

SCHEDULE TO THE ORDER
THE MERCHANT SHIPPING ACT 1995

PART VI
PREVENTION OF POLLUTION
CHAPTER III
LIABILITY FOR OIL POLLUTION

Supplementary

Jurisdiction of Anguilla courts and registration of foreign judgments.

166.—(1) Paragraph (d) of section 1(1) of the Administration of Justice Act 1956 as applied in Anguilla by the Admiralty Jurisdiction (Saint Christopher, Nevis and Anguilla) Order 1964(1) shall be construed as extending to any claim in respect of a liability incurred under this Chapter.

(2) Where—

- (a) any oil is discharged or escapes from a ship but does not result in any damage caused by contamination in the territory of Anguilla and no measures are reasonably taken to prevent or minimise such damage in that territory, or
- (b) any relevant threat of contamination arises but no measures are reasonably taken to prevent or minimise such damage in the territory of Anguilla,

no court in Anguilla shall entertain any action (whether in rem or in personam) to enforce a claim arising from any relevant damage or cost—

- (i) against the owner of the ship, or
- (ii) against any person to whom section 156(1)(ii) applies, unless any such damage or cost resulted from anything done or omitted to be done as mentioned in that provision.

(3) In subsection (2) above, “relevant damage or cost” means—

- (a) in relation to any such discharge or escape as is mentioned in paragraph (a) of that subsection, any damage caused in the territory of another Liability Convention country by contamination resulting from the discharge or escape, or any cost incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country;
- (b) in relation to any such threat of contamination as is mentioned in paragraph (b) of that subsection, any cost incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country; or
- (c) any damage caused by any measures taken as mentioned in paragraph (a) or (b) above;

and section 156(2)(e) shall have effect for the purposes of subsection (2)(ii) above as if it referred to any person taking any such measures as are mentioned in paragraph (a) or (b) above.

(4) The Reciprocal Enforcement of Judgments Act(2) shall apply, whether or not it would so apply apart from this section, to any judgment given by a court in a Liability Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to section 153.

(1) S.I.1964/1663: by virtue of section 17(2)(b) of the Interpretation Act 1978 (1978 c. 30), S.I. 1964/1663 has effect as if made under section 150(2) and (3) of the Supreme Court Act (1981 c. 54).

(2) Laws of Saint Christopher, Nevis and Anguilla Revised Ed. 1961, Cap 67.

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