



Prevention of Oil Pollution Act 1971

1971 CHAPTER 60

Enforcement

19 Prosecutions.

- (1) Proceedings for an offence under this Act may, in England or Wales, be brought only—
 - (a) by or with the consent of the Attorney General, or
 - (b) if the offence is one to which subsection (2) of this section applies, by the harbour authority, or
 - (c) unless the offence is one mentioned in paragraph (b), (c) or (d) of subsection (2) of this section, by the Secretary of State or a person authorised by any general or special direction of the Secretary of State.
- (2) This subsection applies to the following offences—
 - (a) any offence under section 2 of this Act which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a harbour in the United Kingdom;
 - ^{F1}(b)
 - ^{F1}(c)
 - (d) any offence under section 18 of this Act in respect of a failure to comply with a requirement of a harbour master, or in respect of obstruction of a harbour master acting in the exercise of any power conferred by virtue of that section.
- (3) The preceding provisions of this section shall apply in relation to any part of a dockyard port within the meaning of the ^{M1}Dockyard Ports Regulation Act 1865 as follows, that is to say—
 - (a) if that part is comprised in a harbour in the United Kingdom, the reference to the harbour authority shall be construed as including a reference to the Queen's harbour master for the port;
 - (b) if that part is not comprised in a harbour in the United Kingdom, the references to such a harbour shall be construed as references to such a dockyard port and the reference to the harbour authority as a reference to the Queen's harbour master for the port.

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Section 19. (See end of Document for details)

(4) Where, immediately before the date on which (apart from this subsection) the time for bringing summary proceedings for an offence under this Act would expire, the person to be charged is outside the United Kingdom, the time for bringing the proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters the United Kingdom.

[^{F2}(4A) Any document required or authorised, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under section 2(2A) of this Act alleged to have been committed by the company as the owner of a vessel shall be treated as duly served on that company if the document is served on the master of the vessel; and any person authorised to serve any document for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under this Act (whether or not in pursuance of the foregoing provisions of this subsection) shall, for that purpose, have the right to go on board the vessel in question.

(4B) In subsection (4A) of this section a “ foreign company ” means a company or body which is not one [^{F3}to which section 1139 of the Companies Act 2006 applies so as to authorise service of the document in question.]]

(5) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

[^{F4}(5A) If an inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009, or any inshore fisheries and conservation officer appointed by the authority under section 165 of that Act, is authorised in that behalf under subsection (1) of this section, the authority may institute proceedings for any offence under this Act committed within the district.]

^{F5}(6)

(7) The preceding provisions of this section do not apply in relation to an offence under section 3 of this Act, but proceedings for such an offence may—

- (a) in England and Wales, be brought only by or with the consent of the Director of Public Prosecutions; and
- (b) in Northern Ireland, be brought only by or with the consent of the Attorney General for Northern Ireland;

and any such proceedings may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(8) Where a body corporate is guilty of an offence under section 3 of this Act and the offence is proved to have been committed with with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, “director” in relation to a body corporate established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Section 19. (See end of Document for details)

Textual Amendments

- F1** S. 19(2)(b)(c) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F2** S. 19 (4A)(4B) inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 148(1), **Sch. 14 para. 2**
- F3** Words in s. 19(4B) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 22** (with art. 10)
- F4** S. 19(5A) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 14 para. 8**; S.I. 2011/556, art. 2(2)(k)
- F5** S. 19(6) repealed (1.4.2010 for W. and 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 812); S.I. 2011/556, art. 2(1)(2)(o) (3)

Modifications etc. (not altering text)

- C1** S. 19(4) excluded (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 59**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C2** Power to apply conferred by Environmental Protection Act 1990 (c. 43, SIF 46:4), **s. 148(2)**
- C3** S. 19(5) excluded (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 60**; S.I. 1993/3137, art. 3(2), **Sch. 2**

Marginal Citations

- M1** 1865 c. 125.

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