

MERCHANT SHIPPING ACT 1995

OIL POLLUTION (COMPULSORY INSURANCE) REGULATIONS 1998

Laid before Tynwald : 16th June 1998

Coming into operation : 1st July 1998

In exercise of the powers conferred on the Department of Trade and Industry by sections 163(1) and 164(3) of the Merchant Shipping Act 1995 ^(a) (an Act of Parliament) as it has effect in the Island by virtue of the Merchant Shipping Act 1995 (Application) Order 1997 ^(b) and of all other enabling powers, the following Regulations are hereby made:-

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations 1998, and shall come into operation on 1st July 1998.

(2) In these Regulations, -

“the Act” means the Merchant Shipping Act 1995 (an Act of Parliament) as it has effect in the Isle of Man;

“the Department” means the Department of Trade and Industry;

Definition

2. For the purposes of section 163(1) of the Act (requirements as to compulsory insurance against liability for oil pollution) “oil” means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, but excluding any oil which at the time of shipment, consists of hydrocarbon fractions -

(a) at least 50 per cent. of which by volume, distil at temperature of 340°C, and

(b) at least 95 per cent. of which by volume, distil at temperature of 370°C,

when tested by the ASTM Method D86/67 published by the American Society for Testing and Materials.

(a) 1995 c. 21

(b) S.D. 553/97

Cancellation and delivery up of certificates

3. (1) Where, at any time while a certificate under section 164 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 Department and in such a case the certificate shall be cancelled by the Department.

(2) Where, at any time while a certificate under the said section 164 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 Department and, if so cancelled, shall on demand forthwith be delivered up to it by the person to whom it was issued.

(3) Where, at any time while a certificate under the said section 164 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 Department 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 Department and, if so cancelled, shall on demand forthwith be delivered up to it by the person to whom it was issued.

Made 11th May, 1998

David North,

Minister for Trade and Industry.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations define “oil” for the purposes of section 163 of the Merchant Shipping Act 1995 (an Act of Parliament which has effect in the Isle of Man and which gives effect to the 1992 Civil Liability Convention). Section 163 requires certain shipowners to have in force insurance or other security against oil pollution damage. The Regulations provide for the cancellation of certificates issued by the Department of Trade and Industry under section 164 of the Act.

The specification mentioned in regulation 3 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.