

2004 No.3042

MERCHANT SHIPPING

The Merchant Shipping (Oil Pollution) (Gibraltar) Order 2004

Made - - - - - *17th November 2004*

Coming into force - - - *17th December 2004*

At the Court at Buckingham Palace, the 17th day of November

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 315(2) of the Merchant Shipping Act 1995(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Oil Pollution) (Gibraltar) Order 2004 and shall come into force on 17th December 2004.

Revocations

2. The following Orders are hereby revoked—

- (a) The Merchant Shipping (Oil Pollution) (Gibraltar) Order 1976(b); and
- (b) The Merchant Shipping (Oil Pollution) (Gibraltar) (Amendment) Order 1981(c).

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

The International Convention on Civil Liability for Oil Pollution Damage 1969 (the CLC), which was extended to Gibraltar by Schedule 1 to the Merchant Shipping (Oil Pollution) (Gibraltar) Order 1976 (the 1976 Order), provides uniform rules and procedures for determining questions of liability and for awarding compensation when damage is caused by pollution resulting from the escape or discharge of oil from ships.

(a) 1995 c. 21.
(b) S.I. 1976/53.
(c) S.I. 1981/219.

The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 (the Fund Convention) which was extended to Gibraltar by Schedule 2 of the 1976 Order, set up an international fund to provide a supplementary system for compensation and indemnification for such damage.

The 1976 Protocols to the CLC and Fund Conventions substituted special drawing rights for gold francs as the unit of account to be used in connection with each Convention. These Protocols were given effect in Gibraltar by the Merchant Shipping (Oil Pollution) (Gibraltar) (Amendment) Order 1981 (the 1981 Order).

The 1992 Protocol to the CLC and the 1992 Protocol to the Fund Convention respectively created a new 1992 Civil Liability Convention and 1992 Fund Convention, which together provided for higher levels of compensation and more extensive liability. The 1992 Protocols were given effect in Gibraltar by local legislation but the 1976 Order and the 1981 Order were not revoked when the local legislation was enacted. This Order now revokes the 1976 and 1981 Orders.

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