

## SCHEDULES

### SCHEDULE 3

#### EXTENSION OF STRICT LIABILITY FOR OIL POLLUTION BY SHIPS

##### PART I

##### AMENDMENTS OF THE 1971 ACT

1 After section 1 of the 1971 Act there shall be inserted the following section—

**“1A Liability for oil pollution in case of other ships**

(1) Where, as a result of any occurrence, any persistent oil is discharged or escapes from a ship other than a ship to which section 1 of this Act applies (that is to say a ship carrying a cargo of persistent oil in bulk), then (except as otherwise provided by this Act) the owner of the ship shall be liable—

- (a) for any damage caused outside the ship in the area of the United Kingdom by contamination resulting from the discharge or escape; and
- (b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the area of the United Kingdom by contamination resulting from the discharge or escape; and
- (c) for any damage so caused in the area of the United Kingdom by any measures so taken.

(2) Where, as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship other than a ship to which section 1 of this Act applies by the contamination which might result if there were a discharge or escape of persistent oil from the ship, then (except as otherwise provided by this Act) the owner of the ship shall be liable—

- (a) for the cost of any measures reasonably taken for the purpose of preventing or minimising any such damage in the area of the United Kingdom; and
- (b) for any damage caused outside the ship in the area of the United Kingdom by any measures so taken;

and in the subsequent provisions of this Act any such threat is referred to as a relevant threat of contamination.

(3) Where—

- (a) as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships, but
- (b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

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*Status: This is the original version (as it was originally enacted).*

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each of the owners shall be liable, jointly with the other or others for the whole of the damage or cost for which the owners together would be liable under this section.

- (4) The Law Reform (Contributory Negligence) Act 1945 and, in Northern Ireland, the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 shall apply in relation to any damage or cost for which a person is liable under this section but which is not due to his fault, as if it were due to his fault.
- (5) In this section “ship” includes a vessel which is not sea-going.”