

Isle of Man

Ellan Vannin

AT 12 of 1986

OIL POLLUTION ACT 1986

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Ellan Vannin

OIL POLLUTION ACT 1986

Received Royal Assent:	*14 March 1986*
Passed:	*18 March 1986*
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AN ACT to replace the *Oil in Manx Navigable Waters Act 1971*; to make new provision for the prevention, etc. of oil pollution; for the implementation of international conventions relating to oil pollution; and for connected purposes.

PART I – GENERAL PROVISIONS FOR PREVENTING OIL POLLUTION

1 Discharge of oil into Manx waters

[P1971/60/2]

(1) If any oil or mixture containing oil is discharged as mentioned in the following paragraphs into waters to which this section applies, then, subject to the provisions of this Act, the following shall be guilty of an offence —

(a) if the discharge is from a vessel, the owner, charterer or master of the vessel, unless he proves that the discharge took place and was caused as mentioned in paragraph (b);

(b) if the discharge is from a vessel but takes place in the course of a transfer of oil to or from another vessel or a place on land and is caused by the act or omission of any person in charge of any apparatus in that other vessel or that place, the owner, charterer or master of that other vessel or, as the case may be, the occupier of that place;

(c) if the discharge is from a place on land, the occupier of that place, unless he proves that the discharge was caused as mentioned in paragraph (d);

(d) if the discharge is from a place on land and is caused by the act of a person who is in that place without the permission (express or implied) of the occupier, that person;

(e) if the discharge takes place otherwise than as mentioned in the preceding paragraphs and is the result of any operations for the exploration of the sea-bed and sub-soil or the exploitation of their natural resources, the person carrying on the operations.

(2) This section applies to the whole of the sea and any other navigable waters within the seaward limits of the territorial waters of the Island.

(3) In this Act "**place on land**" includes a pipeline and anything resting on the bed or shore of the sea and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea; and "**occupies**", in relation to any such thing, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding 10 times level 5 of the standard scale or on conviction on information to a fine.[1]

2 Defences of persons charged with offences under s 1

(1) Where a person is charged, in respect of the escape of any oil or mixture containing oil, with an offence under section 1 —

(a) as the occupier of a place on land; or

(b) as a person carrying on operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources; or

(c) as the owner of a pipe-line,

it shall be a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) Where a person is charged with an offence under section 1 in respect of the discharge of a mixture containing oil from a place on land, it shall also, subject to subsection (3), be a defence to prove —

(a) that the oil was contained in an effluent produced by operations for the refining of oil;

(b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which that section applies; and

(c) that all reasonably practicable steps had been taken for eliminating oil from the effluent.

(3) If it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place on land, or land adjacent to those waters, was fouled by oil, subsection (2) shall not

apply unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

(4) Where a person is charged with an offence under section 1 as the owner, charterer or master of a vessel, it shall be a defence to prove that the oil or mixture was discharged for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life, unless the court is satisfied that the discharge of the oil or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.

(5) Where a person is charged with an offence under section 1 it shall also be a defence to prove —

(a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture; or

(b) that the oil or mixture escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

3 Protection of acts done in exercise of certain powers

[P1971/60/7]

Where any oil, or mixture containing oil, is discharged in consequence of the exercise by the Department of any power conferred by section 23 of the *Harbours Act 2010* (which relates to the removal of obstructions), and apart from this section the Department or a person employed by or acting on behalf of the Department, would be guilty of an offence under section 1 in respect of that discharge, the Department or person shall not be convicted of that offence unless it is shown that it or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.[2]

4 Restrictions on transfer of oil at night

[P1971/60/10]

(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any harbour in the Island unless the requisite notice has been given in accordance with this section or the transfer is for the purposes of the fire brigade.

(2) A general notice may be given to the harbour master of a harbour that transfers of oil between sunset and sunrise will be frequently carried out at a place in the harbour within such period, not ending later than twelve

months after the date on which the notice is given, as is specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice.

(3) Subject to subsection (2), the requisite notice for the purposes of this section shall be notice given to the harbour master not less than three hours nor more than ninety-six hours before the transfer of oil begins.

