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STATUTORY INSTRUMENTS

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**2006 No. 1244**

**The Merchant Shipping (Oil Pollution)  
(Bunkers Convention) Regulations 2006**

**Restriction of liability for oil pollution**

- 8.**—(1) Section 156 (restriction of liability for oil pollution) is amended as follows.
- (2) In the heading, for “oil pollution”, there is substituted “pollution from oil or bunker oil”.
- (3) In subsection (1)—
- (a) for paragraphs (a) and (b), there is substituted—
- “(a) there is a discharge or escape of oil from a ship to which section 153 applies or there arises a relevant threat of contamination falling within subsection (2) of that section, or
- (b) there is a discharge or escape of oil falling within section 154(1) or there arises a relevant threat of contamination falling within section 154(2),”; and
- (b) for “owner”, there is substituted “registered owner”.
- (4) In subsection (2), for “owner”, in both places, there is substituted “registered owner”.
- (5) After subsection (2), there is inserted—
- “(2A) Where, as a result of any occurrence—
- (a) there is a discharge or escape of bunker oil falling within section 153A(1), or
- (b) there arises a relevant threat of contamination falling within section 153A(2),
- then, whether or not the owner of the ship in question incurs any liability under section 153A—
- (i) he shall not be liable otherwise than under that section for any such damage or cost as is mentioned in it; and
- (ii) no person to whom this paragraph applies shall be liable for any such damage or cost unless it resulted from anything done or omitted to be done by him either with intent to cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result.
- (2B) Subsection (2A)(ii) applies to—
- (a) any servant or agent of the owner;
- (b) any person not falling within paragraph (a) above but engaged in any capacity on board the ship or to perform any service for the ship;
- (c) any person performing salvage operations with the consent of the owner of the ship or on the instructions of a competent public authority;
- (d) any person taking any such measures as are mentioned in subsection (1)(b) or (2) (a) of section 153A;
- (e) any servant or agent of a person falling within paragraph (c) or (d).”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) In subsection (3), for “the owner of a ship under section 153 or 154”, there is substituted “a person under section 153, 153A or 154”.