

SCHEDULE TO THE ORDER

THE MERCHANT SHIPPING ACT 1995

PART VI

PREVENTION OF POLLUTION

CHAPTER III

LIABILITY FOR OIL POLLUTION

Supplementary

Jurisdiction of the Territory's courts and registration for foreign judgments.

166.—(1) Section 20 of the Supreme Court Act 1981 as applied in the Territory⁽¹⁾ shall be construed as extending to any claim in respect of a liability incurred under this Chapter.

(2) Where—

- (a) any oil is discharged or escapes from a ship but does not result in any damage caused by contamination in the Territory and no measures are reasonably taken to prevent or minimise such damage in the Territory, or
- (b) any relevant threat of contamination arises but no measures are reasonably taken to prevent or minimise such damage in the Territory,

no court in the Territory shall entertain any action (whether in rem or in personam) to enforce a claim arising from any relevant damage or cost—

- (i) against the owner of the ship, or
- (ii) against any person to whom section 156(1)(ii) applies, unless any such damage or cost resulted from anything done or omitted to be done as mentioned in that provision.

(3) In subsection (2) above, “relevant damage or cost” means—

- (a) in relation to any such discharge or escape as is mentioned in paragraph (a) of that subsection, any damage caused in the territory of another Liability Convention country by contamination resulting from the discharge or escape, or any cost incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country;
- (b) in relation to any such threat of contamination as is mentioned in paragraph (b) of that subsection, any cost incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country; or
- (c) any damage caused by any measures taken as mentioned in paragraph (a) or (b) above;

and section 156(2)(e) shall have effect for the purposes of subsection (2)(ii) above as if it referred to any person taking any such measures as are mentioned in paragraph (a) or (b) above.

(4) Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933⁽²⁾ shall apply, whether or not it would so apply apart from this section, to any judgment given by a court in a Liability Convention country to enforce a claim in respect of a liability incurred under any provision

(1) Section 20 of the Supreme Court Act 1981 was applied in the Territory by the Admiralty Jurisdiction (British Indian Ocean Territory) Order 1984 (S.I.1984/540).

(2) 1933 c. 13.

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corresponding to section 153; and in its application to such a judgment that Act shall have effect with the omission of Sections 4(2) and (3) of that Act.