

## DIVISION III. THE HIGH SEAS

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### 1. AUSTRALIA

(a) POLLUTION OF THE SEA BY OIL ACT 1960-1965 (No. 4 of 1965; 12 April 1965)

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#### 3. *Definitions*:

(1) In this Act, unless the contrary intention appears—

“Australian ship” means—

(a) a ship registered in Australia; or

(b) an unregistered ship having Australian nationality;

...

“the Convention” means the 1954 Convention,<sup>1</sup> as amended by the 1962 Amendments;

“the sea” does not include the territorial waters of Australia;

...

“the 1962 Amendments” means the amendments to the 1954 Convention that were adopted on the eleventh day of April, One thousand nine hundred and sixty-two, by a Conference of Contracting Governments to the 1954 Convention convened under sub-paragraph (a) of paragraph 3 of Article XVI of the 1954 Convention, being the amendments a copy of the English text of which is set out in the Third Schedule to this Act.

(2) In this Act, except as otherwise provided by the regulations, “prohibited part of the sea” means a part of the sea included in a prohibited zone under Annex A to the Convention.

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#### 6. *Discharge of oil, etc., into certain sea areas prohibited*

(1) Subject to this Act—

(a) if any discharge of oil or of an oily mixture occurs from an Australian ship, not being a ship referred to in the next succeeding paragraph, into a prohibited part of the sea; or

(b) if any discharge of oil or of an oily mixture occurs from an Australian ship, being a ship of twenty thousand tons gross tonnage or more and being a ship the

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<sup>1</sup> *Infra* PART II, DIVISION III, SUB-DIVISION A. (1).

contract for building which was entered into on or after date of commencement of the *Pollution of the Sea by Oil Act 1965*, into any part of the sea, the owner and the master of the ship are each guilty of an offence against this section.

(2) The last preceding sub-section does not apply in relation to—

(a) the discharge of oil or of an oily mixture from a ship referred to in paragraph (a) of the last preceding sub-section, not being a tanker, unless the discharge occurs on or after the date fixed by the Minister, by notice published in the *Gazette*, as the date on and after which that sub-section shall apply in relation to such a ship; or

(b) the discharge of oil or of an oily mixture from a ship referred to in paragraph (b) of the last preceding sub-section, if—

- (i) in the opinion of the master of the ship, special circumstances make it neither reasonable nor practicable to retain the oil or the oily mixture on board the ship;
- (ii) the oil or oily mixture is discharged into a part of the sea other than a prohibited part of the sea; and
- (iii) at the first practicable opportunity, the master notifies a prescribed officer of those special circumstances and of the discharge.

(3) Subject to this Act, if, before the date fixed under paragraph (a) of the last preceding sub-section, a discharge of oil or of an oily mixture occurs from a ship referred to in that paragraph into a part of the sea otherwise than as far from land as is practicable, the owner and the master of the ship are each guilty of an offence against this section.

(4) It is a defence if a person charged with an offence against this section proves—

(a) in the case of a ship referred to in paragraph (a) of sub-section (1) of this section, not being a tanker—that the discharge of the oil or of the oily mixture from the ship occurred when the ship was proceeding to a port not provided with such reception facilities for ships, other than tankers, as are referred to in Article VIII of the Convention;

(b) that the discharge of the oil or of the oily mixture from the ship was for the purpose of securing the safety of a ship, preventing damage to a ship or cargo or saving life at sea;

(c) that the oil or the oily mixture escaped from the ship in consequence of damage to the ship or unavoidable leakage and that all reasonable precautions were taken after the occurrence of the damage or the discovery of the leakage for the purpose of preventing or minimizing the escape of the oil or of the oily mixture;

(d) that—

(i) the oil or oily mixture was residue arising from the purification or clarification of fuel oil or lubricating oil; and

(ii) the discharge was made as far from land as was practicable; or

(e) in the case of a discharge from a ship of an oily mixture—that the discharge was from the bilges of the ship and the mixture contained no oil, other than lubricating oil that had drained or leaked from the machinery spaces of the ship.

(5) The penalty for an offence against this section is a fine not exceeding One thousand pounds.

7. *Powers of inspection, etc.*

(1) For the purpose of ascertaining—

(a) whether a provision of this Act or of the regulations that is applicable in respect of a ship has been complied with in respect of the ship;

(b) whether a provision of the 1954 Convention, or of the 1954 Convention as amended at any time, that is applicable in respect of a ship, other than an Australian ship, has been complied with in respect of the ship; or

(c) whether a provision of a law of a country, other than Australia, giving effect to a provision of the 1954 Convention, or of the 1954 Convention as amended at any time, being a provision of that law that is applicable in respect of a ship, has been complied with in respect of the ship,

a person holding office as a surveyor under section one hundred and ninety of the *Navigation Act 1912-1965* or a person authorized by the Minister to act under this section may—

(d) go on board the ship;

(e) inspect the machinery and equipment of the ship and any oil record book carried in the ship; and

(f) require a person to answer questions.

