



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART VI

#### PREVENTION OF POLLUTION

#### CHAPTER III

#### LIABILITY FOR OIL POLLUTION

##### *Liability*

#### **156 Restriction of liability for [<sup>F1</sup>pollution from oil or bunker oil].**

(1) Where, as a result of any occurrence—

[<sup>F2</sup>(a) there is a discharge or escape of oil from a ship to which section 153 applies or there arises a relevant threat of contamination falling within subsection (2) of that section, or]

[<sup>F2</sup>(b) there is a discharge or escape of oil falling within section 154(1) or there arises a relevant threat of contamination falling within section 154(2),]

then, whether or not the [<sup>F3</sup>registered 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 [<sup>F4</sup>registered 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;

*Status: Point in time view as at 21/07/2022.*

*Changes to legislation: Merchant Shipping Act 1995, Section 156 is up to date with all changes known to be in force on or before 15 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)*

- (c) any charterer of the ship (however described and including a bareboat charterer), and any manager or operator of the ship;
  - (d) any person performing salvage operations with the consent of the [<sup>F4</sup>registered 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.
- [<sup>F5</sup>(2A) Where, as a result of any occurrence—
- (a) there is a discharge or escape of bunker oil falling within section 153A(1), or
  - (b) there arises a relevant threat of contamination falling within section 153A(2),
- then, whether or not the owner of the ship in question incurs any liability under section 153A—
- (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.
- (2B) Subsection (2A)(ii) applies to—
- (a) any servant or agent of the owner;
  - (b) any person not falling within paragraph (a) above but engaged in any capacity on board the ship or to perform any service for the ship;
  - (c) any person performing salvage operations with the consent of the owner of the ship or on the instructions of a competent public authority;
  - (d) any person taking any such measures as are mentioned in subsection (1)(b) or (2)(a) of section 153A;
  - (e) any servant or agent of a person falling within paragraph (c) or (d).]

(3) The liability of [<sup>F6</sup>a person under section 153, 153A 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.

#### Textual Amendments

- F1** Words in s. 156 heading substituted (21.11.2008) by [The Merchant Shipping \(Oil Pollution\) \(Bunkers Convention\) Regulations 2006 \(S.I. 2006/1244\)](#), regs. 1(2), **8(2)** (with reg. 1(5))
- F2** S. 156(1)(a)(b) substituted (21.11.2008) by [The Merchant Shipping \(Oil Pollution\) \(Bunkers Convention\) Regulations 2006 \(S.I. 2006/1244\)](#), regs. 1(2), **8(3)(a)** (with reg. 1(5))
- F3** Words in s. 156(1) substituted (21.11.2008) by [The Merchant Shipping \(Oil Pollution\) \(Bunkers Convention\) Regulations 2006 \(S.I. 2006/1244\)](#), regs. 1(2), **8(3)(b)** (with reg. 1(5))
- F4** Words in s. 156(2) substituted (21.11.2008) by [The Merchant Shipping \(Oil Pollution\) \(Bunkers Convention\) Regulations 2006 \(S.I. 2006/1244\)](#), regs. 1(2), **8(4)** (with reg. 1(5))
- F5** S. 156(2A)(2B) inserted (21.11.2008) by [The Merchant Shipping \(Oil Pollution\) \(Bunkers Convention\) Regulations 2006 \(S.I. 2006/1244\)](#), regs. 1(2), **8(5)** (with reg. 1(5))
- F6** Words in s. 156(3) substituted (21.11.2008) by [The Merchant Shipping \(Oil Pollution\) \(Bunkers Convention\) Regulations 2006 \(S.I. 2006/1244\)](#), regs. 1(2), **8(6)** (with reg. 1(5))

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**Modifications etc. (not altering text)**

- C1** 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.](#)
- S. 156 extended (with modifications) to Jersey (1.12.1997) by [S.I. 1997/2598](#), arts. 2, 3, [Sch. 1](#)
- S. 156 extended (with modifications) to Guernsey (11.3.1998) by [S.I. 1998/260](#), arts. 2, 3, [Sch. 1](#)
- S. 156 extended (with modifications) to the Cayman Islands (20.5.1998) by [S.I. 1998/1261](#), art. 2, [Sch.](#)
- S. 156 extended (with modifications) to Montserrat (20.5.1998) by [S.I. 1998/1262](#), art. 2, [Sch.](#)
- S. 156 extended (with modifications) to Saint Helena (20.5.1998) by [S.I. 1998/1262](#), art. 2, [Sch.](#)

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