

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3687 of 27 November, 2008

LEGAL NOTICE NO. 92 OF 2008.

GIBRALTAR MERCHANT SHIPPING (SAFETY, ETC.) ACT 1993

**MERCHANT SHIPPING (OIL POLLUTION) (AMENDMENT)
(NO. 2) REGULATIONS 2008**

In exercise of the powers conferred on it by section 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other enabling powers, the Government has made the following Regulations:

Title and commencement.

1. These Regulations may be cited as the Merchant Shipping (Oil Pollution) (Amendment)(No. 2) Regulations 2008 and shall be deemed to have come into operation on 21st November, 2008.

Amendment of the Merchant Shipping (Oil Pollution) Regulations, 1999.

2. The Merchant Shipping (Oil Pollution) Regulations, 1999 are amended as follows—

(a) in regulation 2(1)—

- (i) by substituting the word “and” for the word “or” after the word “manager”; and
- (ii) by substituting the following definition for the definition of “ship”—

““ship” (subject to regulation 5(6)) means any sea-going vessel or sea-borne craft of any type whatsoever;”;

(b) in regulation 4, by inserting the following subregulations after subregulation (2A)—

- “(2B) Subject to subregulation (2C), this regulation applies to any ship constructed or adapted for carrying oil in bulk as cargo.
- (2C) Where any ship so constructed or adapted is capable of carrying other cargoes besides oil, this regulation shall apply to any such ship—
- (a) while it is carrying oil in bulk as cargo; and
 - (b) unless it is proved that no residues from the carriage of any such oil remain in the ship, while it is on any voyage following the carriage of any such oil, but not otherwise.”;
- (c) in regulation 16(2), by substituting “regulation 4A” for “regulation 14A”;
- (d) in regulation 17—
- (i) in subregulation (3), by substituting “regulation 7(2)(e)” for “regulation 7(3)(e)” and “subregulation (2)(ii)” for “subregulation (2)(b)(ii)”;
 - (ii) in subregulation (5), by substituting “subregulation (4)(ii)” for “subregulation (4)(b)(ii)”;
 - (iii) in subregulation (6), by inserting the words “ and any judgment given by a court in a Bunkers Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to regulation 4A” after the words “ corresponding to regulation 4.”;
- (e) in regulation 18(2)(b), by inserting the words “up to the limits set out in Chapter II of the Convention on Limitation of Liability for Maritime Claims 1976.” after the words “Bunkers Convention will met”.

EXPLANATORY MEMORANDUM

These Regulations make further amendments to the Merchant Shipping (Oil Pollution) Regulations, 1999 in order to implement the Bunkers Convention in Gibraltar.

Dated 27th November, 2008.

J J HOLLIDAY,

Minister with responsibility for Port and Shipping,
On behalf of the Government.