(2) The regulations may provide that the last preceding sub-section does not apply in relation to a ship registered in, or an unregistered ship having the nationality of, a country, other than Australia, that is specified in the regulations.

(3) A person shall not—

(a) assault, resist, hinder or obstruct a person in the exercise of his powers under this section;

(b) without lawful excuse refuse to answer a question that he is required to answer under this section; or

(c) in answer to such a question, make a statement that is false or misleading in any particular.

Penalty: One hundred pounds.

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11. *No time limit for prosecutions*

A prosecution for an offence against this Act or the regulations may be brought at any time.

(b) WHALING ACT 1960 (No. 10 of 1960; 13 May 1960), section 5<sup>1</sup>

(c) NAVAL FORCES (FIRING AREAS) REGULATIONS (No. 49 of 1960), section 2<sup>2</sup>

<sup>1</sup> *Infra* DIVISION IV, 2 (c).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter III, 1.

(d) THE SUBMARINE CABLES AND PIPELINES PROTECTION ACT 1963 (No. 61 of 1963;  
28 October 1963)

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4. *Extension of Act to Territories*

This Act extends to all the Territories of the Commonwealth.

5. *Act applies only to cables and pipelines beneath the high seas*

(1) A reference in this Act to a submarine cable or pipeline shall be read as a reference only to a cable or pipeline beneath the high seas or to such part of a cable or pipeline as is beneath the high seas.

(2) In the last preceding sub-section, "the high seas" has the same meaning as in the Convention on the High Seas signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight.

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7. *Persons not to break or injure submarine cables or pipelines*

(1) A person shall not wilfully, or through culpable negligence—

(a) break or injure, or cause a ship registered in Australia or in a Territory of the Commonwealth to break or injure, a submarine telegraph or telephone cable in such manner as might interrupt or obstruct telegraphic or telephonic communications; or

(b) break or injure, or cause a ship registered in Australia or in a Territory of the Commonwealth to break or injure, a submarine pipeline or a submarine high-voltage power cable.

Penalty: Where the person acted wilfully, Two thousand dollars or imprisonment for one year; in any other case, One thousand dollars or imprisonment for three months.

(2) Where—

(a) a breakage of, or an injury to, a cable or pipeline is caused by persons acting with the sole object of saving their lives or their ships; and

(b) those persons took all necessary precautions to avoid breaking or injuring the cable or pipeline,

the last preceding sub-section does not apply in relation to the break or injury.

8. *Liability for breaking or injuring a cable or pipeline*

If a person, in the course of laying or repairing a submarine cable or pipeline of which he is the owner, causes a break in or injury to another cable or pipeline, he is liable to bear the costs of repairing the break or injury.

9. *Indemnity for loss of anchor, etc.*

If, after all reasonable precautionary measures have been taken, an anchor, a net or any other fishing gear belonging to a ship is sacrificed in order to avoid injuring a submarine cable or pipeline, the owner of the ship is entitled to be indemnified for his loss by the owner of the cable or pipeline.

10. *Punishment of offences.*

(1) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.

(2) In summary proceedings against a person for an offence against this Act, the court shall not impose on that person, in respect of the offence, a penalty exceeding One thousand dollars or imprisonment for a term exceeding three months.

11. *Jurisdiction of courts*

(1) Subject to the succeeding provisions of this section—

(a) the several courts of the States are invested with federal jurisdiction; and

(b) jurisdiction is conferred on the several courts of the Territories of the Commonwealth,

with respect to offences against this Act.

(2) The jurisdiction invested on or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, whether those limits are as to subject-matter or otherwise, but subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of sub-section (2) of section thirty-nine of the *Judiciary Act 1903-1960*.

(3) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this section shall not be judicially exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate.

(4) The trial on indictment of an offence against this Act, not being an offence committed within a State, may be held in any State or in any Territory of the Commonwealth.

(5) Subject to this Act, the laws of a State or Territory of the Commonwealth with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

(a) their summary conviction;

(b) their examination and commitment for trial on indictment;

(c) their trial and conviction on indictment; and

(d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act.

(6) Except as provided by this section, the *Judiciary Act 1903-1960* applies in relation to offences against this Act.

(e) WIRELESS TELEGRAPHY ACT 1967<sup>1</sup>

(No. 59 of 1967; 11 September 1967)

(f) PETROLEUM (SUBMERGED LANDS) ACT 1967

(No. 118 of 1967; 22 November 1967) sections 60, 97, 119 and 124<sup>2</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VIII, 1 (a).

