STATUTORY INSTRUMENTS

1977 No. 85

MERCHANT SHIPPING

OIL POLLUTION

The Oil Pollution (Compulsory Insurance) Regulations 1977

Made - - - -	21*st January* 1977
Laid before Parliament	31*st January* 1977
Coming into Operation	24*th February* 1977

The Secretary of State, in exercise of his powers under section 10(1) and (4) and section 11(3) of the Merchant Shipping (Oil Pollution) Act 1971(**a**) (hereinafter called "the Act") and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations 1977 and shall come into operation on 24th February 1977.

(2) In these Regulations, unless the context otherwise requires—

"certificate" means a document showing that there is in force, in respect of a ship to which section 10(2) of the Act applies, a contract of insurance or other security such as is mentioned in that subsection;

"Convention country" has the meaning assigned to it in section 19(1) of the Act.

(3) The Interpretation Act 1889(**b**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

Revocation

2. The Regulations listed in the Schedule hereto are hereby revoked.

Definition of "persistent oil"

3. For the purposes of section 10(1) of the Act (requirements as to compulsory insurance against liability for oil pollution) "persistent oil" means any of the following:—

(*a*) hydrocarbon mineral oils, whether crude or distilled, including crude coal tar and the oily residue of tank cleaning operations necessitated by the carriage of any such oils, but excluding those oils which consist wholly of distillate fractions of which more than 50 per cent. by volume

(**a**) 1971 c. 59. (**b**) 1889 c. 63.

distil at 340° centigrade when tested by the "American Society for Testing and Materials Specification D 86/67" in the case of oils derived from petroleum and at 350° centigrade in the case of oils derived from coal tar;

(*b*) residual oil, consisting of mineral hydrocarbons comprising the residues of the process of distilling and/or refining crude petroleum, and any mixture containing such residual oil;

(*c*) whale oil.

Recognition of certificates

4.—(1) Subject to paragraph (2) below, certificates for ships registered in any country which is not a Convention country shall be recognised for the purposes of section 10(3)(*c*) of the Act (authorities by whom a certificate must be issued) if issued by or under the authority of the government of any of the following countries, namely: —

Denmark,
Federal Republic of Germany,
France,
Greece,
Japan,
Netherlands,
New Zealand,
Norway,
Portugal,
Spain,
Sweden,
United Kingdom.

(2) Where a ship such as is mentioned in paragraph (1) above is engaged on a United Kingdom voyage, a certificate relating to that ship shall not, by virtue of that paragraph, be recognised for the purposes of section 10(3)(*c*) of the Act unless the certificate has, and is expressed to have, as the period of its validity a period ending not earlier than the completion of that United Kingdom voyage. For the purposes of this paragraph, "United Kingdom voyage" means any voyage by a ship—

(*a*) from a port in the United Kingdom or a terminal in the territorial sea of the United Kingdom to another such port or terminal; or

(*b*) from a place outside the United Kingdom to a port in the United Kingdom or a terminal in the territorial sea of the United Kingdom; or

(*c*) from a port in the United Kingdom or a terminal in the territorial sea of the United Kingdom to a place outside the United Kingdom,

and the reference to the duration of such a voyage shall be taken as comprising the whole of any period during which the ship is engaged in that voyage, including any time during which, in connection with the voyage, it is in a port in the United Kingdom or at a terminal in the territorial sea of the United Kingdom.

Fee for certificates

5. The fee to be paid on application for a certificate to be issued by the Secretary of State under section 11 of the Act shall be £12.

Cancellation and delivery up of certificates

6.—(1) Where, at any time while a certificate under section 11 of the Act is in force, the person to whom the certificate has been issued ceases to be the owner of the ship to which the certificate relates, he shall forthwith deliver up the certificate to the Secretary of State or to a proper officer within the meaning of section 97(1) of the Merchant Shipping Act 1970(**a**) and in such a case the certificate shall be cancelled by the Secretary of State.

(2) Where, at any time while a certificate under the said section 11 is in force, it is established in any legal proceedings that the contract of insurance or other security in respect of which the certificate was issued is or may be treated as invalid, the certificate may be cancelled by the Secretary of State and, if so cancelled, shall on demand forthwith be delivered up to him by the person to whom it was issued.

(3) Where, at any time while a certificate under the said section 11 is in force, circumstances arise in relation to the insurer or guarantor named in the certificate (or, where more than one is so named, to any of them) such that, if the certificate were applied for at that time, the Secretary of State would be entitled to refuse the application under subsection (2) of that section (power to refuse a certificate where there is a doubt whether an insurer will be able to meet his insurance obligations), the certificate may be cancelled by the Secretary of State and, if so cancelled, shall on demand forthwith be delivered up to him by the person to whom it was issued.

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

21st January 1977.

(**a**) 1970 c. 36.

Regulation 2

SCHEDULE

Regulations revoked	
S.I. 1975/869 (1975 II, p. 3081).	The Oil Pollution (Compulsory Insurance) Regulations 1975
S.I. 1975/1234 (1975 II, p. 4229).	The Oil Pollution (Compulsory Insurance) (Amendment) Regulations 1975
S.I. 1975/1759 (1975 II, p. 6695).	The Oil Pollution (Compulsory Insurance) (Amendment No. 2) Regulations 1975
S.I. 1975/2002 (1975 III, p. 7405).	The Oil Pollution (Compulsory Insurance) (Amendment No. 3) Regulations 1975
S.I. 1976/154 (1976 I, p. 434).	The Oil Pollution (Compulsory Insurance) (Amendment) Regulations 1976
S.I. 1976/857 (1976 II, p. 2209).	The Oil Pollution (Compulsory Insurance) (Amendment No. 2) Regulations 1976
S.I. 1976/1177 (1976 II, p. 3321).	The Oil Pollution (Compulsory Insurance) (Amendment No. 3) Regulations 1976
S.I. 1976/1440 (1976 III, p. 3910).	The Oil Pollution (Compulsory Insurance) (Amendment No. 4) Regulations 1976

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend and consolidate the provisions of the Oil Pollution (Compulsory Insurance) Regulations 1975 (S.I. 1975/869) as amended. The relevant Instruments are listed in the Schedule to these Regulations, and are revoked on 24th February 1977 when they will be replaced by the present Regulations.

The Regulations make provision with respect to certificates of insurance against liability for oil pollution damage caused by ships carrying bulk cargo of more than 2,000 tons of persistent oil. They are made under the Merchant Shipping (Oil Pollution) Act 1971 (which gives effect to the International Convention on Civil Liability for Oil Pollution Damage signed in Brussels in 1969 (Cmnd. 4403)). The Regulations provide for the recognition of certificates for ships registered in non-Convention countries (that is, countries in respect of which the 1969 Convention is not in force) where such certificates are issued by certain other countries. Provision is also made for the fee (£12) payable on an application for a certificate issued by the Secretary of State under section 11 of the Act (that is, for ships registered in the United Kingdom or in any non-Convention country) and for the circumstances in which certificates issued by the Secretary of State may be cancelled by him and their delivery up required.

The only change effected by these Regulations is to add Portugal to the list of countries in Regulation 4(1). The effect is that a certificate for a ship registered in a country which is not a party to the 1969 Convention is recognised for the purposes mentioned above if it is issued by or under the authority of the government of Portugal. The specification mentioned in regulation 3(*a*) is published by the American Society for Testing and Materials in Philadelphia USA and this specification can be consulted at the Science Reference Library, 25 Southampton Buildings, Chancery Lane, London WC2A 1AY and at the Institute of Petroleum, 61 New Cavendish Street, London W1M 8AR.

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