



Prevention of Oil Pollution Act 1971

1971 CHAPTER 60

Miscellaneous and supplementary

22 Power to apply certain provisions to ships registered outside United Kingdom

- (1) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, any regulations made under section 4 or section 17(1) of this Act shall apply to ships registered in countries and territories other than the United Kingdom at any time when they are in a harbour in the United Kingdom, or are within the seaward limits of the territorial waters of the United Kingdom while on their way to or from a harbour in the United Kingdom.
- (2) An Order in Council under subsection (1) of this section shall not be made so as to impose different requirements in respect of ships of different countries or territories; but if Her Majesty is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country, or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed' by virtue of the Order, Her Majesty may by Order in Council direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with such of those provisions as are applicable thereto under the law of that country or territory.
- (3) No regulation shall by virtue of an Order in Council under this section apply to any ship as being within a harbour' in the United Kingdom, or on her way to or from such a harbour, if the ship would not have been within the harbour, or, as the case may be, on her way to or from the harbour, but for stress of weather or any other circumstances which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

23 Power of Secretary of State to grant exemptions

The Secretary of State may exempt any vessels or classes of vessels from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit.

24 Application of Act to Government ships

- (1) The provisions of this Act do not apply to vessels of Her Majesty's navy, nor to Government ships in the service of the Secretary of State while employed for the purposes of Her Majesty's navy.
- (2) Subject to subsection (1) of this section and subsection (4) of section 16 of this Act—
 - (a) provisions of this Act which are expressed to apply only to ships registered in the United Kingdom apply to Government ships so registered and also to Government ships not so registered but held for the purposes of Her Majesty's Government in the United Kingdom;
 - (b) provisions of this Act which are expressed to apply to vessels generally apply to Government ships.
- (3) In this section “Government ships ” has the same meaning as in section 80 of the Merchant Shipping Act 1906.

25 Provisions as to Isle of Man, Channel Islands, colonies and dependencies

- (1) Her Majesty may by Order in Council direct that such of the provisions of this Act, other than section 3, or of any enactment for the time being in force amending or replacing them, as may be specified in the Order shall extend, with such exceptions and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, or any colony.
- (2) The Foreign Jurisdiction Act 1890 shall have effect as if the provisions of this Act, other than section 3, were included among the enactments which, by virtue of section 5 of that Act, may be extended by Order in Council to foreign countries in which for the time being Her Majesty has jurisdiction.
- (3) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, the provisions of this Act which (apart from sections 22 and 24 of this Act) apply only to ships registered in the United Kingdom shall apply also to ships registered in any country or territory specified in the Order, being a country or territory to which the provisions of this Act can be extended by virtue of either of the preceding subsections.

26 Annual report

The Secretary of State shall, as soon as possible after the end of each calendar year, make a report on the exercise and performance of his functions under this Act during that year, which shall include such observations as he may think fit to make on the operation during that year of this Act and of any Convention accepted by Her Majesty's Government in the United Kingdom in so far as it relates to the prevention of pollution of the sea by oil, and the Secretary of State shall lay a copy of every such report before each House of Parliament.

27 General provisions as to Orders in Council, regulations and orders

- (1) Any power to make regulations or an order under this Act shall be exercisable by statutory instrument.

- (2) Any statutory instrument made by virtue of this Act, other than an Order in Council under section 25 or an order under section 34 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any Order in Council, or other order, made under any provision of this Act may be varied or revoked by a subsequent Order in Council or order made thereunder.
- (4) Where a power to make regulations is conferred by any provision of this Act, regulations made under that power may be made with respect to all or with respect to any one or more of the classes of vessel or other matters to which the provision relates, and different provision may be made by any such regulations for different classes of vessel or otherwise for different classes of case or different circumstances.

28 Financial provisions

- (1) There shall be defrayed out of moneys provided by Parliament any administrative expenses of the Secretary of State under this Act.
- (2) Any fees received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

29 Interpretation

- (1) In this Act—

“barge ” includes a lighter and any similar vessel;

“harbour authority ” and “harbour in the United Kingdom ” have the meanings assigned to them by section 8(2) of this Act;

“harbour master ” includes a dock master or pier master, and any person specially appointed by a harbour authority for the purpose of enforcing the provisions of this Act in relation to the harbour ;

“local enactment ” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;

“oil ” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

“oil reception facilities ” has the meaning assigned to it by section 9(1) of this Act;

“oil residues ” means any waste consisting of, or arising from, oil or a mixture containing oil;

“outside the territorial waters of the United Kingdom ” means outside the seaward limits of those waters;

“petroleum-spirit ” has the same meaning as in the Petroleum (Consolidation) Act 1928 ;

“place on land ” has the meaning assigned to it by section 2(3) of this Act;

“sea ” includes any estuary or arm of the sea;

“transfer ”, in relation to oil, means transfer in bulk.

