

1980 No. 1522

MERCHANT SHIPPING

**The Prevention of Oil Pollution (Shipping Casualties) (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 16(1) 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 (Shipping Casualties) (Bermuda) Order 1980 and shall come into operation on 1st December 1980.

2. Subject to the exceptions, adaptations and modifications in Article 3 of this Order, sections 12 to 15 of the Prevention of Oil Pollution Act 1971 as extended to Bermuda by the Prevention of Oil Pollution Act 1971 (Bermuda) Order 1980 shall apply to a ship—

(a) which is not a ship registered in Bermuda; and

(b) which is for the time being outside the territorial waters of Bermuda in any case where the Minister is satisfied that there is a need to protect the coast of Bermuda or the waters in or adjacent to Bermuda up to the seaward limits of territorial waters against grave and imminent danger of oil pollution.

3. In respect of a ship to which the said sections 12 to 15 are applied by Article 2 of this Order the power conferred on the Minister by subsection (2) of section 12 to give directions shall only be exercisable in relation to—

(a) an individual who is a citizen of the United Kingdom and Colonies; or

(b) a body corporate which is established under the laws of Bermuda

and subsection (2) of section 14 shall only apply to such an individual or body corporate.

(a) 1971 c. 60; sections 12 to 16 are extended to Bermuda by the Prevention of Oil Pollution Act 1971 (Bermuda) Order 1980 (S.I. 1980/1520).

4. In this Order "Minister" means the Minister charged under the Constitution of Bermuda with responsibility for marine and air services.

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies sections 12 to 15 of the Prevention of Oil Pollution Act 1971 as extended to Bermuda to ships not registered in Bermuda and which are outside the territorial waters of Bermuda. Section 12 enables the Minister to give directions, or take action, to prevent or reduce oil pollution or risk of oil pollution, which threatens Bermuda on a large scale as a result of a shipping casualty. Section 13 enables persons unreasonably suffering loss or damage as a result of such directions or action to recover compensation from the Minister.

Sections 12 to 15 only apply under this Order where the Minister is satisfied that there is a grave and imminent danger of oil pollution from which the coast and waters of Bermuda need to be protected. The power to give directions and the offence of obstruction only relate to individuals who are citizens of the United Kingdom and Colonies or bodies corporate established under the laws of Bermuda.

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