

1980 No. 1521**MERCHANT SHIPPING****The Prevention of Oil Pollution (Enforcement of Convention)
(Bermuda) Order 1980***Made* - - - - 13th October 1980*Laid before Parliament* 21st October 1980*Coming into Operation* 1st December 1980

At the Court at Buckingham Palace, the 13th day of October 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 21(1) and (2) of the Prevention of Oil Pollution Act 1971(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Prevention of Oil Pollution (Enforcement of Convention) (Bermuda) Order 1980 and shall come into operation on 1st December 1980.

2. Without prejudice to any powers exercisable by surveyors of ships otherwise than by virtue of this Order every surveyor of ships is hereby designated as a person empowered to go on board any ship to which the International Convention for the Prevention of Pollution of the Sea by Oil 1954 applies, while the ship is within a harbour in Bermuda, and to require production of any oil record book required to be kept in accordance with that Convention.

3. The provisions of the Act, as extended to Bermuda, specified in the first column of the Schedule to this Order modified as set out in the second column of the said Schedule shall apply for the purposes of this Order.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1971 c. 60; sections 17, 18 and 21 are extended to Bermuda by the Prevention of Oil Pollution Act 1971 (Bermuda) Order 1980 (S.I. 1980/1520).

SCHEDULE

<i>Provision of the Act</i>	<i>Text as modified</i>
Subsection 6 of section 17	In any proceedings under this Act— <ul style="list-style-type: none"> (a) any oil record book carried or record kept in pursuance of the Convention of 1954 shall be admissible as evidence of the facts stated in it; (b) any copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried to be a true copy of the entry shall be admissible as evidence of the facts stated in the entry; (c) any document purporting to be an oil record book carried or record kept in pursuance of the Convention of 1954, or purporting to be such a certified copy as is mentioned in the preceding paragraph, shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.
Subsection 5 of section 18	Any power conferred upon a surveyor of ships by any Order in Council made under section 21 of this Act to require production of any oil record book required to be carried or records required to be kept in pursuance of the Convention of 1954 shall include power to copy any entry therein and to require the master to certify the copy as a true copy of the entry.
Subsection 8 of section 18	If any person fails to comply with any requirement duly made in pursuance of any power conferred by an Order in Council made under section 21 of this Act or by any provision of this Act as applied for the purposes of any such Order, he shall be liable on summary conviction to a fine not exceeding \$50; and if any person wilfully obstructs a person acting in the exercise of any power so conferred he shall be liable on summary conviction to a fine not exceeding \$250.

EXPLANATORY NOTE
(This Note is not part of the Order.)

This Order—

- (1) empowers surveyors of ships to go on board any ship to which the International Convention for the Prevention of Pollution of the Sea by Oil 1954, (Cmnd. 9197), applies while the ship is within a harbour in Bermuda, and to require production of any oil record book required to be kept in accordance with the Convention;
- (2) applies, for the purposes of the Order and with modifications, certain provisions of the Prevention of Oil Pollution Act 1971, as extended to Bermuda, relating to the production and inspection of such oil record books and the taking of copies of entries therein, and to the admissibility in evidence of such oil record books and copies;
- (3) provides for penalties for failure to comply with requirements duly made under the Order or under the provisions of the Act applied by the Order, and for wilfully obstructing a person acting in the exercise of any power conferred by the Order or by any provision of the Act so applied.

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