EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

For the purpose of giving effect to the provisions of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, which relate to Australia, this Order creates an additional sea area around the coast of the Australian mainland and Tasmania within which the discharge by tankers of certain oils and mixtures containing oils is prohibited under sections 1 and 2 of the Oil in Navigable Waters Act, 1955.

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## 1958 No. 1526

# The Oil in Navigable Waters (Enforcement of Convention) Order, 1958

| | |
|---|---|
| *Made* - - - - | 11*th September*, 1958 |
| *Laid before Parliament* | 17*th September*, 1958 |
| *Coming into Operation* | 18*th September*, 1958 |

At the Court at Balmoral, the 11th day of September, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers vested in Her by subsections (1) and (2) of section 18 of the Oil in Navigable Waters Act, 1955(a) (hereinafter referred to as "the Act"), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**1.**—(1) This Order shall come into operation on the 18th day of September, 1958, and may be cited as the Oil in Navigable Waters (Enforcement of Convention) Order, 1958.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**2.** Without prejudice to any powers exercisable by surveyors of ships otherwise than by virtue of this Order every surveyor of ships is hereby designated as a person empowered 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.

**3.** The provisions of the Act specified in the first column of the Schedule to this Order modified as set out in the second column of the said Schedule shall apply for the purposes of this Order.

*W. G. Agnew.*

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(a) 3 & 4 Eliz. 2. c. 25. (b) 52 & 53 Vict. c. 63.

## SCHEDULE

| *Provision of the Act* | *Text as modified* |
|---|---|
| Subsection (6) of Section 7 ... ... | In any proceedings under this Act—<br>(*a*) any records kept in pursuance of the Convention of 1954 shall be admissible as evidence of the facts stated in those records;<br>(*b*) any copy of an entry in such records, which is certified by the master of the ship to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;<br>(*c*) any document purporting to be records kept in pursuance of the Convention of 1954, 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. |
| Subsection (5) of Section 11 ... ... | Any power conferred upon a surveyor of ships by any Order in Council made under section 18 of this Act to require production of any records required to be kept in accordance with the Convention of 1954 shall include power to copy any entry in those records and require the master of the ship to certify the copy as a true copy of the entry. |
| Subsection (7) of section 11 ... ... | If any person fails to comply with any requirement duly made in pursuance of any power conferred by an Order in Council made under section 18 of this Act or by any provision of this Act as applied for the purposes of any such Order, 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 so conferred he shall be liable on summary conviction to a fine not exceeding one hundred pounds. |

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order—

(1) empowers surveyors of ships to go on board any ship to which the International Convention for the Prevention of Pollution of the Sea by Oil, 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 the Convention;

(2) applies, for the purposes of the Order and with modifications, certain provisions of the Oil in Navigable Waters Act, 1955, relating to the taking of copies of entries in such records, and their certification as true copies, and to the admissibility in evidence of such records and copies;

(3) provides for penalties for failure to comply with requirements duly made under the Order or under the provisions of the Act applied by the Order, and for wilfully obstructing a person acting in the exercise of any power conferred by the Order or by any provision of the Act so applied.

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## 1958 No. 1527

# The Oil in Navigable Waters (Convention Countries) (Various) Order, 1958

| | |
|---|---|
| *Made* - - - - | 11*th September*, 1958 |
| *Laid before Parliament* | 17*th September*, 1958 |
| *Coming into Operation* | 18*th September*, 1958 |

At the Court at Balmoral, the 11th day of September, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (3) of section 18 of the Oil in Navigable Waters Act, 1955(a), it is enacted that for the purposes of that section Her Majesty, if satisfied that the government of any country has accepted the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, may by Order in Council make a declaration to that effect:

And Whereas Her Majesty is satisfied that the governments of the countries specified in the Schedule to this Order have accepted the said Convention of 1954:

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by the aforesaid subsection and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**1.** For the purposes of Section 18 of the Oil in Navigable Waters Act, 1955, it is hereby declared that the countries specified in the Schedule to this Order have accepted the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.

**2.** This Order shall come into operation on the eighteenth day of September, 1958, and may be cited as the Oil in Navigable Waters (Convention Countries) (Various) Order, 1958.

*W. G. Agnew.*

SCHEDULE

The United Kingdom of Great Britain and Northern Ireland.
Mexico.
Sweden.
The Federal Republic of Germany.
Denmark.
Canada.
Norway.
The Republic of Ireland.
Belgium.
France.
The Netherlands.

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(a) 3 & 4 Eliz. 2. c. 25.