(4) In the case of a harbour which has no harbour master, references in this section to the harbour master shall be construed as references to the harbour master of Douglas.

(5) If any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier of that place, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.[3]

5 Duty to report discharge of oil into waters of harbours

[P1971/60/11]

(1) If any oil or a mixture containing oil —

(a) is discharged from a vessel into the waters of a harbour in the Island; or

(b) is found to be escaping or to have escaped from a vessel into any such waters; or

(c) is found to be escaping or to have escaped into any such waters from a place on land;

the owner, charterer or master of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the harbour master, or if the harbour has no harbour master, to the harbour master of Douglas.

(2) A report made under subsection (1) by the owner, charterer or master of a vessel shall state whether the occurrence falls within paragraph (a) or paragraph (b) of that subsection.

(3) If a person fails to make a report as required by this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.[4]

PART II – SHIPPING CASUALTIES

6 Shipping casualties

[P1971/60/12]

(1) The powers conferred by this section shall be exercisable where —

(a) an accident has occurred to or in a ship; and

(b) in the opinion of the Department oil from the ship will or may cause pollution on a large scale in the Island or in the waters in or adjacent to the Island up to the seaward limits of territorial waters; and[5]

(c) in the opinion of the Department the use of the powers conferred by this section is urgently needed.[6]

(2) For the purpose of preventing or reducing oil pollution, or the risk of oil pollution, the Department may, subject to subsection (9), give directions as respects the ship or its cargo —

(a) to the owner of the ship, or to the charterer or any person in possession of the ship; or

(b) to the master of the ship; or

(c) to any salvor in possession of the ship, or to any person who is the servant or agent of any salvor in possession of the ship, and who is in charge of the salvage operation.[7]

(3) Directions under subsection (2) may require the person to whom they are given to take, or refrain from taking, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the directions may require —

(a) that the ship is to be, or is not to be, moved, or is to be moved to a specified place, or is to be removed from a specified area or locality; or

(b) that the ship is not to be moved to a specified place or area, or over a specified route; or

(c) that any oil or other cargo is to be, or is not to be unloaded or discharged; or

(d) that specified salvage measures are to be, or are not to be, taken.

(4) If in the opinion of the Department the powers conferred by subsection (2) are, or have proved to be, inadequate for the purpose, the Department may, subject to subsection (9), for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, take, as respects the ship or its cargo, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the Department may —

(a) take any such action as it has power to require to be taken by a direction under this section;

(b) undertake operations for the sinking or destruction of the ship, or any part of it, of a kind which is not within the means of any person to whom it can give directions;

(c) undertake operations which involve the taking over of control of the ship.[8]

(5) The powers of the Department under subsection (4) shall also be exercisable by such persons as may be authorised in that behalf by the Department.[9]

(6) Every person concerned with compliance with directions given, or with action taken, under this section shall use his best endeavours to avoid any risk to human life.

(7) The provisions of this section are without prejudice to any rights or powers of the Government or Her Majesty's Government in the United Kingdom exercisable apart from this section whether under international law or otherwise.

(8) It is hereby declared that any action taken as respects a ship which is under arrest or as respects the cargo of such a ship, being action duly taken in pursuance of a direction given under this section, or being any action taken under subsection (4) or (5) —

(a) does not constitute contempt of court; and

(b) does not in any circumstances make any person who has arrested such ship in pursuance of an order of the High Court liable in any civil proceedings.

(9) The powers conferred by subsections (2) and (4) may be exercised in relation to —

(a) a ship which is not registered in the Island, only whilst such ship is within the seaward limits of the territorial waters of the Island, and

(b) a ship which is registered in the Island, whether inside or outside such waters.

(10) In this section, unless the context otherwise requires —

"accident" includes the loss, stranding, abandonment of or damage to a ship; and

"specified", in relation to a direction under this section, means specified by the direction.

