



Merchant Shipping Act 1974

1974 CHAPTER 43

PART II

OIL TANKERS

10 Interpretation of Part II

- (1) In this Part of this Act " the Conventions " means—
 - (a) Article VI his and Annex C of the International Convention, signed in London on 12th May 1954, for the Prevention of Pollution of the Sea by Oil, which Article and Annex were added on 15th October 1971 by resolution of the Assembly of the Inter-governmental Maritime Consultative Organisation ; and
 - (b) any other international convention, or amendment of an international convention, which relates in whole or in part to prevention of pollution of the sea by oil, and which has been signed for the United Kingdom before the passing of this Act, or later.
- (2) In this Part of this Act " Convention country " means a country in respect of which a State is a party to any of the Conventions.
- (3) If Her Majesty by Order in Council declares that any State specified in the Order is a party to any of the Conventions in respect of any country so specified, the Order shall, while in force, be conclusive evidence that that State is a party to the Convention in respect of that country.
- (4) In this Part of this Act—
 - " oil tanker " means a ship which is constructed or adapted primarily to carry oil in bulk in its cargo spaces (whether or not it is also so constructed or adapted as to be capable of carrying other cargoes in those spaces),
 - " United Kingdom oil tanker " means an oil tanker registered in the United Kingdom,
 - "oil " means crude oil, fuel oil (including diesel oil) and lubricating oil,

" port " includes an off-shore terminal, and references to entering or leaving a port shall include references to using or ceasing to use an off-shore terminal.

11 Design and construction of oil tankers

- (1) For the purpose of preventing pollution of the sea by oil, the Secretary of State may make rules (called "oil tanker construction rules") prescribing requirements to be complied with by United Kingdom oil tankers in respect of their design and construction.
- (2) The said rules may include such requirements as appear to the Secretary of State to implement any of the provisions of the Conventions, so far as they relate to prevention of pollution of the sea by oil.

This subsection applies whether or not the said provisions are for the time being binding on Her Majesty's Government in the United Kingdom.

- (3) Oil tanker construction rules may provide—
 - (a) for oil tankers to be surveyed and inspected with a view to determining whether they comply with the rules,
 - (b) for a tanker which on a survey is found to comply to be issued with a certificate called a " tanker construction certificate ", and
 - (c) for a tanker which is not required to comply with the rules to be issued with a certificate called a " tanker exemption certificate ".
- (4) Schedule 2 to this Act shall have effect for supplementing this Part of this Act.
- (5) It is hereby declared that the oil tankers to which rules under this section may be applied include those designed or constructed before the rules come into force, and that the following provisions of this Part of this Act apply whether the oil tanker in question was designed or constructed before or after the relevant requirements as to design or construction came into force.
- (6) Oil tanker construction rules shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

12 Restrictions on tankers sailing from United Kingdom ports

- (1) No oil tanker shall proceed, or attempt to proceed, to sea unless—
 - (a) it is a certificated oil tanker (within the meaning of Schedule 3 to this Act), or
 - (b) it is not registered in the United Kingdom, and—
 - (i) if it were a United Kingdom oil tanker, it would qualify for the issue of a tanker exemption certificate, or
 - (ii) its gross tonnage is less than 150 tons, or
 - (c) the Secretary of State has issued it with leave to sail.
- (2) Where an application is made for leave to sail to be issued to an oil tanker, then—
 - (a) if the tanker is registered in the United Kingdom, the Secretary of State may issue it with leave to sail where he considers it appropriate to do so;
 - (b) if the tanker is not registered in the United Kingdom, the Secretary of State—
 - (i) shall issue it with leave to sail if he is satisfied that it would qualify for the issue of a tanker construction certificate if it were a United Kingdom oil tanker; and

Status: This is the original version (as it was originally enacted).

- (ii) may, if he is not so satisfied, issue it with leave to sail where he considers it appropriate to do so.
- (3) Leave to sail issued under paragraph (a) or (b)(ii) of subsection (2) above may be issued subject to conditions imposed with a view to preventing or limiting the danger of oil pollution, including—
 - (a) conditions as to the cargo with which the tanker may sail;
 - (b) a condition that the tanker sails only to a specified port in the United Kingdom or elsewhere.
- (4) Subject to subsection (5) below, if—
 - (a) an oil tanker proceeds, or attempts to proceed, to sea in contravention of subsection (1) above; or
 - (b) leave to sail having been issued to an oil tanker under this section subject to conditions, it proceeds to sea but the conditions are not complied with,the owner and master of the tanker shall each be liable on summary conviction to a fine of not more than £10,000, or on conviction on indictment to a fine.
- (5) In proceedings under subsection (4) above, it shall be a defence to prove that in order—
 - (a) to ensure the safety of the oil tanker, or
 - (b) to reduce the risk of damage to any other vessel or property,it was necessary for the tanker to proceed to sea in contravention of subsection (1) above or, as the case may be, without complying with the conditions mentioned in paragraph (b) of subsection (4). In this section " damage " does not include damage caused by contamination resulting from the escape or discharge of oil from a tanker.

13 Restrictions on uncertificated tankers

- (1) If it appears to the Secretary of State that an oil tanker is not certificated (within the meaning of Schedule 3 to this Act) he may direct the oil tanker—
 - (a) not to enter any port in the United Kingdom (or not to enter one or more specified ports in the United Kingdom); or
 - (b) not to enter all or any ports in the United Kingdom except subject to specified conditions.
- (2) A direction may be given under this section in respect of an oil tanker which is for the time being in a port in the United Kingdom, so as to apply after it leaves that port.
- (3) Directions under this section shall be addressed to the master or owner of the tanker, or to both, and may be communicated by any means which appear to the Secretary of State suitable for the purpose.
- (4) Subject to subsection (5) below, if an oil tanker enters a port in the United Kingdom in contravention of a direction under this section, or without complying with any conditions imposed under this section, the owner and the master of the tanker shall each be liable on summary conviction to a fine not exceeding £15,000, or on conviction on indictment to a fine.
- (5) In proceedings under subsection (4) above, it shall be a defence to prove that the tanker entered the port out of necessity due—
 - (a) to an emergency involving a threat to any person's life or the safety of the tanker, or
 - (b) to circumstances outside the control of the tanker's master.