
 S T A T U T O R Y I N S T R U M E N T S

1979 No. 1453

MERCHANT SHIPPING

**The Prevention of Oil Pollution Act 1971 (Hong Kong) (No. 2)
Order 1979**

Made - - - - 14th November 1979

Laid before Parliament 23rd November 1979

Coming into Operation 17th December 1979

At the Court at Buckingham Palace, the 14th day of November 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 16(1) of the Prevention of Oil Pollution Act 1971(a) as extended to Hong Kong by the Prevention of Oil Pollution Act 1971 (Hong Kong) Order 1979(b) and all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Prevention of Oil Pollution Act 1971 (Hong Kong) (No. 2) Order 1979 and shall come into operation on 17th December 1979.

2. Subject to the exceptions, adaptations and modifications in Article 3 of this Order, sections 12 to 15 of the Prevention of Oil Pollution Act 1971 as extended to Hong Kong by the Prevention of Oil Pollution Act 1971 (Hong Kong) Order 1979 shall apply to a ship—

(a) which is not a ship registered in Hong Kong; and

(b) which is for the time being outside the territorial waters of Hong Kong

in any case where the Governor is satisfied that section 12(1) of the Act as extended to Hong Kong by the aforementioned Order applies.

3. In respect of a ship to which the said sections 12 to 15 are applied by Article 2 of this Order the power conferred on the Governor by subsection (2) of section 12 to give directions shall only be exercisable in relation to—

(a) an individual who is a citizen of the United Kingdom and Colonies; or

(b) a body corporate which is established under the laws of Hong Kong

and subsection (2) of section 14 shall only apply to such an individual or body corporate.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1971 c. 60.

(b) S.I. 1979/1452.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies sections 12 to 15 of the Prevention of Oil Pollution Act 1971 as extended to Hong Kong to ships not registered in Hong Kong and which are outside the territorial waters of Hong Kong. Section 12 enables the Governor to give directions, or take action, to prevent or reduce oil pollution or risk of oil pollution, which threatens Hong Kong on a large scale as a result of a shipping casualty. Section 13 enables persons unreasonably suffering loss or damage as a result of such directions or action to recover compensation from the Governor.

Sections 12 to 15 only apply under this Order where the Governor is satisfied that there is a grave and imminent danger of oil pollution from which the coast and waters of Hong Kong need to be protected. The power to give directions and the offence of obstruction only relate to individuals who are citizens of the United Kingdom and Colonies or bodies corporate established under Hong Kong law.

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