7 Right to recover in respect of unreasonable loss or damage

[P1971/60/13]

(1) If any action duly taken by a person in pursuance of a direction given to him under section 6 or any action taken under subsection (4) or (5) of that section —

(a) was not reasonably necessary to prevent or reduce oil pollution, or risk of oil pollution; or

(b) was such that the good it did or was likely to do was disproportionately less than the expense incurred, or damage suffered, as a result of the action,

a person incurring expense or suffering damage as a result of, or by himself taking, the action shall be entitled to recover compensation from the Department.[10]

(2) In considering whether subsection (1) applies, account shall be taken of —

(a) the extent and risk of oil pollution if the action had not been taken;

(b) the likelihood of the action being effective; and

(c) the extent of the damage which has been caused by the action.

(3) Any reference in this section to the taking of any action includes a reference to a compliance with a direction not to take some specified action.

(4) The Admiralty Jurisdiction of the Civil Division shall include jurisdiction to hear and determine any claim arising under this section.[11]

8 Offences in relation to s 6

[P1971/60/14]

(1) If the person to whom a direction is duly given under section 6 contravenes, or fails to comply with any requirement of the direction, he shall be guilty of an offence.

(2) If a person wilfully obstructs any person who is —

(a) acting on behalf of the Department in connection with the giving or service of a direction under section 6;[12]

(b) acting in compliance with a direction under that section; or

(c) acting under subsection (4) or (5) of that section;

he shall be guilty of an offence.

(3) In proceedings for an offence under subsection (1) it shall be a defence for the accused to prove that he has used all due diligence to ensure compliance with the direction, or that he had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding 10 times level 5 on the standard scale, or on conviction on information to a fine.[13]

9 Service of directions under s 6

[P1971/60/15]

(1) Without prejudice to Part 4, Division 5 of the *Interpretation Act 2015* (service of documents), if the Department is satisfied that a company or other body is not one to whom section 318 or section 335 of the *Companies Act 1931* (service of notices) applies so as to authorise the service of a

direction on that body under either of those sections, it may give a direction under section 6 of this Act —

(a) to that body, as the owner of, or a charterer of, or the person in possession of, a ship, by serving the direction on the master of the ship; or

(b) to that body, as a salvor, by serving the direction on the person in charge of the salvage operations.[14]

(2) For the purpose of giving or serving a direction under section 6 to or on any person on a ship, a person acting on behalf of the Department shall have the right to go on board the ship.[15]

9A Application of sections 6 to 9 to certain foreign and other ships

(1) The Department for Enterprise may by order provide that sections 6 to 9, together with any other provisions of this Act, shall apply to a ship —

(a) which is not registered in the Island; and

(b) which is for the time being outside the territorial waters of the Island;

in such cases and circumstances as may be specified in the order, and subject to such exceptions, adaptations and modifications, if any, as may be so specified.[16]

(2) An order under subsection (1) may contain such transitional and other consequential provisions as appear to the Department for Enterprise to be expedient.[17]

(3) Except as provided by an order under subsection (1), no direction under section 6 shall apply to a ship which is not registered in the Island and which is for the time being outside the territorial waters of the Island, and no action shall be taken under subsection (4) or (5) of section 6 as respects any such ship.

(4) No direction under section 6 shall apply to any vessel of Her Majesty's navy or to any Government ship (within the meaning of section 308(4) of the Merchant Shipping Act 1995 (an Act of Parliament)) and no action shall be taken under subsection (4) or (5) as respects any such vessel or ship.

(5) The power conferred by subsection (1) shall be exercised in a manner which is in accordance with international obligations which extend to the Island.[18]

PART III – ENFORCEMENT

10 Oil records

[P1971/60/17]

(1) The Department for Enterprise may make regulations requiring oil record books to be carried in ships registered in the Island and requiring the master of any such ship to record in the oil record book carried by it —

(a) the carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed, that is to say, operations relating to —

(i) the loading of oil cargo, or

(ii) the transfer of oil cargo during a voyage, or

(iii) the discharge of oil cargo, or

(iv) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks, or

(v) the separation of oil from water, or from other substances, in any mixture containing oil, or

(vi) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs, or

(vii) the disposal of any other oil residues;

(b) any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;

(c) any occasion on which oil or a mixture containing oil is found to be escaping or to have escaped, from the ship in consequence of damage to the ship or by reason of leakage.[19]

(2) The Department for Enterprise may make regulations requiring the keeping of records relating to the transfer of oil to and from vessels while they are within the seaward limits of the territorial waters of the Island; and the requirements of any regulations made under this subsection shall be in addition to the requirements of any regulations made under subsection (1).[20]

(3) Any records required to be kept by regulations made under subsection (2) shall, unless the vessel is a barge, be kept by the master of the vessel, and shall, if the vessel is a barge, be kept, in so far as they relate to the transfer of oil to the barge, by the person supplying the oil and, in so far as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.

