



Merchant Shipping Act 1995

1995 CHAPTER 21

PART VI

PREVENTION OF POLLUTION

CHAPTER III

LIABILITY FOR OIL POLLUTION

Liability

153 Liability for oil pollution in case of tankers.

- (1) Where, as a result of any occurrence, any oil is discharged or escapes from a ship to which this section applies, then (except as otherwise provided by this Chapter) the owner of the ship shall be liable—
 - (a) for any damage caused outside the ship in the territory of the United Kingdom by contamination resulting from the discharge or escape; and
 - (b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the territory of the United Kingdom by contamination resulting from the discharge or escape; and
 - (c) for any damage caused in the territory of the United Kingdom by any measures so taken.
- (2) Where, as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship to which this section applies by the contamination that might result if there were a discharge or escape of oil from the ship, then (except as otherwise provided by this Chapter) the owner of the ship shall be liable—
 - (a) for the cost of any measures reasonably taken for the purpose of preventing or minimising any such damage in the territory of the United Kingdom; and

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- (b) for any damage caused outside the ship in the territory of the United Kingdom by any measures so taken;
 and in this Chapter any such threat is referred to as a relevant threat of contamination.
- (3) Subject to subsection (4) below, this section applies to any ship constructed or adapted for carrying oil in bulk as cargo.
- (4) Where any ship so constructed or adapted is capable of carrying other cargoes besides oil, this section shall apply to any such ship—
- (a) while it is carrying oil in bulk as cargo; and
 - (b) unless it is proved that no residues from the carriage of any such oil remain in the ship, while it is on any voyage following the carriage of any such oil, but not otherwise.
- (5) Where a person incurs a liability under subsection (1) or (2) above he shall also be liable for any damage or cost for which he would be liable under that subsection if the references in it to the territory of the United Kingdom included the territory of any other Liability Convention country.
- (6) Where—
- (a) as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships, but
 - (b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,
- each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.
- (7) For the purposes of this Chapter—
- (a) references to a discharge or escape of oil from a ship are references to such a discharge or escape wherever it may occur, and whether it is of oil carried in a cargo tank or of oil carried in a bunker fuel tank;
 - (b) where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one, but any measures taken after the first of them shall be deemed to have been taken after the discharge or escape; and
 - (c) where a relevant threat of contamination results from a series of occurrences having the same origin, they shall be treated as a single occurrence.
- (8) The ^{M1}Law Reform (Contributory Negligence) Act 1945 and, in Northern Ireland, the ^{M2}Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 shall apply in relation to any damage or cost for which a person is liable under this section, but which is not due to his fault, as if it were due to his fault.

Modifications etc. (not altering text)

- C1** S. 153 extended (with modifications) to Anguilla (30.11.1997) by [S.I. 1997/2580, art. 2, Sch.](#)
 S. 153 extended (with modifications) to Bermuda (30.11.1997) by [S.I. 1997/2581, art. 2, Sch.](#)
 S. 153 extended (with modifications) to the British Antarctic Territory (30.11.1997) by [S.I. 1997/2582, art. 2, Sch.](#)
 S. 153 extended (with modifications) to the British Indian Ocean Territory (30.11.1997) by [S.I. 1997/2583, art. 2, Sch.](#)

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- S. 153 extended (with modifications) to the Falkland Islands (30.11.1997) by S.I. 1997/2584, art. 2, **Sch.**
- S. 153 extended (with modifications) to the Pitcairn, Henderson, Ducie, and Oeno Islands (30.11.1997) by S.I. 1997/2585, arts. 2, 3, **Sch.**
- S. 153 extended (with modifications) to the Sovereign Base Areas of Akrotiri and Dhekelia (30.11.1997) by S.I. 1997/2587, art. 2, **Sch.**
- S. 153 extended (with modifications) to South Georgia and the South Sandwich Islands (30.11.1997) by S.I. 1997/2588, art. 2, **Sch.**
- S. 153 extended (with modifications) to the Turks and Caicos Islands (30.11.1997) by S.I. 1997/2589, art. 2, **Sch.**
- S. 153 extended (with modifications) to the Virgin Islands (30.11.1997) by S.I. 1997/2590, art. 2, **Sch.**
- S. 153 extended (with modifications) to Jersey (1.12.1997) by S.I. 1997/2598, arts. 2, 3, **Sch. 1**
- S. 153 extended (with modifications) to Guernsey (11.3.1998) by S.I. 1998/260, arts. 2, 3, **Sch. 1**
- S. 153 extended (with modifications) to the Cayman Islands (20.5.1998) by S.I. 1998/1261, art. 2, **Sch.**
- S. 153 extended (with modifications) to Montserrat (20.5.1998) by S.I. 1998/1262, art. 2, **Sch.**
- S. 153 extended (with modifications) to Saint Helena (20.5.1998) by S.I. 1998/1263, art. 2, **Sch.**

Marginal Citations

- M1** 1945 c.8
M2 1948 c. 23 (N.I.).

