

Status: Point in time view as at 14/12/2023.

Changes to legislation: Merchant Shipping Act 1995, Paragraph 181 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

PREVENTION OF OIL POLLUTION: TRANSITORY PROVISIONS

COMPENSATION FUND

Supplemental

Interpretation.

- 181 (1) In this Chapter, unless the context otherwise requires—
- “damage” includes loss;
 - “discharge or escape”, in relation to pollution damage, means the discharge or escape of oil carried by the ship;
 - “guarantor” means any person providing insurance or other financial security to cover the owner’s liability of the kind described in section 163;
 - “oil”, except in sections 173 and 174, means persistent hydrocarbon mineral oil;
 - “owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, except that, in relation to a ship owned by a State which is operated by a person registered as the ship’s operator, it means the person registered as its operator;
 - “pollution damage” means damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever the escape or discharge may occur, and includes the cost of preventive measures and further damage caused by preventive measures;
 - “preventive measures” means any reasonable measures taken by any person after the occurrence to prevent or minimise pollution damage; and
 - “ship” means any sea-going ship and any seaborne craft of any type whatsoever carrying oil in bulk as cargo.
- (2) References in this Chapter to the territory of any country include the territorial sea of that country, and references to pollution damage in the United Kingdom shall be construed accordingly.
- (3) For the purposes of this Chapter a ship’s tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage.
- If the ship cannot be measured in accordance with the normal rules, its tonnage shall be deemed to be 40 per cent of the weight in tons (of 2,240 lbs) of oil which the ship is capable of carrying.

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- (4) For the purposes of this Chapter, 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.

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