(4) Regulations under this section requiring the carrying of oil record books or the keeping of records may —

(a) prescribe the form of the oil record books or records and the nature of the entries to be made in them;

(b) require the person providing or keeping the books or records to retain them for a prescribed period;

(c) require that person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;

(d) provide for the custody or disposal of the books or records after their transmission to such a place or person.

(5) If any ship fails to carry such an oil record book as it is required to carry under this section the owner, charterer or master shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale; and if any person contravenes any requirements imposed on him by or under this section, he shall be liable on summary conviction to fine not exceeding level 5 on the standard scale; and if any person makes an entry in any oil record book carried or record kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or imprisonment for a term not exceeding six months, or both, or on conviction on information to a fine or to imprisonment for a term not exceeding two years or both.[21]

(6) In any proceedings under this Act —

(a) any oil record book carried or record kept in pursuance of regulations made under this section shall be admissible as evidence of the facts stated in it;

(b) any copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept to be a true copy of the entry shall be admissible as evidence of the facts stated in the entry;

(c) any document purporting to be an oil record book carried or record kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in paragraph (b), shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

11 Powers of inspection

[P1971/60/18]

(1) The Department or, as the case may be, the Department for Enterprise, may appoint any person as an inspector to report to it —

(a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so imposed by the creation of offences under any provision of this Act) have been complied with;

(b) what measures have been taken to prevent the escape of oil and mixtures containing oil;

(c) whether the oil reception facilities provided in harbours are adequate;

and any such inspector may be so appointed to report either in a particular case or in a class of cases specified in his appointment.[22]

(2) Every surveyor of ships appointed in pursuance of section 2 of the *Merchant Shipping (Registration) Act 1984* shall be taken to be a person appointed generally under the preceding subsection to report to the Department for Enterprise in every kind of case falling within that subsection.[23]

(3) Sections 3 and 4(1) and (3) of the *Merchant Shipping Act 1985* (powers of inspectors) shall apply to persons appointed or taken to be appointed under subsection (1) of this section as it applies to the inspectors referred to in those sections and section 3 of that Act shall, as so applying, have effect as if —

(a) any reference to a ship included any vessel;

(b) any reference to a statutory provision relating to merchant shipping were a reference to this Act; and

(c) any power under that section to inspect premises included power to inspect any apparatus used for transferring oil.

(4) Any power of an inspector, under the said section 3 as so applied, to require the production of any oil record book required to be carried or records required to be kept in pursuance of regulations made under section 10 shall include power to copy any entry therein and require the master to certify the copy as a true copy of the entry.

(5) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a harbour in the Island the harbour master, and any other person appointed by the Department or, as the case may be, the Department for Enterprise, under this subsection (either generally or in relation to a particular vessel), shall have power —

(a) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the harbour;

(b) to require the production of any oil record book required to be carried or records required to be kept in pursuance of regulations made under section 10; and

(c) to copy any entry in any such book or record and require the master to certify the copy as a true copy of the entry.[24]

(6) A person exercising any powers conferred by subsection (5) shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

(7) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of subsection (5) he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale; and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section and the obstruction is not punishable by virtue of section 4(1) of the *Merchant Shipping Act 1985*, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.[25]

12 Prosecutions

[P1971/60/19]

(1) Proceedings for an offence under this Act may be brought only by or with the consent of the Attorney General.

(2) 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 Island, the time for bringing the proceedings shall be extended until the end of the period of 3 months beginning with the date on which he next enters the Island.

(3) 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 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 Island.

