

**Merchant Shipping (Civil Liability for Oil Pollution Damage and
International Fund for Compensation for Oil Pollution Damage)
Regulations 1996**

GN No. 110 of 1996

THE MERCHANT SHIPPING ACT 1986

**Regulations made by the Minister under section 199 of the
Merchant Shipping Act 1986**

1. **These** regulations may be cited as the Merchant Shipping (Civil Liability for Oil Pollution Damage and International Fund for Compensation for Oil Pollution Damage) Regulations 1996.

2. In these regulations -

“Fund Convention” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage adopted at Brussels on 18 December 1971, as amended by the 1976 Protocol thereto;

“Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969, as amended by the 1976 Protocol thereto;

“IOPC Fund” means the International Oil Pollution Compensation Fund established under the provisions of the Fund Convention.

3. Subject to regulations 4 to 8, Articles I - XI of the Liability Convention shall apply to Mauritius.

4. For the purposes of Article IX of the Liability Convention, any action brought under paragraph (1) of that article may be brought before the Supreme Court of Mauritius.

5. For the purposes of Article V.3 of the Liability Convention, the fund shall be constituted by way of a bank deposit from any bank carrying on business in Mauritius, in favour of the Government of Mauritius.

6. For the purposes of Article VII of the Liability Convention, the Director of Shipping shall, in respect of ships-

(a) registered in Mauritius; and

(b) entering or leaving a port in Mauritius and flying the flag of a State which is not a party to the Convention, issue certificates of insurance specified in Article VII.2 of that Convention, subject to such terms and conditions as he think fit.

7. (1) The Director of Shipping shall ensure compliance with Article VII. 11 of the Liability Convention.

(2) No ship, as defined in Article 1.1 of the Liability Convention, carrying more than 2,000 tonnes of oil in bulk as cargo shall enter or leave a port or terminal installation within Mauritius without carrying a valid certificate of insurance under the Convention.

(3) Anybody who commits an offence under subsection (2) shall, on conviction be liable to a fine not exceeding Rs 25,000.

8. Subject to regulations 10 to 15, Articles 1-15 of the Fund Convention shall apply to Mauritius.

9. (1) Any person who in any calendar year, has received in Mauritius ins contributing oil, as defined in Article 1.3 of the Fund Convention so as to be liable to contribute to the IOPC Fund under Article 10 of the Fund Convention, shall, not later than 1 March of the following year, report to the Ministry of Trade and Shipping the quantity of such oil received.

(2) The Ministry of Trade and Shipping shall at such time and in such manner as may be prescribed in the Internal Regulations of the IOPC Fund, communicate the data mentioned in Article 15.2 of the Fund Convention to the Director of the IOPC Fund.

10. (1) Any person who has received in any calendar year contributing oil, as defined in Article 1.3 of the Fund Convention, in total quantities exceeding 150,000 tonnes in Ports or other installations in Mauritius in the manner specified in Article 10.1(a) and (b) of the Fund Convention shall pay contribution to the IOPC Fund in accordance with Articles 10 to 13 of the Convention in such amount and at such date as may be determined by the IOPC Fund Assembly.

(2) Where the quantity of contributing oil received by any person in Mauritius in a calendar year, when aggregated with the quantity of contributing oil received in Mauritius in that year by any associated person or persons (subsidiary or commonly controlled entity) exceeds 150,000 tonnes, such person shall pay contributions in respect of the actual quantity received by him, notwithstanding that the quantity did not exceed 150,000 tonnes.

11. (1) Subject to subsection (2) any action –

(a) by the IOPC Fund against defaulting contributors; or

(b) against the IOPC Fund for compensation under Article 4 or for indemnification under Article 5 of the Fund Convention,

may be brought before the Supreme Court of Mauritius.

(2) No action under subsection (1) shall be brought unless pollution damage resulting from the incident has been sustained in Mauritius, including the territorial seas of Mauritius, or where measures have been taken to prevent or minimise such damage in that area.

12. The IOPC Fund may intervene as a party to any legal proceedings instituted against the owner of a ship or his guarantor under Article IX of the liability Convention.

13. The Notification to the IOPC Fund under Article 7.6 of the Fund Convention shall be made in accordance with the formalities required under the Mauritian law.

14. These regulations shall come into force on 1 November, 1996.

Made by the Minister on 18 October 1996.