- (2) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.

- (3) Any reference in the provisions of this Act other than section 11 to the discharge of oil or a mixture containing oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or mixture, or (as the case may be) to its escaping, from that vessel, place or thing.
- (4) For the purposes of any provision of this Act relating to the discharge of oil or a mixture containing oil from a vessel, any floating craft (other than a vessel) which is attached to a vessel shall be treated as part of the vessel.
- (5) Any power conferred by this Act to test any equipment on board a vessel shall be construed as including a power to require persons on board the vessel to carry out such work as may be requisite for the purpose of testing the equipment; and any provision of this Act as to submitting equipment for testing shall be construed accordingly.
- (6) Subject to the preceding subsections, expressions used in this Act and in the Merchant Shipping Act 1894, have the same meanings in this Act as in that Act.
- (7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

30 Provisions as to Northern Ireland

- (1) This Act extends to Northern Ireland and the following provisions of this section shall have effect with respect to the application of this Act to Northern Ireland.
- (2) References in section 9 of this Act to the Secretary of State shall be construed as references to the Ministry of Commerce for Northern Ireland (in this section referred to as “the Ministry of Commerce”).
- (3) In relation to places on land in Northern Ireland, and to apparatus located in Northern Ireland otherwise than on board a vessel.—
 - (a) persons appointed by the Secretary of State as inspectors under section 18 of this Act, and surveyors of ships in their capacity as persons so appointed, shall have no powers of entry or inspection ; but
 - (b) persons appointed by the Ministry of Commerce shall have the like powers as (but for the preceding paragraph) persons appointed by the Secretary of State would have by virtue of that section, and the provisions of that section shall have effect in relation to persons appointed by the Ministry of Commerce as, in England and Wales, they have effect in relation to persons appointed by the Secretary of State.
- (4) Subsection (1) of section 19 of this Act shall apply to proceedings in Northern Ireland as it applies to proceedings in England and Wales, but with the substitution, for references to the Attorney General, of references to the Attorney General for Northern Ireland; except that, in relation to proceedings for an offence under section 2 of this Act—
 - (a) if the alleged offence relates to the discharge of oil or a mixture containing oil from a vessel in a harbour or inland waterway in Northern Ireland, the references in that subsection to the Secretary of State shall be construed as references to the Secretary of State or the Ministry of Commerce;
 - (b) if the alleged offence relates to the discharge of oil or a mixture containing oil from a place on land in Northern Ireland, or from apparatus located in

Northern Ireland otherwise than on board a vessel, the references in that subsection to the Secretary of State shall be construed as references to the Ministry of Commerce.

- (5) In the definition of “local enactment” in subsection (1) of section 29 of this Act the reference to a local or private Act includes a reference to a local or private Act of the Parliament of Northern Ireland, and the reference to an order confirmed by Parliament includes a reference to an order confirmed by that Parliament; and the reference in that subsection to the Petroleum (Consolidation) Act 1928 shall be construed as a reference to the Petroleum (Consolidation) Act (Northern Ireland) 1929.
- (6) The provisions of this Act, so far as they relate to matters with respect to which the Parliament of Northern Ireland has power to make laws, shall not be taken to restrict that power, and any laws made by that Parliament in the exercise of that power shall have effect notwithstanding anything in those provisions.

31 Application to hovercraft

The enactments and instruments with respect to which provision may be made by an Order in Council under section 1(1)(h) of the Hovercraft Act 1968 shall include this Act and any instrument made under it.

32 Saving for other restrictions, rights of action etc.

Subject to section 33 of the Interpretation Act 1889 (offence under two or more laws) nothing in this Act shall affect any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

33 Repeals and savings

- (1) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) In so far as any instrument made or other thing done under any enactment repealed by this Act could have been made or done under any provision of this Act it shall have effect as if made or done under that provision ; and references in any such instrument to any such enactment shall be construed as referring to the corresponding provision of this Act or, as the case may be, to this Act.
- (3) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

34 Short title and commencement

- (1) This Act may be cited as the Prevention of Oil Pollution Act 1971.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint; but the day so appointed shall not be earlier than the day or, if more than one, the latest day, appointed under section 12(3) of the Oil in Navigable Waters Act 1971 for the coming into force of the provisions of that Act.