

Merchant Shipping (Oil Pollution) Act 1971

The Oil Pollution (Compulsory Insurance) Regulations 1981

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MANX EXTENDING INSTRUMENT

UK S. I. APPLIED

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Merchant Shipping (Oil Pollution) (Application) Order 1982      SI 1981/912  
GC 10/82

Merchant Shipping (Oil Pollution) (Application) Order 1991      SI 1990/2345  
GC 470/90

S. I. 1981 No. 912

MERCHANT SHIPPING

THE OIL POLLUTION (COMPULSORY INSURANCE) REGULATIONS 1981

*Citation, Commencement and Interpretation*

1. (1) These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations 1981
- (2) In these Regulations, unless the context otherwise requires -  
*"the Act" means the Merchant Shipping (Oil Pollution) Act 1971 as it has effect in the Isle of Man;*  
*"the Department" means the Department of Highways, Ports and Properties;*  
*"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*

*Revocation*

- 2 Omitted.

*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 distil at 340° centigrade when tested by the "American Society for Testing and Materials Specification D86/67" 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:-

Belgium,  
Denmark,  
Federal Republic of Germany,  
Finland,  
France,  
Greece,  
Iceland,  
Italy,  
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 an *Isle of Man* 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 *Isle of Man* voyage. For the purposes of this paragraph, "*Isle of Man* voyage" means any voyage by a ship -

- (a) from a port in the *Isle of Man* or a terminal in the territorial sea of the *Isle of Man* to another such port or terminal; or
- (b) from a place outside the *Isle of Man* to a port in the *Isle of Man* or a terminal in the territorial sea of the *Isle of Man*; or
- (c) from a port in the *Isle of Man* or a terminal in the territorial sea of the *Isle of Man* to a place outside the *Isle of Man*.

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 *Isle of Man* or at a terminal in the territorial sea of the *Isle of Man*.

### *Fee for Certificates*

5. The fee to be paid on application for a certificate to be issued by the *Department* under section 11 of the Act shall be £33.

### *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 *Department* or to a proper officer within the meaning of section 97(1) of the Merchant Shipping Act 1970 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 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 *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 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 *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.

SCHEDULE (Omitted)