<sup>2</sup> *Supra* DIVISION II, 2 (a).

## 2. BELGIUM

(a) LOI<sup>1</sup> DU 2 AVRIL 1965 RELATIVE À LA NATIONALITÉ DES NAVIRES DE MER ET À L'IMMATRICULATION DES NAVIRES DE MER ET DES BATEAUX D'INTÉRIEURCHAPITRE 1<sup>er</sup>. — DE LA NATIONALITÉ

*Article 1<sup>er</sup>.* — § 1<sup>er</sup>. Possède la nationalité belge, tout navire au sens de l'article 1<sup>er</sup> du livre II du Code de commerce appartenant pour plus de la moitié en pleine ou en nue-propiété:

- 1<sup>o</sup> à des Belges qui ont en Belgique leur domicile et leur résidence habituelle;
- 2<sup>o</sup> à des sociétés commerciales ayant leur principal établissement en Belgique.

La nationalité belge est réputée acquise de plein droit dès que les conditions prévues au présent paragraphe sont remplies.

§ 2. Le Ministre qui a l'Administration de la Marine et de la Navigation intérieure dans ses attributions, dénommé ci-après le Ministre, peut conférer la nationalité belge à tout navire appartenant pour plus de la moitié en pleine ou en nue-propiété:

- 1<sup>o</sup> à des Belges non visés au § 1<sup>er</sup>, 1<sup>o</sup>;

2<sup>o</sup> à des étrangers qui ont en Belgique leur résidence habituelle et effective depuis un an au moins au moment de l'introduction de la demande.

La nationalité belge est réputée acquise dès que l'autorisation du Ministre est notifiée par lettre recommandée à la poste aux propriétaires visés au présent paragraphe. La notification est faite au domicile de ceux-ci.

Si les propriétaires ne sont pas domiciliés en Belgique, ils doivent y élire domicile lors de l'introduction de la demande tendant à l'attribution de la nationalité belge au navire. Dans ce cas, l'autorisation leur est notifiée à ce domicile élu.

§ 3. Tout navire en construction en Belgique est réputé posséder la nationalité belge jusqu'à la réception.

La nationalité belge est réputée acquise dès le commencement de la construction.

*Article 2.* — Le commandement d'un navire belge ne peut être attribué qu'à une personne de nationalité belge.

Il peut être dérogé à cette disposition en vertu d'une autorisation accordée par le Ministre dans des cas particuliers, si les besoins du commerce ou de la navigation le justifient.

*Article 3.* — Le navire perd la nationalité belge:

- 1<sup>o</sup> en cas de démolition ou de perte par naufrage;
- 2<sup>o</sup> lorsque les conditions prévues à l'article 1<sup>er</sup>, §§ 1<sup>er</sup> et 2 ne sont plus réunies;
- 3<sup>o</sup> lorsque, dans les cas prévus à l'article 1<sup>er</sup>, § 2, le Ministre retire son autorisation.

<sup>1</sup> *Moniteur belge* du 6 Mai 1965. Voir la Loi du 20 septembre 1903 sur les lettres de mer et l'Arrêté royal n° 690 du 8 novembre 1920 portant règlement pour l'application de la Loi du 25 août 1920 sur la sécurité des navires (ST/LEG/SER.B/5, p. 3 à 5).

(b) ARRÊTÉ ROYAL<sup>1</sup> DU 4 AVRIL 1967 RELATIF À LA NATIONALITÉ DES NAVIRES DE MER ET À L'IMMATRICULATION DES NAVIRES DE MER ET DES BATEAUX D'INTÉRIEUR\*

### 3. CANADA

(a) CRIMINAL CODE, 1953-1954, AS AMENDED<sup>2</sup>

(b) EXTRADITION ACT<sup>3</sup>

(c) FUGITIVE OFFENDERS ACT<sup>4</sup>

(d) AERONAUTICS ACT, AS AMENDED<sup>5</sup>

...

4. (1) Subject to the approval of the Governor in Council, the Minister may make regulations to control and regulate air navigation over Canada including the territorial sea of Canada and all waters on the landward side thereof, and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to:

...

(i) The institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and of aircraft registered in Canada, wherever such aircraft may be;

...

(e) NATIONAL DEFENCE ACT AS AMENDED<sup>6</sup>

### 4. DENMARK

(a) SHIPPING ACT NO. 149 OF 7 MAY 1937, AS AMENDED<sup>7\*</sup>

(b) SHIPPING REGISTRATION ACT NO. 93 OF 29 MARCH 1957, AS AMENDED<sup>8\*</sup>

<sup>1</sup> *Moniteur belge* du 6 juin 1967.

