STATUTORY INSTRUMENTS

1971 No. 1736

MERCHANT SHIPPING

The Oil in Navigable Waters (Shipping Casualties) Order 1971

Made - - -	*27th October* 1971
Laid before Parliament	*2nd November* 1971
Coming into Operation	*22nd November* 1971

At the Court at Buckingham Palace, the 27th day of October 1971

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty in exercise of the powers conferred upon her by section 8(10) of the Oil in Navigable Waters Act 1971(**a**) 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 may be cited as the Oil in Navigable Waters (Shipping Casualties) Order 1971 and shall come into operation on 22nd November 1971.

(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. Subject to the exceptions and modifications in Article 3 of this Order, section 8 of and Schedule 2 to the Oil in Navigable Waters Act 1971 shall apply to a ship

(*a*) which is not registered in the United Kingdom ; and

(*b*) which is for the time being outside the territorial waters of the United Kingdom

in any case in which the Secretary of State is satisfied that there is a need to protect the coast of the United Kingdom or the waters in or adjacent to the United Kingdom up to the seaward limits of territorial waters against grave and imminent danger of oil pollution.

3. In respect of a ship to which the said section 8 and Schedule 2 are applied by Article 2 of this Order the power conferred on the Secretary of State by subsection (2) of section 8 to give directions shall only be exercisable in relation to

(*a*) an individual who is a citizen of the United Kingdom and Colonies, or

(*b*) a body corporate which is established under the laws of a part of the United Kingdom

and subsection (9) of section 8 (offence of obstruction) shall only apply to such an individual or body corporate.

W. G. Agnew.

(**a**) 1971 c. 21. (**b**) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends section 8 of and Schedule 2 to the Oil in Navigable Waters Act 1971 to ships not registered in the United Kingdom and which are outside the territorial waters of the United Kingdom. Section 8 enables the Secretary of State to give directions, or take action, to prevent or reduce oil pollution or risk of oil pollution, which threatens the United Kingdom on a large scale as a result of a shipping casualty. Schedule 2 includes provision enabling persons unreasonably suffering loss or damage as a result of such directions or action to recover compensation from the Secretary of State.

The extension of section 8 and Schedule 2 only applies where the Secretary of State is satisfied that there is a grave and imminent danger of oil pollution, from which the coast and waters of the United Kingdom need to be protected. The power to give directions and the offence of obstruction only relate to individuals who are citizens of the United Kingdom or bodies corporate established under United Kingdom law.