

2003 No. 2559

MERCHANT SHIPPING

**The Merchant Shipping (Oil Pollution Compensation Limits)
Order 2003**

<i>Made</i> - - - -	<i>3rd October 2003</i>
<i>Laid before Parliament</i>	<i>6th October 2003</i>
<i>Coming into force</i> - -	<i>1st November 2003</i>

The Secretary of State, in exercise of the powers conferred on him by sections 157(2) and 176(5) of the Merchant Shipping Act 1995(a) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Oil Pollution Compensation Limits) Order 2003 and shall come into force on 1st November 2003 in relation to occurrences on or after that date.

Amendment of compensation limits for oil pollution

2.—(1) The Merchant Shipping Act 1995 is amended as follows.

(2) In section 157 (limitation of liability for oil pollution by tankers), in subsection (2)—

(a) in paragraph (a), for “three million” substitute “4.51 million”;

(b) in paragraph (b)—

(i) for “three million” substitute “4.51 million”;

(ii) for “420” substitute “631”;

(iii) for “59.7 million” substitute “89.77 million”.

(3) In Part 1 of Schedule 5 (text of paragraphs 4 and 5 of Article 4 of the Fund Convention), in the text of paragraph 4—

(a) in sub-paragraphs (a) and (b), for “135 million” substitute “203 million”;

(b) in sub-paragraph (c), for “200 million” substitute “300.74 million”.

3rd October 2003

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

The International Convention on Civil Liability for Oil Pollution Damage 1969 “CLC” provides uniform rules and procedures for determining questions of liability and for awarding compensation when damage is caused by pollution resulting from the escape of oil from ships. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 “the Fund Convention” set up an international fund to provide a supplementary system for compensation and indemnification for such damage. The 1992 Protocol to the CLC and the 1992 Protocol to the Fund Convention respectively create a new 1992 Civil Liability Convention and a 1992 Fund Convention, which together provide for higher levels of compensation and more extensive liability. The 1992 Protocols are given effect in the United Kingdom by Chapters III and IV of Part VI of the Merchant Shipping Act 1995.

This Order amends section 157(2)(a) and (b) of, and Part I of Schedule 5 to, the Merchant Shipping Act 1995 to give effect to two resolutions adopted at the 82nd session of the Legal Committee of the International Maritime Organization. Resolution Leg.1/82 amended Article 6(1) of the 1992 Protocol to the CLC. Resolution Leg.2/82 amended Article 6(3) of the 1992 Protocol to the Fund Convention. Sections 157(2) and 176(5) of the Merchant Shipping Act 1995 enable the Secretary of State to give effect to any amendments made to the limits of liability under Article V(1) of the 1992 Civil Liability Convention and Article 4(4) of the 1992 Fund Convention respectively. Article 11(2) of the 1992 Protocol to the CLC provides that the 1969 Liability Convention as amended by that Protocol be known as the 1992 Liability Convention. Article 27(2) of the 1992 Protocol to the Fund Convention provides that the 1971 Fund Convention as amended by that Protocol be known as the 1992 Fund Convention. The amendments made by the Resolutions to Article 6(1) of the 1992 Protocol to the CLC and Article 6(3) of the 1992 Protocol to the Fund Convention must be treated as amendments to Article V(1) and Article 4(4) of the 1992 Civil Liability and Fund Conventions respectively.

The Resolutions, Protocols and Conventions referred to above can be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.

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