
STATUTORY INSTRUMENTS

1982 No. 1668

MERCHANT SHIPPING

**The Prevention of Oil Pollution Act
1971 (Overseas Territories) Order 1982**

Made - - - - 24th November 1982
Coming into Operation 31st December 1982

At the Court at Buckingham Palace, the 24th day of November 1982

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 25(1) of the Prevention of Oil Pollution Act 1971 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 (Overseas Territories) Order 1982 and shall come into operation on 31st December 1982.

2. The provisions of sections 12 to 16, 20, 29, 32 and 34 of the Prevention of Oil Pollution Act 1971 shall extend to each of the territories, any one of which is in this Order referred to as “the Territory” specified in Schedule 1 to this Order with the exceptions and modifications specified in Schedule 2 to this Order.

3. Any reference in Schedule 2 to this Order to “the Falkland Islands” shall be construed as a reference to the Falkland Islands and its Dependencies; any reference in the said Schedule to “Pitcairn” shall be construed as a reference to Pitcairn, Henderson, Ducie and Oeno Islands; any reference in the said Schedule to “Saint Helena” shall be construed as a reference to Saint Helena and its Dependencies; and any reference in the said Schedule to “the Sovereign Base Areas” shall be construed as a reference to the Sovereign Base Areas of Akrotiri and Dhekelia.

N.E. Leigh
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

SCHEDULE 1

Article 2

Anguilla
British Antarctic Territory
British Virgin Islands
Cayman Islands
Falkland Islands and Dependencies
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
Saint Helena and Dependencies
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands

SCHEDULE 2

Article 2

1. For any reference to the Secretary of State there shall be substituted in the case of:
 - (a) Anguilla, the Cayman Islands, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the British Virgin Islands a reference to the Governor;
 - (b) the British Antarctic Territory a reference to the High Commissioner;
 - (c) the Falkland Islands a reference to the Civil Commissioner;
 - (d) the Sovereign Base Areas a reference to the Administrator.
2. For any reference to the United Kingdom there shall be substituted a reference to the Territory.
3. Any reference to any enactment of the United Kingdom shall be construed as a reference to that enactment as applying or extended to the Territory.
4. In section 12(8)(b) for the reference to the Admiralty Marshal there shall be substituted a reference to the Government of the Territory.
5. In section 12(9) the words from “and the reference in subsection (8) of this section” to the end shall be omitted.
6. In section 13(4) for the words “of the High Court, of the Court of Session and of the Supreme Court of Northern Ireland” there shall be substituted in the case of:
 - (a) Anguilla, the British Antarctic Territory, the Falkland Islands, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the British Virgin Islands the words “of the Supreme Court”;
 - (b) the Cayman Islands the words “of the Grand Court”;
 - (c) the Sovereign Base Areas the words “of the Senior Judge's Court”.
7. In section 14(4) for the words “a fine not exceeding £50,000” there shall be substituted in the case of:
 - (a) Anguilla and Montserrat the words “a fine not exceeding 250,000 East Caribbean dollars”;
 - (b) the Cayman Islands the words “a fine not exceeding 100,000 Cayman Islands dollars”;
 - (c) Pitcairn the words “a fine not exceeding 100,000 New Zealand dollars”;
 - (d) the Sovereign Base Areas the words “a fine not exceeding 40,000 Cyprus pounds”;

- (e) the Turks and Caicos Islands and the British Virgin Islands the words “a fine not exceeding 100,000 United States dollars”.

8. In section 15(1) for the words “a company or other body is not one to whom section 412 or section 437 of the Companies Act 1948 (service of notices) applies so as to authorise the service of a direction on that body under either of those sections” there shall be substituted in the case of:

