oil in Navigable Waters Act, 1955.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) This Act shall come into operation on such day as the Minister may by order appoint; and different days may be appointed for the purposes of different provisions of this Act.

Section 2.

SCHEDULE

PROHIBITED SEA AREAS

PART I

Initial Areas for Tankers

1. The whole of the sea which lies—
   (*a*) outside the territorial waters of the United Kingdom, and
   (*b*) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark.

2. The whole of the sea which lies—
   (*a*) south of latitude 62° north, and
   (*b*) within 50 miles from the coast of Norway.

3. So much of the Atlantic Ocean and of the English Channel, outside the territorial waters of the United Kingdom, and outside the area specified in paragraph 1 of this Part of this Schedule, as lies within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Isles; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30′ north, longitude 30° west; thence to latitude 44° 20′ north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to the coast of France.

PART II

Initial Areas for Vessels other than Tankers

1. The whole of the sea which lies—
   (*a*) outside the territorial waters of the United Kingdom, and
   (*b*) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, the Republic of Ireland, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark, or within 100 miles from the coast of any of the Channel Islands.

2. The whole of the sea which lies—
   (*a*) south of latitude 62° north, and
   (*b*) within 50 miles from the coast of Norway.

PART III

Additional Areas for Tankers

1. The whole of the sea which lies within 50 miles from land, exclusive of—
   (*a*) the areas specified in Part I of this Schedule,
   (*b*) any area within the seaward limits of the territorial waters of the United Kingdom, and
   (*c*) the Adriatic Sea.

SCH. —*cont.*

2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 30 miles from any other coast (the island of Vis being disregarded).

PART IV

Additional Areas for Vessels other than Tankers

1. The whole of the sea which lies within 50 miles from land, exclusive of—

(*a*) the areas specified in Part II of this Schedule,

(*b*) any area within the seaward limits of the territorial waters of the United Kingdom, and

(*c*) the Adriatic Sea.

2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 20 miles from any other coast (the island of Vis being disregarded).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Dockyard Ports Regulation Act, 1865 ...	28 & 29 Vict. c. 125.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Foreign Jurisdiction Act, 1890	53 & 54 Vict. c. 37.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Merchant Shipping Act, 1906	6 Edw. 7. c. 48.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Oil in Navigable Waters Act, 1922	12 & 13 Geo. 5. c. 39.
Petroleum (Consolidation) Act, 1928	18 & 19 Geo. 5. c. 32.
Sea Fish Industry Act, 1938	1 & 2 Geo. 6. c. 30.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.

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