154 Liability for oil pollution in case of other ships.

- (1) Where, as a result of any occurrence, any oil is discharged or escapes from a ship other than a ship to which section 153 applies, then (except as otherwise provided by this Chapter) the owner of the ship shall be liable—
- for any damage caused outside the ship in the territory of the United Kingdom by contamination resulting from the discharge or escape; and
 - for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the territory of the United Kingdom by contamination resulting from the discharge or escape; and
 - for any damage so caused in the territory of the United Kingdom by any measures so taken.
- (2) Where, as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship other than a ship to which section 153 applies by the contamination which might result if there were a discharge or escape of oil from the ship, then (except as otherwise provided by this Chapter) the owner of the ship shall be liable—
- for the cost of any measures reasonably taken for the purpose of preventing or minimising any such damage in the territory of the United Kingdom; and
 - for any damage caused outside the ship in the territory of the United Kingdom by any measures so taken;
- and in the subsequent provisions of this Chapter any such threat is referred to as a relevant threat of contamination.
- (3) Where—
- as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships, but

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- (b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,
 each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.
- (4) The ^{M3}Law Reform (Contributory Negligence) Act 1945 and, in Northern Ireland, the ^{M4}Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 shall apply in relation to any damage or cost for which a person is liable under this section, but which is not due to his fault, as if it were due to his fault.
- (5) In this section “ship” includes a vessel which is not seagoing.

Modifications etc. (not altering text)

- C2** S. 154 extended (with modifications) to Anguilla (30.11.1997) by S.I. 1997/2580, art. 2, **Sch.**
 S. 154 extended (with modifications) to Bermuda (30.11.1997) by S.I. 1997/2581, art. 2, **Sch.**
 S. 154 extended (with modifications) to the British Antarctic Territory (30.11.1997) by S.I. 1997/2582, art. 2, **Sch.**
 S. 154 extended (with modifications) to the British Indian Ocean Territory (30.11.1997) by S.I. 1997/2583, art. 2, **Sch.**
 S. 154 extended (with modifications) to the Falkland Islands (30.11.1997) by S.I. 1997/2584, art. 2, **Sch.**
 S. 154 extended (with modifications) to the Pitcairn, Henderson, Ducie, and Oeno Islands (30.11.1997) by S.I. 1997/2585, art. 2, **Sch.**
 S. 154 extended (with modifications) to the Sovereign Base Islands of Akrotiri and Dhekelia (30.11.1997) by S.I. 1997/2587, art. 2, **Sch.**
 S. 154 extended (with modifications) to the South Georgia and the South Sandwich Islands (30.11.1997) by S.I. 1997/2588, art. 2, **Sch.**
 S. 154 extended (with modifications) to the Turks and Caicos Islands (30.11.1997) by S.I. 1997/2589, art. 2, **Sch.**
 S. 154 extended (with modifications) to the Virgin Islands (30.11.1997) by S.I. 1997/2590, art. 2, **Sch.**
 S. 154 extended (with modifications) to Jersey (1.12.1997) by S.I. 1997/2598, arts. 2, 3, **Sch.**
 S. 154 extended (with modifications) to Guernsey (11.3.1998) by S.I. 1998/260, arts. 2, 3, **Sch. 1**
 S. 154 extended (with modifications) to the Cayman Islands (20.5.1998) by S.I. 1998/1261, art. 2, **Sch.**
 S. 154 extended (with modifications) to Montserrat (20.5.1998) by S.I. 1998/1262, art. 2, **Sch.**
 S. 154 extended (with modifications) to Saint Helena (20.5.1998) by S.I. 1998/1263, art. 2, **Sch.**

Marginal Citations

- M3** 1945 c. 28.
M4 1948 c. 23 (N.I.).