(4) Where a body corporate is guilty of an offence under this Act and the offence is proved to have been committed 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.

(5) In subsection (4), "director" in relation to a body corporate established for the purpose of carrying on 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.

13 Enforcement and application of fines

[P1971/60/20]

(1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to grant execution in favour of the Treasury in respect of the amount remaining unpaid and any such execution may be enforced against the vessel, her tackle, furniture and apparel.

(2) Where a person is convicted of an offence under section 1 and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

PART IV – CONVENTIONS RELATING T0 POLLUTION[26]

14 Conventions relating to pollution from ships etc

[P1979/39/20]

(1) The Department for Enterprise may, after consulting the Secretary of State, by order make such provision as it considers appropriate for the purpose of giving effect to any provision of any international agreement accepted by Her Majesty's Government in the United Kingdom and extending to the Island which relates to —

(a) the protection and preservation of the marine environment from pollution by matter from ships;

(b) the prevention, reduction or control of pollution of the marine environment from pollution by matter from ships;

(c) preparedness for, response to, and international co-operation in respect of, such pollution.

The reference in this subsection to an agreement includes an agreement which provides for the modification of another agreement.[27]

(1A) In subsection (1), "marine environment" means the sea or other waters and the atmosphere above.[28]

(2) The powers conferred by subsection (1) to make provision for the purpose of giving effect to an agreement include power to provide for the provision to come into force although the agreement has not come into force.

(3) Without prejudice to the generality of subsection (1), an order under that subsection may in particular include provision —

(a) for applying for the purpose mentioned in that subsection any enactment or instrument relating to the pollution of the sea or other waters and any of the following —

sections 1 to 3 of the *Shipping Casualties (Inquiries, Investigations and Reports) Act 1979*,

sections 446 to 450 of the Merchant Shipping Act 1894 (an Act of Parliament) (which relate to dangerous goods),

sections 10 to 13 of and Schedule 2 and 3 to the Merchant Shipping Act 1974 (an Act of Parliament) (which relate to oil tankers);

(b) with respect to the carrying out of surveys and inspections for the purpose aforesaid, the issue, duration and recognition of certificates for that purpose;[29]

(c) for repealing the provisions of any enactment or instrument so far as it appears to the Department for Enterprise that those provisions are not required having regard to any provision made or proposed to be made by virtue of this section;[30]

(d) with respect to the application of the order to the Crown and the extra-territorial operation of any provision made by or under the order;

(e) for imposing penalties in respect of any contravention of a provision made by or under the order, not exceeding, in respect of any one contravention, a fine of level 5 on the standard scale on summary conviction and imprisonment for two years and a fine on conviction on information; and[31]

(f) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 692 of the Merchant Shipping Act 1894 (which relates to the detention of a ship) with such modifications, if any, as are prescribed by the order;

and nothing in any of the preceding provisions of this subsection shall be construed as prejudicing the generality of any other of those provisions and in particular paragraph (e) shall not prejudice paragraph (a).

(4) An order under subsection (1) may —

(a) provide for the delegation of functions exercisable by virtue of the order;

(aa) make provision in terms of any document which the Department for Enterprise or any person considers relevant from time to time;[32]

(b) include such transitional provisions as appear to the Department for Enterprise to be expedient for the purposes of the order;[33]

(c) authorise the making of regulations and other instruments for any of the purposes of this section (except the purposes of paragraphs (a) and (c) of subsection (3)); and

(d) provide that any enactment or instrument applied by the order shall have effect as so applied subject to such modifications as may be specified in the order.

(4A) Where an order under subsection (1) authorises the making of regulations for the purpose of giving effect to a class of agreement mentioned in subsection (1), the order also authorises the making of regulations for the purpose of giving effect to an agreement which provides for the modification of such an agreement.[34]

(4B) Subsection (4A) applies in relation to orders and international agreements whenever made.[35]

(4C) Regulations made under subsection (4)(c) may make provision corresponding to the provisions authorised for an order by subsection (4)(a) and (b).[36]

(5) An order made under subsection (1) may apply to areas of land or sea or other waters within the seaward limits of the territorial waters of the Island notwithstanding that the agreement in question does not relate to those areas.