<sup>2</sup> S.C. Chap. 51 as amended by 1964 S.C. Chap. 22. *Supra* DIVISION 1, SUB-DIVISION A, Chapter V, 2 (a).

<sup>3</sup> R.S.C. 1952, Chap. 127. For the relevant text, see ST/LEG/SER.B/8, pp. 86-87.

<sup>4</sup> R.S.C. 1952, Chap. 127. For the relevant text, see ST/LEG/SER.B/8, p. 87.

<sup>5</sup> R.S.C. 1952, Chap. 2, as amended by 1964 S.C. Chap. 22. Except for the above provisions, the text reproduced in ST/LEG/SER.B/8, pp. 88-89 remained in force.

<sup>6</sup> R.S.C. 1952, Chap. 184, as amended by S.C. 1952-53, Chap. 24 and S.C., 1953-1954, Chap. 13. See ST/LEG/SER.B/8, p. 89.

<sup>7</sup> Most recently by Act No. 159 of 27 May 1964. By Royal Order No. 27 of 11 February 1961, the Act entered into force in Greenland. Text of article 1 (see ST/LEG/SER.B/8, pp. 118-119) remains unchanged.

<sup>8</sup> Most recently by Act No. 205 of 18 May 1960 and by Act No. 213 of 4 June 1964. By Royal Order No. 28 of 11 February 1961, the Act entered into force in Greenland. The

## 5. DOMINICAN REPUBLIC

ACT No. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF, article 6<sup>1</sup>

## 6. ECUADOR

DECREE<sup>2</sup> No. 1186-d OF 29 MAY 1964\*\*

...

*Article 1*

The delegation of Ecuador to the Standing Committee of the South Pacific, which constitutes the Ecuadorian section of the Committee, shall be composed of the following officials:

For the Ministry of External Relations, the Adviser on Territorial Matters, who shall act as head of the delegation;

For the Ministry of National Defence, the Commander in Chief of the Navy;

For the Ministry of Development, the Director of Fishing and Hunting;

In the absence of the persons holding these offices each Ministry shall designate the respective alternates...

...

## 7. ETHIOPIA

MARITIME CODE OF THE EMPIRE OF ETHIOPIA OF 1960 (PROCLAMATION No. 164 OF 1960)<sup>3</sup>

## CHAPTER II. NATIONALITY OF SHIPS

*Article 4. Qualification for owning Ethiopian Ships*

A ship shall not be deemed to be an Ethiopian ship unless owned wholly by persons of the following descriptions, namely:

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text reproduced in ST/LEG/SER.B/8, pp. 119-123, except article 57, remains unchanged.

Both Shipping Act No. 149 and Shipping Registration Act No. 93 relate to the nationality of ships.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION B, 9.

<sup>2</sup> *Registro Oficial*, No. 273 of 19 June 1964. By this Decree, the delegation of Ecuador is integrated into the Standing Committee of the South Pacific and constitutes the Ecuadorian section of that Committee for the Agreement on Organization of the Standing Committee of the Conference on the use and conservation of the marine resources of the South Pacific; see ST/LEG/SER.B/6, pp. 724-726.

<sup>3</sup> *Negarit Gazeta*, 19th year No. 1, of 5 May 1960.



- (a) Ethiopian subjects;
- (b) Bodies Corporate established under, and subject to, the Laws of Ethiopia and having their principal place of business in Ethiopia;
- (c) Foreigners domiciled in Ethiopia and having their principal place of business in Ethiopia.

*Article 5. Ships treated as Ethiopian Ships*

The following shall be Ethiopian ships:

- (a) Ships abandoned at sea and salvaged by ships flying the Ethiopian flag;
- (b) Ships confiscated under the provisions of this Code.

*Article 6. Ethiopian Ships*

- (1) Only Ethiopian ships shall sail under the Ethiopian flag.
- (2) Coastal fishing, coastal trade between Ethiopian ports and towage in Ethiopian ports shall only be undertaken by Ethiopian ships.

## 8. FEDERAL REPUBLIC OF GERMANY

ACT<sup>1</sup> OF 24 JULY 1964 ON PROVISIONAL DETERMINATION OF RIGHTS RELATING TO  
THE CONTINENTAL SHELF, articles 2 and 11

## 9. FINLAND

- (a) LAW<sup>1</sup> NO. 145 CONCERNING THE PROTECTION OF CERTAIN SUBMARINE CONDUITS.  
Issued at Helsinki on 5 March 1965

...

*Article 1*

For the purpose of the present law the term "submarine conduit" means a cable or a pipeline laid beneath the high seas.

