

*Status: Point in time view as at 01/10/1994.*

**Changes to legislation:** There are currently no known outstanding effects for the Merchant Shipping (Salvage and Pollution) Act 1994 (repealed 1.1.1996), Part II. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

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

##### Commencement Information

- II** Sch. 3 not in force at Royal Assent see s. 10(4); Sch. 3 Pt. I in force at 1.10.1994 by S.I. 1994/1988, art. 3, Sch. 2

#### PART II

##### AMENDMENTS OF THE 1971 ACT AS AMENDED BY THE 1988 ACT

- 1 In section 1(2) of the 1971 Act (liability for threat of oil pollution), for the words “contamination resulting from” there shall be substituted the words “ the contamination which might result if there were ”.
- 2 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 oil is discharged or escapes from a ship other than a ship to which section 1 of this Act applies, 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 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

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- (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,
- 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.”
- 3 In section 2 (exceptions from liability), after the words “section 1” there shall be inserted the words “ or 1A ”.
- 4 In section 3 (restriction of liability)—
- (a) in subsection (1)—
- (i) for the words “to which section 1 of this Act applies” there shall be substituted the words “ (whether one to which section 1 of this Act applies or one to which section 1A of this Act applies) ”; and
- (ii) after the words “under section 1” there shall be inserted the words “ or 1A ”; and
- (b) in subsection (2)(e), after the words “section 1” there shall be inserted the words “ or 1A ”; and
- (c) in subsection (3), after the words “section 1” there shall be inserted the words “ or 1A ”
- 5 In section 9 (extinguishment of claims), after the words “section 1” there shall be inserted the words “ or 1A ”.
- 6 In section 13 (jurisdiction of United Kingdom courts, etc.)—
- (a) in subsection (2)(b), for the words from “damage” to the end there shall be substituted the words “ such damage in the area of the United Kingdom ”; and
- (b) in subsection (2A)(b), for the words from “damage” to the end there shall be substituted the words “ such damage in the area of another Convention country ”.

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- 7 In section 15 (liability for cost of preventive measures where section 1 does not apply)—
- (a) subsections (1), (1A) and (1B) shall be omitted; and
  - (b) in subsection (2), for the words “this section” there shall be substituted the words “ section 1A of this Act ”.
- 8 In section 20(1) (definitions), in the definition of “ship”, after the word “ship” there shall be inserted the words “ (subject to section 1A(5)) ”.

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