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STATUTORY INSTRUMENTS

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**2006 No. 1265**

**The Merchant Shipping (Oil Pollution)  
(Supplementary Fund Protocol) Order 2006**

**Amendment of the Merchant Shipping Act 1995**

7.—(1) Section 177 (jurisdiction and effect of judgments) is amended as follows.

(2) In subsection (1), after “on the Fund” insert “or the Supplementary Fund”.

(3) In subsection (2), for the words from “, any judgment” to the end substitute

- (a) “the notice shall be deemed to have been given to the Supplementary Fund as well; and
- (b) any judgment given in the proceedings shall, after it has become final and enforceable, become binding on the Fund and the Supplementary Fund in the sense that the facts and evidence in the judgment may not be disputed by the Fund or the Supplementary Fund even if it has not intervened in the proceedings”.

(4) For subsections (4) and (5) substitute—

“(4) Subject to subsections (5) and (6), Part 1 of the Foreign Judgments (Reciprocal Enforcement) Act 1933(1) shall apply, whether or not it would so apply apart from this subsection, to—

- (a) any judgment given by a court in a Fund Convention country to enforce a claim in respect of liability incurred under any provision corresponding to section 175; and
- (b) any judgment given by a court in a Supplementary Fund Protocol country to enforce a claim in respect of liability incurred under any provision corresponding to section 176A,

and in its application to such a judgment the said Part 1 shall have effect with the omission of sections 4(2) and (3).

(5) No steps shall be taken to enforce such a judgment unless and until the court in which it is registered under Part 1 of the Act of 1933 gives leave to enforce it; and that leave shall not be given unless and until—

- (a) in the case of a judgment within subsection (4)(a), the Fund notifies the court either that the amount of the claim is not to be reduced under paragraphs 4 and 5 of Article 4 of the Fund Convention (as set out in Part 1 of Schedule 5 to this Act) or that it is to be reduced to a specified amount; or
- (b) in the case of a judgment within subsection (4)(b), the Supplementary Fund notifies the court either that the amount of the claim is not to be reduced under paragraphs 2 and 3 of Article 4 of the Supplementary Fund Protocol (as set out in Schedule 5ZA to this Act) or that it is to be reduced to a specified amount.

(6) Where the court is so notified that a claim is to be reduced to a specified amount, the judgment shall be enforceable only for the reduced amount.”.

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**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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