*Article 2*

Any action provided in the Criminal Law, chapter 34, article 12, paragraphs 1 or 2 against a submarine conduit or any action exposing the laying, constructing or repairing of such conduits to danger in pursuance of paragraphs 3-6 of the said article will be punished in accordance to the above-mentioned paragraphs.

<sup>1</sup> *Supra* DIVISION II, 13 (b).

<sup>2</sup> The Law came into force on 18 March 1965; by it, the Law (398/38) issued on 16 December 1938 concerning the protection of certain submarine cables was recalled. English text provided by the Permanent Mission of Finland to the United Nations.

*Article 3*

When by laying, constructing or repairing a submarine conduit injury is caused to another conduit the owner of the first mentioned conduit shall be liable to bear the reasonable costs arising from the repairing of the conduit to its owner even if the action having caused the injury is not punishable.

*Article 4*

When a ship, in order to avoid injuring a submarine conduit, has sacrificed an anchor, a net or any other fishing gear the owner of the conduit is liable to pay the damage arising therefrom.

Receiving damages presupposes that the master of the ship, as far as possible, for the verifying of the occurrence immediately after it writes down a summary report of it in the log book, if one exists, or in a separate record which the crew of the ship confirms with its signature, and that he within twenty-four hours after the arrival of the ship in the first port and in any case as soon as possible after such arrival makes a ship's protest in pursuance of the Sea Law. If the ship's protest is made in Finland the appropriate court shall without delay notify the Ministry for Foreign Affairs about it which shall immediately make it known to the diplomatic or consular representation of the native country of the owner of the conduit.

(b) LAW<sup>1</sup> NO. 146 CONCERNING THE PREVENTION OF POLLUTION OF THE SEA.  
Issued at Helsinki on 5 March 1965

*Article 1*

The discharge or disposal in the sea of residue or other substance from the territory of Finland or from a Finnish ship shall be prohibited, if such action either directly or after its effects have spread causes harmful pollution on the high seas or on the territorial waters of another state. The same rule shall apply to mining and other activities of the same nature in the territory of Finland or on the continental shelf belonging to Finland if such action has the aforementioned consequences.

*Article 2*

Discharge in the sea of untreated radiated nuclear fuel and of the radioactive waste developed in the connection of the first phase of the chemical separation of its nuclear fission products shall be prohibited.

*Article 3*

Discharge of radioactive materials, other than those referred to in article 2, from the territory of Finland or from a Finnish ship, in a way which can harm the human beings, the environment or the living resources of the sea or expose them to danger, is prohibited.

<sup>1</sup> English text provided by the Permanent Mission of Finland to the United Nations.

Radioactive materials packed in containers or solid radioactive materials shall be disposed of in the sea only at a depth more than two thousand metres.

*Article 4*

Permission shall be sought from the appropriate Water Rights Court for the disposal of radioactive materials in the sea irrespective of whether the disposal thereof has the consequences referred to in chapter I, article 19, of the Water Rights Act. If the action is to be carried out outside the territorial waters of Finland, the matter shall be dealt with by the Water Rights Court of Western Finland.

Permission for the disposal may be granted, unless otherwise provided in the present law, as the conditions prescribed in the Water Rights Act, chapter 10, article 24 in regard to the territory of Finland. Otherwise the same provisions, as prescribed for the permission provided in the aforementioned article of the Water Rights Act, shall apply, *mutatis mutandis*, to the provisions governing the grant of the permission and the questions connected therewith.

Furthermore, special provisions shall apply to the handling of radioactive materials.

*Article 5*

The provisions of the present law relating to vessels shall also apply to aircraft.

*Article 6*

Unless a severer punishment has been prescribed elsewhere in the law, any breach of the present law or the prescriptions issued by virtue thereof will be punished *mutatis mutandis*, in accordance with the provisions of the Water Rights Act concerning the punishment for causing pollution of waters, it being understood that legal proceedings relating to an action committed outside the territory of Finland shall be brought before the Water Rights Court of Western Finland.

## 10. FRANCE

(a) LOI N° 64-1331 DU 26 DÉCEMBRE 1964 RÉPRIMANT LA POLLUTION DES EAUX DE LA MER PAR LES HYDROCARBURES<sup>1</sup>

*Article 1<sup>er</sup>.* — Sera puni d'une amende de 2 000 F à 20 000 F et, en cas de récidive, d'un emprisonnement de dix jours à six mois et d'une amende de 5 000 F à 50 000 F ou de l'une de ces deux peines seulement, tout capitaine d'un bâtiment français soumis aux dispositions de la convention internationale pour la prévention de la pollution des eaux de la mer par les hydrocarbures, signée à Londres le 12 mai 1954 et publiée par le décret n° 58-922 du 7 octobre 1958, qui se sera rendu coupable d'infraction aux dispositions des paragraphes 1 et 2 de l'article 3 de ladite convention

<sup>1</sup> *Journal Officiel* n° 303 des 28 et 29 décembre 1964.

relatif aux interdictions de rejet à la mer d'hydrocarbures ou de mélanges d'hydrocarbures.

