



# Prevention of Oil Pollution Act 1971

## 1971 CHAPTER 60

### *General provisions for preventing oil pollution*

#### **6 Defences of other persons charged with offences under s. 2 or s. 3.**

- (1) Where a person is charged, in respect of the escape of any oil or mixture containing oil, with an offence under section 2 or 3 of this Act—
  - [<sup>F1</sup>(a) as the occupier of a place on land; or]
  - (b) as a person carrying on operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources; or
  - (c) as the owner of a pipe-line,it shall be a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.
- (2) Where a person is charged with an offence under section 2 of this Act in respect of the discharge of a mixture containing oil from a place on land, it shall also, subject to subsection (3) of this section, be a defence to prove—
  - (a) that the oil was contained in an effluent produced by operations for the refining of oil;
  - (b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which that section applies; and
  - (c) that all reasonably practicable steps had been taken for eliminating oil from the effluent.
- (3) If it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place on land, or land adjacent to those waters, was fouled by oil, subsection (2) of this section shall not apply unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

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*Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Section 6. (See end of Document for details)*

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**Textual Amendments**

- F1** S. 6(1)(a) repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** Note (with s. 312(1), Sch. 14 para. 1)
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**Modifications etc. (not altering text)**

- C1** S. 6 excluded (20.8.2005) by Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055), regs. 1, **18(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Section 6.