

SCHEDULE 3

The text of Article XII bis of the 1992 Liability Convention and Article 36 bis of the 1992 Fund Convention, as modified by Schedule 2 of this Order:

Article XII bis

transitional provisions

The following transitional provisions shall apply when at the time of an incident the United Kingdom is Party both to the 1992 Liability Convention and to the 1969 Liability Convention:

- (a) where an incident has caused pollution damage within the scope of sections 152 to 170 of the Act, liability under sections 152 to 170 of the Act shall be deemed to be discharged if, and to the extent that, it also arises under sections 152 to 170 in Schedule 4 to the Act;
- (b) where an incident has caused pollution damage within the scope of sections 152 to 170 of the Act and the United Kingdom is a Party both to the 1992 Liability Convention and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, liability remaining to be discharged after the application of sub-paragraph (a) of this Article shall arise under sections 152 to 170 of the Act only to the extent that pollution damage remains uncompensated after application of sections 172 to 181 in Schedule 4 to the Act;
- (c) subsection (1)(i) of section 156 of the Act refers to liability under section 153 of the Act or under section 153 in Schedule 4 to the Act, as appropriate and subsection (1)(ii) of section 156 applies to the persons referred to in section 156(2) of the Act or section 156(b) in Schedule 4 to the Act, as appropriate;
- (d) in the application of section 158 of the Act the total sum of the fund to be constituted shall be reduced by the amount by which liability has been deemed to be discharged in accordance with sub-paragraph (a) of this Article.