Nonobstant l'application des peines prévues à l'alinéa précédent à l'égard du capitaine, si l'infraction a été commise sur ordre exprès du propriétaire ou de l'exploitant du navire, ce propriétaire ou cet exploitant sera puni de peines qui pourront être portées au double de celles prévues à l'alinéa précédent.

Tout propriétaire ou exploitant d'un navire qui n'aura pas donné au capitaine l'ordre exprès de se conformer aux dispositions des paragraphes 1 et 2 de l'article 3 de la convention de Londres pourra être retenu comme complice de l'infraction prévue au premier alinéa du présent article.

*Article 2.* — Les mêmes peines seront prononcées lorsque les actes interdits par les dispositions précitées auront été commis par le capitaine d'un bâtiment français, quel que soit son tonnage, appartenant aux catégories suivantes, à l'exception des bâtiments de la marine nationale :

- a) Navires-citernes ;
- b) Autres navires, lorsque la puissance installée de leur machine propulsive dépasse un chiffre fixé par décret en Conseil d'État ;
- c) Engins portuaires, chalands et bateaux-citernes fluviaux, qu'ils soient automoteurs ou remorqués.

*Article 3.* — Les mêmes peines seront prononcées lorsque les actes interdits à l'article 3 de la convention précitée auront été commis dans les eaux intérieures françaises fréquentées normalement par les bâtiments de mer, par le capitaine d'un bâtiment français auquel s'applique, soit l'article 2 de ladite convention, soit l'article 2 de la présente loi.

*Article 4.* — Dans les eaux territoriales françaises et dans les eaux intérieures françaises fréquentées normalement par les bâtiments de mer, les dispositions de la présente loi s'appliquent aux bâtiments étrangers même immatriculés dans un territoire relevant d'un gouvernement non contractant, et y compris les catégories de bâtiments énumérées à l'article 2 ci-dessus.

*Article 5.* — Sont habilités à constater les infractions aux dispositions des articles 3 et 9 de la convention précitée, aux dispositions réglementaires qui étendent l'application dudit article 9, et à celles de la présente loi : les administrateurs de l'inscription maritime, les inspecteurs de la navigation et du travail maritimes, les inspecteurs mécaniciens, les ingénieurs des ponts et chaussées chargés du service maritime, les agents des douanes et, à l'étranger, les consuls de France à l'exclusion des agents consulaires. En outre, les infractions aux dispositions de l'article 3 de la convention pourront être constatées par les officiers de port et les commandants des bâtiments de la marine nationale.

Sont chargés de rechercher les infractions constituant le délit de pollution des eaux de la mer, de recueillir à cet effet tous renseignements en vue de découvrir les auteurs de ces infractions et d'en rendre compte, soit à un administrateur de l'inscription maritime, soit à un officier de police judiciaire : les agents de la police de la navigation et de la surveillance des pêches maritimes, les commandants des navires océanographiques de l'État, les chefs de bord des aéronefs militaires, des aéronefs de la protection civile et des aéronefs de l'État affectés à la surveillance des eaux

maritimes, les agents des services des phares et balises, ceux de l'institut scientifique et technique des pêches maritimes et ceux de la police de la pêche fluviale.

*Article 6.* — Les procès-verbaux dressés conformément à l'article 5 de la présente loi font foi jusqu'à preuve du contraire et ne sont pas soumis à l'affirmation. Ils sont transmis immédiatement au procureur de la République par l'agent verbalisateur qui en adresse en même temps copie à l'administrateur de l'inscription maritime lorsqu'il s'agit de navires et à l'ingénieur en chef des ponts et chaussées chargé du service maritime s'il s'agit d'engins portuaires ou de bâtiments fluviaux.

Les infractions aux dispositions de la convention de Londres et à celle de la présente loi sont jugées, soit par le tribunal compétent du lieu de l'infraction, soit par celui dans le ressort duquel le bâtiment est attaché en douanes s'il est français, soit par celui dans le ressort duquel peut être trouvé le bâtiment s'il est étranger.

*Article 7.* — L'administration conserve la faculté de poursuivre, selon la procédure des contraventions de grande voirie, la réparation des dommages causés au domaine public, sans qu'aucune peine puisse être prononcée par la juridiction administrative lorsque les faits incriminés sont constitutifs d'un des délits prévus aux articles 1<sup>er</sup> à 4 de la présente loi.