155 Exceptions from liability under sections 153 and 154.

No liability shall be incurred by the owner of a ship under section 153 or 154 by reason of any discharge or escape of oil from the ship, or by reason of any relevant threat of contamination, if he proves that the discharge or escape, or (as the case may be) the threat of contamination—

- (a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or
 (b) was due wholly to anything done or omitted to be done by another person, not being a servant or agent of the owner, with intent to do damage; or

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- (c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

Modifications etc. (not altering text)

- C3** S. 155 extended (with modifications) to Anguilla (30.11.1997) by S.I. 1997/2580, art. 2, Sch.
S. 155 extended (with modifications) to Bermuda (30.11.1997) by S.I. 1997/2581 art. 2, Sch.
S. 155 extended (with modifications) to the British Antarctic Territory (30.11.1997) by S.I. 1997/2582, art. 2, Sch.
S. 155 extended (with modifications) to the British Indian Ocean Territory (30.11.1997) by S.I. 1997/2583, art. 2, Sch.
S. 155 extended (with modifications) to the Falkland Islands (30.11.1997) by S.I. 1997/2584, art. 2, Sch.
S. 155 extended (with modifications) to the Pitcairn, Henderson, Ducie, and Oneo Islands (30.11.1997) by S.I. 1997/2585, art. 2, Sch.
S. 155 extended (with modifications) to the Sovereign Base Areas of Akrotiri and Dhekelia (30.11.1997) by S.I. 1997/2587, art. 2, Sch.
S. 155 extended (with modifications) to the South Georgia and the South Sandwich Islands (30.11.1997) by S.I. 1997/2588, art. 2, Sch.
S. 155 extended (with modifications) to the Turks and Caicos Islands (30.11.1997) by S.I. 1997/2589, art. 2, Sch.
S. 155 extended (with modifications) to the Virgin Islands (30.11.1997) by S.I. 1997/2590, art. 2, Sch.
S. 155 extended (with modifications) to Jersey (1.12.1997) by S.I. 1997/2598, arts. 2, 3, Sch.
S. 155 extended (with modifications) to Guernsey (11.3.1998) by S.I. 1998/260, arts. 2, 3, Sch. 1
S. 155 extended (with modifications) to the Cayman Islands (20.5.1998) by S.I. 1998/1261, art. 2, Sch.
S. 155 extended (with modifications) to Montserrat (20.5.1998) by S.I. 1998/1262, art. 2, Sch.
S. 155 extended (with modifications) to Saint Helena (20.5.1998) by S.I. 1998/1263, art. 2, Sch.

156 Restriction of liability for oil pollution.

- (1) Where, as a result of any occurrence—
- (a) any oil is discharged or escapes from a ship (whether one to which section 153 or one to which section 154 applies), or
 - (b) there arises a relevant threat of contamination,
- then, whether or not the owner of the ship in question incurs a liability under section 153 or 154—
- (i) he shall not be liable otherwise than under that section for any such damage or cost as is mentioned in it, and
 - (ii) no person to whom this paragraph applies shall be liable for any such damage or cost unless it resulted from anything done or omitted to be done by him either with intent to cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result.
- (2) Subsection (1)(ii) above applies to—
- (a) any servant or agent of the owner of the ship;
 - (b) any person not falling within paragraph (a) above but employed or engaged in any capacity on board the ship or to perform any service for the ship;
 - (c) any charterer of the ship (however described and including a bareboat charterer), and any manager or operator of the ship;

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- (d) any person performing salvage operations with the consent of the owner of the ship or on the instructions of a competent public authority;
 - (e) any person taking any such measures as are mentioned in subsection (1)(b) or (2)(a) of section 153 or 154;
 - (f) any servant or agent of a person falling within paragraph (c), (d) or (e) above.
- (3) The liability of the owner of a ship under section 153 or 154 for any impairment of the environment shall be taken to be a liability only in respect of—
- (a) any resulting loss of profits, and
 - (b) the cost of any reasonable measures of reinstatement actually taken or to be taken.

Modifications etc. (not altering text)

- C4** S. 156 extended (with modifications) to Anguilla (30.11.1997) by [S.I. 1997/2580](#) art. 2, [Sch.](#)
- S. 156 extended (with modifications) to Bermuda (30.11.1997) by [S.I. 1997/2581](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the British Antarctic Territory (30.11.1997) by [S.I. 1997/2582](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the British Indian Ocean Territory (30.11.1997) by [S.I. 1997/2583](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the Falkland Islands (30.11.1997) by [S.I. 1997/2584](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the Pitcairn, Henderson, Ducie and Oneo Islands (30.11.1997) by [S.I. 1997/2585](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the Sovereign Base Areas of Akrotiri and Dhekelia (30.11.1997) by [S.I. 1997/2587](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the South Georgia and the South Sandwich Islands (30.11.1997) by [S.I. 1997/2588](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the Turks and Caicos Islands (30.11.1997) by [S.I. 1997/2589](#), [art. 2](#), [Sch.](#)
- S. 156 extended (with modifications) to the Virgin Islands (30.11.1997) by [S.I. 1997/2590](#), [art. 2](#), [Sch.](#)
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- S. 156 extended (with modifications) to Saint Helena (20.5.1998) by [S.I. 1998/1262](#), [art. 2](#), [Sch.](#)

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