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STATUTORY INSTRUMENTS

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**1997 No. 1820**

**MERCHANT SHIPPING**

**The Oil Pollution (Compulsory Insurance) Regulations 1997**

*Made* - - - - *23rd July 1997*  
*Laid before Parliament* *4th August 1997*  
*Coming into force* - - *1st September 1997*

The Secretary of State for Transport, in exercise of the powers conferred by section 163(1), section 164(3) and section 302 of the Merchant Shipping Act 1995<sup>(1)</sup> and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations 1997 and shall come into force on 1st September 1997.

(2) In these Regulations “the Act” means the Merchant Shipping Act 1995.

**Revocation**

2. The Oil Pollution (Compulsory Insurance) Regulations 1981<sup>(2)</sup> and the Oil Pollution (Compulsory Insurance) (Amendment) (No. 2) Regulations 1990<sup>(3)</sup> are hereby revoked.

**Definition**

3. For the purposes of section 163(1) of the Act, “oil” means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, but excluding any oil which at the time of shipment, consists of hydrocarbon fractions—

- (a) at least 50% of which, by volume, distil at a temperature of 340°C, and
- (b) at least 95% of which, by volume, distil at a temperature of 370°C,

when tested by the ASTM Method D86/78 published by the American Society for Testing and Materials.

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(1) 1995 c. 21  
(2) S.I.1981/912 amended by S.I. 1990/2345.  
(3) S.I. 1990/2345.

### **Cancellation and delivery up of certificates**

4.—(1) Where, at any time while a certificate under section 164 of the Act is in force, the person to whom the certificate has been issued ceases to be the owner of the ship to which the certificate relates, he shall forthwith deliver up the certificate to the Secretary of State or to a proper officer and in such a case the certificate shall be cancelled by the Secretary of State.

(2) Where, at any time while a certificate under the said section 164 is in force, it is established in any legal proceedings that the contract of insurance or other security in respect of which the certificate was issued is or may be treated as invalid, the certificate may be cancelled by the Secretary of State and, if so cancelled, shall on demand forthwith be delivered up to him by the person to whom it was issued.

(3) Where, at any time while a certificate under the said section 164 is in force, circumstances arise in relation to the insurer or guarantor named in the certificate (or, where more than one is so named, to any of them) such that, if the certificate were applied for at that time, the Secretary of State would be entitled to refuse the application under subsection (2) of that section the certificate may be cancelled by the Secretary of State and, if so cancelled, shall on demand forthwith be delivered up to him by the person to whom it was issued.

### **Fees**

5. The Merchant Shipping (Fees) Regulations 1996(4) are hereby amended by adding to the Schedule after Part XI, the following:

## “PART XIA

### COMPULSORY INSURANCE CERTIFICATES

Service	Fee
Application for a certificate to be issued by the Secretary of State under section 164 of the Act of 1995.	£30”

Signed by authority of the Secretary of State for Transport

*Glenda Jackson*  
Parliamentary Under Secretary of  
State, Department of the Environment, Transport  
and the Regions

21st July 1997

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(4) S.I. 1993/3243.

We consent to the making of these Regulations

23rd July 1997

*John McFall*  
*Graham Allen*  
Two Lords Commissioners of Her Majesty's  
Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Oil Pollution (Compulsory Insurance) Regulations 1981, consequentially on the United Kingdom becoming a party to the International Convention on Civil Liability for Oil Pollution Damage 1992.

The Regulations define ‘oil’ for the purposes of section 163 of the Merchant Shipping Act 1995 (which requires certain shipowners to have in force insurance or other security against oil pollution damage), provide for the cancellation of certificates issued by the Secretary of State under section 164 and add to the Merchant Shipping (Fees) Regulations 1996 the fee for an application for (and issue of) such a certificate.

The specification mentioned in regulation 3 is published by the American Society for Testing and Materials in Philadelphia USA and this specification can be consulted at the Science Reference Library, 25 Southampton Buildings, Chancery Lane, London WC2A 1AY and at the Institute of Petroleum, 61 New Cavendish Street, London W1M 8AR.