(b) ARRÊTÉ DU 25 FÉVRIER 1965 RELATIF AU REGISTRE DES HYDROCARBURES TENU À BORD DE CERTAINS BÂTIMENTS DE MER <sup>1\*</sup>

## 11. GHANA

### OIL IN NAVIGABLE WATERS ACT, 1964 (Act. No. 235 of 6 April 1964)

#### 1. *Discharge of certain oils into prohibited sea areas*

(1) If any oil to which this section applies is discharged from any ship registered in Ghana into a part of the sea which is a prohibited sea area, or if any mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from such a ship into such a part of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

(2) This section applies to crude oil, fuel oil, heavy diesel oil and lubricating oil and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to

<sup>1</sup> *Ibid.*, n° 76 du 31 mars 1965.

any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

(4) This section shall not apply to the discharge from the bilges of a ship of an oily mixture containing no other oil than lubricating oil which has drained or leaked from machinery spaces.

(5) In this Act "subsequent Convention" means any Convention subsequent to the Convention of 1954, being a Convention accepted by the Government of Ghana.

## 2. *Designation of prohibited sea areas*

(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas.

(2) Subject to the following provisions of this section the areas specified in the First Schedule to this Act shall be prohibited sea areas.

(3) The Minister, if he considers it necessary to do so for the purpose of protecting the coast and territorial waters of Ghana from pollution by oil, may by legislative instrument, designate any area of the sea, outside the territorial waters of Ghana and outside the areas specified in the First Schedule to this Act, as a prohibited sea area.

(4) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by legislative instrument vary any of the areas specified in the First Schedule to this Act, or declare that any area specified in that Schedule shall cease to be included therein, or designate as a prohibited area any area of the sea, outside the Territorial waters of Ghana, which apart from the instrument is not a prohibited sea area.

## 3. *Discharge of oil into Ghanaian waters*

(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

(a) if the discharge is from a vessel, the owner or master of the vessel, or

(b) if the discharge is from a place on land, the occupier of that place, or

(c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,  
shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say—

(a) the whole of the sea within the seaward limits of the territorial waters of Ghana, and

(b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

(3) A port Authority may appoint a place within his jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the port at such times, and subject to such conditions, as the Authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

(4) In this Act "place on land" includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and "occupier" in relation to any such thing as is mentioned in the preceding provisions of this subsection, 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. *Special defences under Sections 1 and 3*

(1) Where a person is charged with an offence under section 1 of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question 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:

Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection it shall also be a defence—

(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 the leakage was not 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) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not 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.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall

(without prejudice to any other defence under this section) 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 the last preceding section applies; and

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

Provided that a defence under this subsection shall not have effect 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 in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharge at or before that time from that place.

(6) Where any oil or mixture containing oil is discharged in consequence of the exercise of any power conferred by sections 243 and 244 of the Merchant Shipping Act, 1963 (Act 183) (which relate to the removal of wrecks), and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section 1 of this Act, or under the last preceding section, in respect of that discharge the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing stopping or reducing the discharge.

#### 5. *Equipment in ships to prevent oil pollution*

(1) All ships registered in Ghana which use oil as fuel for either engines or boilers shall be so fitted as to prevent oil fuel from leaking or draining into bilges unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Act.

...

#### 12. *Restrictions on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any port in Ghana unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil for the purposes of saving life or property.

...

#### 13. *Duty to report discharges of oil into waters of ports*

(1) If any oil or mixture containing oil—

(a) is discharged from a vessel into the waters of a port in Ghana for the purposes of securing the safety of the vessel or of preventing damage to the vessel or her cargo, or of saving life, or

(b) is found to be escaping, or to have escaped, into any such waters from a vessel in consequence of damage to the vessel or by reason of leakage, or

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



the owner 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 there is no harbour master, to the port Authority) stating in the case of a report by the owner or master of a vessel, whether it falls within paragraph (a) or paragraph (b) of this subsection, and if he fails to do so, shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds.

...

#### 17. *General provisions as to application of Act*

The provisions of this Act, except provisions which are expressed to apply only to ships registered in Ghana, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

...

#### 21. *Interpretation*

(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

...

“mile” means nautical mile, that is to say, a distance of six thousand and eighty feet;

...

“outside the territorial waters of Ghana” means outside the seaward limits of those waters;

...

“sea” includes any estuary or arm of the sea;

“subsequent convention” has the meaning assigned to it by section 1 of this Act;

“territorial waters” in relation to Ghana has the meaning assigned to it by the Territorial Waters and Continental Shelf Act, 1963 (Act 175); and

...