(6) For the avoidance of doubt, it is declared that this section applies to the pollution of the sea or other waters by any matter from ships.[37]

PART V – MISCELLANEOUS AND SUPPLEMENTARY

15 Power to apply certain provisions to ships registered outside Island

[P1971/60/22]

(1) The Department for Enterprise may by order direct that, subject to such exceptions and modifications as may be specified in the order, any regulations made under section 10(1) shall apply to ships registered in countries and territories other than the Island at any time when they are in a harbour in the Island or are within the seaward limits of the territorial waters of the Island while on their way to or from a harbour in the Island.[38]

(2) An order under subsection (1) shall not be made so as to impose different requirements in respect of ships of different countries or territories; but if the Department for Enterprise is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the order, the Department for Enterprise may by order direct that those requirements shall not apply to any ship registered in that country or

territory if the ship complies with such of those provisions as are applicable thereto under the law of that country or territory.[39]

(3) No regulation shall by virtue of an order under this section apply to any ship as being within a harbour in the Island, or on her way to or from such harbour, if the ship would not have been within the harbour, or, as the case may be, on her way to or from the harbour, but for stress of weather or any other circumstances which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

16 Power to grant exemptions

[P1971/60/23]

The Department or, as the case may be, the Department for Enterprise, may, with the concurrence of the Council of Ministers, exempt from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as it thinks fit —

(a) any vessels or classes of vessels;

(b) any discharge of, or of a mixture containing oil.[40]

17 General provisions as to regulations

[P1971/60/27(2)]

Any regulations or orders made under this Act shall not come into operation until they have been approved by Tynwald.

18 Financial provisions

[P1971/60/28]

(1) There shall be defrayed out of moneys provided by Tynwald any expenses of the Department or the Department for Enterprise under this Act.[41]

(2) Any fees received by the Department or the Department for Enterprise under this Act shall be paid into the General Revenue.[42]

19 Interpretation

[P1971/60/29]

(1) In this Act —

"**barge**" includes a lighter and any similar vessel;

"**Board**" [Repealed][43]

"**the Department**" means the Department of Infrastructure;[44]

"**harbour master**" includes any person specially appointed by the Department for the purpose of enforcing the provisions of this Act in relation to the harbour;[45]

"**oil**" means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

"**oil residues**" means any waste consisting of, or arising from, or a mixture containing oil;

"**place on land**" has the meaning assigned to it by section 1(3);

"**sea**" includes any estuary or arm of the sea;

"**transfer**", in relation to oil, means transfer in bulk.

(2) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.

(3) Any reference in the provisions of this Act other than section 5 to the discharge of oil or a mixture containing oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or mixture, or (as the case may be) to its escaping, from that vessel, place or thing.

(4) For the purposes of any provision of this Act relating to the discharge of oil or a mixture containing oil from a vessel, any floating craft (other than a vessel) which is attached to a vessel shall be treated as part of the vessel.

(5) Subject to the preceding subsections, expressions used in this Act and in the Merchant Shipping Act 1894 (an Act of Parliament) have the same meanings in this Act as in that Act.

20 Application to hovercraft

The provisions of this Act shall apply in relation to hovercraft and to persons, things and places connected with hovercraft subject to such exceptions, modifications and adaptations as may be made by the Department for Enterprise by order.[46]

21 [Repealed][4748]

22 Saving for other restrictions, rights of action etc

[P1971/60/32]

Subject to section 3 of the *Criminal Law Act 1981* (offence under two or more laws) nothing in this Act shall affect any restriction imposed by or under any other enactment or shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

23 Application of United Kingdom legislation

Any regulations or order made under any provision of this Act or under an order made under section 14 of this Act may, in lieu of or in addition to making separate provision, apply to the Island (with or without exceptions, adaptations, or modifications) any regulations, order or other instrument, as the case may be, made under —

(a) the Prevention of Oil Pollution Act 1971, or sections 20 and 41 of the Merchant Shipping Act 1979 as those enactments of Parliament have effect from time to time; or

(b) an order made under section 20 of the Merchant Shipping Act 1979, (an Act of Parliament).

