STATUTORY INSTRUMENTS

# 1975 No. 2186

# MERCHANT SHIPPING

## The Merchant Shipping (Oil Pollution) Act 1971 (Isle of Man) Order 1975

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| *Made* - - - - | 19*th December* 1975 |
| *Laid before Parliament* | 6*th January* 1976 |
| *Coming into Operation* | 1*st February* 1976 |

At the Court at Buckingham Palace, the 19th day of December 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 18(1) of the Merchant Shipping (Oil Pollution) Act 1971**(a)**, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**1.** This Order may be cited as the Merchant Shipping (Oil Pollution) Act 1971 (Isle of Man) Order 1975 and shall come into operation on 1st February 1976.

**2.**—(1) In this Order, "the Isle of Man" includes the territorial waters adjacent thereto.

(2) The Interpretation Act 1889**(b)** shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

**3.** The Merchant Shipping (Oil Pollution) Act 1971 shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

*N. E. Leigh.*

**(a)** 1971 c. 59. **(b)** 1889 c. 63.

## SCHEDULE

### EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE MERCHANT SHIPPING (OIL POLLUTION) ACT 1971 TO THE ISLE OF MAN

1. Unless the context otherwise requires, any reference to the Merchant Shipping (Oil Pollution) Act 1971 or to any other enactment shall be to that enactment as it has effect in the Isle of Man.

2. Unless the context otherwise requires, for any reference to the United Kingdom there shall be substituted a reference to the Isle of Man.

3. For section 1(5) there shall be substituted the following provision:—

"(5) The Law Reform (Contributory Negligence) Act 1946 (an Act of Tynwald) 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.".

4. In section 4(2) for paragraph (*d*) there shall be substituted the following paragraph:—

"(*d*) if the tonnage of the ship cannot be ascertained in accordance with the preceding paragraphs, the court may accept as evidence a certificate given at the court's request by the Chief Ship Surveyor of the Department of Trade certifying what, on the evidence specified in the request would, in his opinion, be the tonnage of the ship if ascertained in accordance with those paragraphs and the tonnage stated in the certificate shall be taken to be the tonnage of the ship.".

5. In section 4(4)—

(*a*) before the words "Secretary of State" there shall be inserted the words "Isle of Man Finance Board after consultation with the";

(*b*) the words "made by statutory instrument" shall be omitted.

6. In section 4(5), the words "(or, in Scotland, consigned in court)" shall be omitted.

7. In section 5(6), for the words "of any country outside the United Kingdom" there shall be substituted the words "outside the Isle of Man".

8. In section 6—

(*a*) in paragraph (*b*) of subsection (1) the words "(or, in Scotland, expenses)" shall be omitted;

(*b*) subsection (2) shall be omitted.

9. In section 10(1) for the words "regulations made by the Secretary of State" there shall be substituted the words "applied regulations".

10. In section 10(3) in paragraph (*a*) for the words"Secretary of State "there shall be substituted the word "Governor" and at the end of paragraph (*b*) there shall be inserted the words "or if that country is Jersey or Guernsey, by the Secretary of State.".

11. In section 10(3)(*c*), for the words "regulations made under this section" there shall be substituted the words "applied regulations".

12. Section 10(4) shall be omitted.

13. In section 10(5), for the words following "officer of customs" there shall be substituted the words "or of the Isle of Man Harbour Board".

14. In section 10(6), for the word "indictment" there shall be substituted the word "information".

15. For section 10(9) there shall be substituted the following provision:—

"(9) In this section, "applied regulations" means regulations made by the Secretary of State under this section as it has effect in the United Kingdom and applied to the Isle of Man, with any necessary modifications or adaptations or both, by order made by the Governor, but so that no such order shall have effect until it has been approved by Tynwald.".

16. In section 11, for references to the Secretary of State there shall be substituted references to the Governor.

17. In section 11(1) the words "or any country which is not a convention country" shall be omitted.

18. In section 11(3)(*a*), before the word "prescribing" there shall be inserted the words "after consultation with the Finance Board,".

19. For section 11(6) there shall be substituted the following provision—

"(6) Regulations under this section shall not have effect until they have been approved by Tynwald.".

20. For section 12(5) there shall be substituted the following provision:—

"(5) The Third Parties (Rights against Insurers) Act 1932 (an Act of Tynwald) shall not apply in relation to any contract of insurance to which such a certificate as is mentioned in section 10 of this Act relates.".

21. Section 13(1) shall be omitted.

22. In section 13(3) for the words "Foreign Judgments (Reciprocal Enforcement) Act 1933 there shall be substituted the words "Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968 (an Act of Tynwald)".

23. In section 14(3), the words ", or in Scotland the execution of diligence," shall be omitted.

24. Section 18 shall be omitted.

25. In section 20(1)—

(*a*) after the definition of "damage" there shall be inserted the following definition:—

'"Governor" has the meaning assigned to it by section 2 of the Interpretation Act 1970 (an Act of Tynwald);'; and

(*b*) for the definition of "the court" there shall be substituted the following definition:—

' "the court" means Her Majesty's High Court of Justice of the Isle of Man.'.

26. In section 21(1), the words following "Act 1971" shall be omitted.

27. For section 21(2) there shall be substituted the following provision:—

"(2) This Act shall at any time be construed as one with such provisions of the Merchant Shipping Acts 1894 to 1970 as at that time have effect in the Isle of Man.".

28. Section 21(3) and (4) shall be omitted.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends the Merchant Shipping (Oil Pollution) Act 1971 to the Isle of Man subject to specified exceptions, adaptations and modifications. The Act as extended is subject to the amendment contained in section 9 of the Merchant Shipping Act 1974 (c. 43) (extended to the Isle of Man by the Merchant Shipping Act 1974 (Isle of Man) Order 1975 (S.I. 1975/2183)).

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