- (a) Anguilla the words “a company or other body is not one to whom section 102 or section 237 of the Companies Act(1) applies so as to authorise the service of a direction on that body under either of those sections”;
- (b) the British Antarctic Territory and the Falkland Islands the words “a company or other body is not one to whom section 5 of the Companies and Private Partnerships Ordinance(2) applies so as to authorise the service of a direction on that body under that section”;
- (c) the Cayman Islands the words “a company or other body is not one to whom section 67 or section 200 of the Companies Law(3) applies so as to authorise the service of a direction on that body under either of those sections”;
- (d) Montserrat the words “a company or other body is not one to whom section 101 or section 241 of the Companies Act(4) applies so as to authorise the service of a direction on that body under either of those sections”;
- (e) Pitcairn the words “the service of a direction on a company or other body is not authorised by other legislation”;
- (f) the Sovereign Base areas the words “a company or other body is not one to whom section 352 or section 372 of the Companies Ordinance(5) applies so as to authorise the service of a direction on that body under either of those sections”;
- (g) the Turks and Caicos Islands the words “a company or other body is not one to whom section 68 or section 213 of the Companies Ordinance(6) applies so as to authorise the service of a direction on that body under either of those sections”;
- (h) the British Virgin Islands the words “a company or other body is not one to whom section 101 of the Companies Act(7) applies so as to authorise the service of a direction on that body under that section”.

9. Section 15(3) shall be omitted.

10. For section 29(1) there shall be substituted the following subsection:

“(1) In this Act—

‘oil’ means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

‘outside the territorial waters of the Territory’ means outside the seaward limits of those waters.”

11. Section 29(2), (4) and (5) shall be omitted.

12. For section 29(3) there shall be substituted the following subsection:

“(3) —Any reference in the provisions of this Act to the discharge of oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged

(1) Laws of Saint Christopher, Nevis and Anguilla Revised Ed. 1961, Cap. 335.

(2) Laws of the Falkland Islands Revised Ed. 1950, Cap. 13.

(3) Laws of the Cayman Islands Revised Ed. 1963, Cap. 22.

(4) Laws of Montserrat Revised Ed. 1962, Cap. 308.

(5) Laws of Cyprus Revised Ed. 1959, Cap. 113.

(6) Laws of the Turks and Caicos Islands No. 11 of 1981.

(7) Laws of the Virgin Islands Revised Ed. 1961, Cap. 243.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

for a specified purpose, includes a reference to the escape of the oil, or (as the case may be) to its escaping, from that vessel, place or thing.”

13. In section 32 for the words “Subject to section 33 of the Interpretation Act 1889**(8)** (offence under two or more laws)” there shall be substituted in the case of:

- (a) Anguilla the words “Subject to section 35 of the Interpretation and General Clauses Act**(9)**”;
- (b) the British Antarctic Territory and the Falkland Islands the words “Subject to section 84 of the Interpretation and General Clauses Ordinance**(10)**”;
- (c) the Cayman Islands the words “Subject to section 48 of the Interpretation Law**(11)**”;
- (d) Montserrat the words “Subject to section 35 of the Interpretation and General Clauses Act**(12)**”;
- (e) Pitcairn the words “Subject to the proviso that no person shall be liable to be punished more than once for the same offence”;
- (f) Saint Helena the words “Subject to section 37 of the Interpretation Ordinance**(13)**”;
- (g) the Sovereign Base Areas the words “Subject to section 37 of the Interpretation Law**(14)**”;
- (h) the Turks and Caicos Islands the words “Subject to section 44 of the Interpretation Ordinance**(15)**”;
- (i) the British Virgin Islands the words “Subject to section 35 of the Interpretation Act**(16)**”.

14. Section 34(2) shall be omitted.

EXPLANATORY NOTE

This Order extends to the territories specified in Schedule 1, with the exceptions and modifications specified in Schedule 2, those provisions of the Prevention of Oil Pollution Act 1971 that enable measures to be taken to prevent, mitigate or eliminate grave and imminent danger to the coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty. Such measures may include those permitted under the International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties, opened for signature in Brussels on 29th November 1969 (Cmnd. 4403).

-
- (8)** in accordance with section 25(2) of the Interpretation Act 1978 (c. 30) the reference to section 33 of the 1889 Act is to be construed as a reference to section 18 of the 1978 Act.
 - (9)** Laws of Saint Christopher, Nevis and Anguilla Revised Ed. Cap. 166.
 - (10)** Laws of the Falkland Islands, No. 14 of 1977.
 - (11)** Laws of the Cayman Islands Revised Ed. 1963, Cap. 70.
 - (12)** Laws of Montserrat Revised Ed. 1962, Cap. 157.
 - (13)** Laws of Saint Helena, No. 8 of 1968.
 - (14)** Laws of Cyprus Revised Ed. 1959, Cap. 1.
 - (15)** Laws of the Turks and Caicos Islands Revised Ed. 1968, Cap. 1.
 - (16)** Laws of the Virgin Islands Revised Ed. 1961, Cap. 135.