24 [Repealed][49]

25 Short title and commencement

(1) This Act may be cited as the Oil Pollution Act 1986.

(2) This Act shall come into operation on such day as the Board may by order appoint and different days may be so appointed for different provisions and different purposes.[50]

SCHEDULE[51]

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

[1] Subs (4) amended by Interpretation Act 2015 s 55.
[2] S 3 amended by GC190/86 and by Harbours Act 2010 Sch 4.
[3] Subs (5) amended by Fines and Penalties Act 2024 Sch 3.
[4] Subs (3) amended by Fines and Penalties Act 2024 Sch 5.
[5] Para (b) amended by GC190/86.
[6] Para (c) amended by GC190/86.
[7] Subs (2) amended by GC190/86.
[8] Subs (4) amended by GC190/86.
[9] Subs (5) amended by GC190/86.
[10] Subs (1) amended by GC190/86.
[11] Subs (4) amended by SD352/09.
[12] Para (a) amended by GC190/86.
[13] Subs (4) amended by Interpretation Act 2015 s 55.
[14] Subs (1) amended by GC190/86, by Interpretation Act 1976 s 16A and by Interpretation Act 2015 s 106.
[15] Subs (2) amended by GC190/86.
[16] Subs (1) amended by SD155/10 Sch 2 and by SD2017/0325.
[17] Subs (2) amended by SD155/10 Sch 2 and by SD2017/0325.
[18] S 9A inserted by Merchant Shipping (Miscellaneous Provisions) Act 1996 s 6.
[19] Subs (1) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[20] Subs (2) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[21] Subs (5) amended by Fines and Penalties Act 2024 Sch 5.
[22] Subs (1) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.

[23] Subs (2) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[24] Subs (5) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[25] Subs (7) amended by Fines and Penalties Act 2024 Sch 3 and Sch 5.
[26] Heading substituted by Merchant Shipping Registration Act 1991 Sch 5.
[27] Subs (1) amended by Merchant Shipping (Miscellaneous Provisions) Act 1996 s 7, by SD155/10 Sch 2 and by SD20170325.
[28] Subs (1A) inserted by Merchant Shipping (Miscellaneous Provisions) Act 1996 s 7.
[29] Para (b) amended by Merchant Shipping (Miscellaneous Provisions) Act 1996 Sch 2.
[30] Para (c) amended by SD155/10 Sch 2 and by SD2017/0325.
[31] Para (e) amended by Fines and Penalties Act 2024 Sch 5.
[32] Para (aa) inserted by Merchant Shipping (Miscellaneous Provisions) Act 1996 s 7 and amended by SD155/10 Sch 2 and by SD2017/0325.
[33] Para (b) amended by SD155/10 Sch 2 and by SD2017/0325.
[34] Subs (4A) inserted by Merchant Shipping (Miscellaneous Provisions) Act 1996 s 7.
[35] Subs (4B) inserted by Merchant Shipping (Miscellaneous Provisions) Act 1996 s 7.
[36] Subs (4C) inserted by Merchant Shipping (Miscellaneous Provisions) Act 1996 s 7.
[37] Subs (6) added by Merchant Shipping Registration Act 1991 Sch 5.
[38] Subs (1) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[39] Subs (2) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[40] S 16 amended by GC190/86, by Council of Ministers Act 1990 s 9, by SD155/10 Sch 2 and by SD2017/0325.
[41] Subs (1) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[42] Subs (2) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[43] Definition of "Board" repealed by GC190/86.
[44] Definition of "the Department" inserted by GC190/86 and amended by SD155/10 Sch 5.
[45] Definition of "harbour master" amended by GC190/86.
[46] S 20 amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[47] Subs (2) amended by GC190/86, by SD155/10 Sch 2 and by SD2017/0325.
[48] S 21 repealed by SD 2026/0093.
[49] S 24 repealed by Statute Law Revision Act 1992 Sch 2.
[50] ADO (whole Act) 1/5/1986 (GC118/86).
[51] Sch repealed by Statute Law Revision Act 1992 Sch 2.