
 STATUTORY INSTRUMENTS

1981 No. 433

MERCHANT SHIPPING

**The Merchant Shipping (Oil Pollution) Act 1971 (Isle of Man)
Order 1981**

<i>Made - - - -</i>	18th March 1981
<i>Laid before Parliament</i>	26th March 1981
<i>Coming into Operation</i>	8th April 1981

At the Court at Buckingham Palace, the 18th day of March 1981
Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 18(1) of the Merchant Shipping (Oil Pollution) Act 1971 (a) and section 738(1) of the Merchant Shipping Act 1894(b), 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 Merchant Shipping (Oil Pollution) Act 1971 (Isle of Man) Order 1981 and shall come into operation on 8th April 1981.
2. In this Order and the Schedule hereto, the expression "the Isle of Man" includes the territorial waters adjacent thereto and the expression "Act of 1979" means the Merchant Shipping Act 1979(c).
3. The provisions of the Merchant Shipping (Oil Pollution) Act 1971, excluding any amendments to that Act made by the provisions of the Act of 1979 except the amendments made by sections 38 and 43 of, and Part III of Schedule 6 to, that Act, shall extend to the Isle of Man subject to the exceptions, modifications and adaptations specified in the Schedule to this Order.
4. The Merchant Shipping (Oil Pollution) Act 1971 (Isle of Man) Order 1975(d) is hereby revoked.

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

(a) 1971 c.59; the amendments to the Act relevant to this Order are the insertion of section 8A by section 9 of the Merchant Shipping Act 1974 (c.43), the amendments to section 4 made by section 38(1) of the Merchant Shipping Act 1979 (c.39), the insertion of section 5(2A) by section 38(2) of that Act, the amendments to sections 10(2), 11(1) and 14(2) by section 38(3) of that Act, the amendment to section 10(7) by section 43 of, and Part III of Schedule 6 to, that Act and the reference to section 18(1) in the declaration in section 38(5) of that Act.
(b) 1894 c.60. (c) 1979 c.39. (d) S.I.1975/2186.

Article 3

SCHEDULE

EXCEPTIONS, MODIFICATIONS AND ADAPTATIONS IN THE EXTENSION OF THE MERCHANT SHIPPING (OIL POLLUTION) ACT 1971 TO THE ISLE OF MAN

1. Unless the context otherwise requires, any reference to the Merchant Shipping (Oil Pollution) Act 1971 or to any other enactment shall be to that enactment as it has effect in the Isle of Man.
2. Unless the context otherwise requires, for any reference to the United Kingdom there shall be substituted a reference to the Isle of Man.
3. For section 1(5) there shall be substituted the following provision:—

“(5) The Law Reform (Contributory Negligence) Act 1946 (an Act of Tynwald) 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.”.
4. In section 4(2) for paragraph (d) there shall be substituted the following paragraph:—

“(d) if the tonnage of the ship cannot be ascertained in accordance with the preceding paragraphs, the court may accept as evidence a certificate given at the court’s request by the Chief Ship Surveyor of the Department of Trade certifying what, on the evidence specified in the request, would in his opinion be the tonnage of the ship if ascertained in accordance with those paragraphs and the tonnage stated in the certificate shall be taken to be the tonnage of the ship.”
5. In section 5(6), for the words “of any country outside the United Kingdom” there shall be substituted the words “outside the Isle of Man”.
6. In section 6 —
 - (a) in paragraph (b) of subsection (1) the words “(or, in Scotland, expenses)” shall be omitted;
 - (b) subsection (2) shall be omitted.
7. In section 10(1) for the words “regulations made by the Secretary of State” there shall be substituted the words “applied regulations”.
8. In section 10(3)—
 - (i) in paragraph (a), for the reference to the Secretary of State there shall be substituted a reference to the Isle of Man Harbour Board, and
 - (ii) at the end of paragraph (b) there shall be inserted the words “, or if that country is Jersey or Guernsey by the Secretary of State”.
9. In section 10(3)(c), for the words “regulations made under this section” there shall be substituted the words “applied regulations”.
10. Section 10(4) shall be omitted.
11. In section 10(5), for the words following “officer of customs” there shall be substituted the words “or of the Isle of Man Harbour Board”.
12. In section 10(6), for the word “indictment” there shall be substituted the word “information”.
13. For section 10(9) there shall be substituted the following provisions:—

“(9) The Isle of Man Harbour Board may by order apply to the Isle of Man as part of the law of that Island regulations made by the Secretary of State under this section as it has effect in the United Kingdom, with any necessary modifications or adaptations, or both, but no such order shall have effect until it has been approved by Tynwald.

- (10) In this section the expression “applied regulations” means regulations applied to the Isle of Man in accordance with subsection (9) above.”.
14. In section 11, for references to the Secretary of State there shall be substituted references to the Isle of Man Harbour Board.
15. In section 11(1) the words “or any country which is not a Convention country” shall be omitted.
16. In section 11(3)(a), before the word “prescribing” there shall be inserted the words “with the concurrence of the Finance Board,”.
17. For section 11(6) there shall be substituted the following provision:—
“(6) Regulations made under this section shall not have effect until they have been approved by Tynwald.”.
18. For section 12(5) there shall be substituted the following provision:—
“(5) The Third Parties (Rights against Insurers) Act 1932 (an Act of Tynwald) shall not apply in relation to any contract of insurance to which such a certificate as is mentioned in section 10 of this Act relates.”.
19. Section 13(1) shall be omitted.
20. In section 13(3) for the words “Foreign Judgments (Reciprocal Enforcement) Act 1933” there shall be substituted the words “Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968 (an Act of Tynwald)”.
21. In section 14(3), the words “, or in Scotland the execution of diligence,” shall be omitted.
22. Section 18 shall be omitted.
23. In section 20(1), for the definition of “the court” there shall be substituted the following definition:—
“ ‘the court’ means Her Majesty’s High Court of Justice of the Isle of Man.’.
24. In section 21(1), the words following “Act 1971” shall be omitted.
25. For section 21(2) there shall be substituted the following provision:—
“(2) This Act shall at any time be construed as one with such provisions of the Merchant Shipping Acts 1894 to 1977 as at that time have effect in the Isle of Man.”.
26. Section 21(3) and (4) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces the Merchant Shipping (Oil Pollution) Act 1971 (Isle of Man) Order 1975, by which the Merchant Shipping (Oil Pollution) Act 1971 was extended to the Isle of Man. This Order extends that Act, as amended by section 9 of the Merchant Shipping Act 1974 and section 38 of the Merchant Shipping Act 1979, to the Isle of Man subject to the exceptions, modifications and adaptations specified in the Schedule to the Order. Certain other amendments to the Act of 1971 which are made by the Act of 1979 will come into force in the Isle of Man under the Merchant Shipping Act 1979 (Isle of Man) Order 1980 (S.I.1980/1526), when the equivalent amendments come into force in the United Kingdom.

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