### FIRST SCHEDULE

#### PROHIBITED ZONES

1. The prohibited zones shall be all sea areas within 50 miles from land and outside the territorial waters of Ghana with the following exceptions:—

(a) The North Sea Zone. This zone shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium,  
Denmark,  
the Federal Republic of Germany,  
the Netherlands,  
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(b) The Atlantic Zone. This zone shall comprise the sea area—

- (i) within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastward along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France:

Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

- (ii) The sea area within 100 miles from land on the Atlantic coast of Canada.

(c) The Australian Zone shall extend for a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

## 12. IRAN

### IRANIAN MARITIME CODE<sup>1</sup> OF 1964

#### CHAPTER I. NATIONALITY AND REGISTRATION OF SHIPS

##### SECTION I. NATIONALITY

###### *Article 1. Qualification for Granting Nationality*

1. Any sea-going ships (whether completed or in the process of construction) whose gross registered tonnage is not less than 25 tons and having the following qualifications may, under the provisions of this Act, be registered, granted Iranian nationality, and entitled to fly the Iranian flag.

The ship shall be owned by a person or persons (natural or juridical) of Iranian nationality, and if owned by an Iranian corporation it shall have registered shares, and at least 51% of its real capital shall be owned by Iranian Nationals. The ship shall be registered under the provisions of this Chapter.

2. Oil ships belonging to persons (natural or juridical) engaged in production, refining and/or transportation of crude oil, gas or other petroleum products, may irrespective of the minimum capital and share requirements prescribed in this Article, be registered and obtain Iranian nationality, subject to the submission of an application by the interested party and approval of the Ports and Shipping Organization.

<sup>1</sup> Approved in Mordad 1343 (23 July to 23 August 1964). The English text provided by the Permanent Mission of Iran to the United Nations.

*Article 2. Nationality of the Master, Officers and Crew Members*

The Master, officers and members of the crew may if necessary be of foreign nationality.

The owner of the ship shall, at his own expense, train Iranian Nationals to operate the ship and gradually replace the foreign crew members. The training programme shall be drawn up by the owners of the ship and implemented by them after approval by the Ports and Shipping Organization, but in any case, at least one half of the crew members shall, within a period of four years from the date of the ship's obtaining Iranian nationality, be Iranian nationals.

The Iranian marine engineers, officers and crew members shall, for so long as they are employed on the vessel, be exempt from payment of tax on their salaries and allowances.

...

*Article 5. Ships Constructed in Iran*

Ships which are being built in Iran and whose tonnage is not less than 25 tons shall be deemed to have Iranian nationality until such time as the ship-builder has delivered them.

...

*Article 7. Change of Nationality*

Any owner whose ship has been registered in Iran shall be entitled to change the nationality of his ship. Provisions concerning relinquishment of (Iranian) nationality shall be set out in the Regulations of this Act.

...

*Article 21. Cancellation of Registration of Iranian Ships and Losing Their Nationality*

In the following instances the registration of a ship shall be cancelled and its nationality withdrawn:—

1. Where the ship ceases to qualify for registration and for flying the Iranian flag.
2. Where the ship is lost or seized either by pirates or through enemy action.
3. Where the ship is broken up or scrapped and can no longer be used as a ship.
4. Where the ship is abandoned by her owner.

Application for cancellation of registration and withdrawal of nationality shall be submitted to the Admiralty Court by the Ports and Shipping Organization.

In all the above instances the certificates of Registration shall be returned to the Central Office for Registration in the Ports and Shipping Organization or to an Iranian Consular representative within a period of 30 days.

## 13. ITALY

ACT NO. 613 OF 21 JULY 1967. SURVEYING AND PRODUCTION OF OIL AND GAS IN THE TERRITORIAL SEA AND CONTINENTAL SHELF, AND AMENDMENTS TO ACT NO. 6 OF 11 JANUARY 1967 ON THE SURVEYING AND PRODUCTION OF OIL AND GAS, article 2<sup>1</sup>

## 14. KUWAIT

(a) KUWAIT MARITIME DECREE NO. 3 OF 1959

## PART I

*Registry*

...

*Kuwaiti ships:*

2. For the purposes of this Decree, a ship shall not be deemed to be a Kuwaiti ship unless owned wholly either:

(a) by Kuwait subjects; or

(b) by an association of persons carrying on trade or business together in Kuwait, as respects which:

(i) the principal place of business is in Kuwait; and

(ii) the majority of the capital and other interest therein is vested in Kuwait subjects.

*Obligation to register:*

3. (1) Every Kuwaiti ship, unless it is a ship which does not exceed one hundred and fifty tons gross tonnage, shall be registered under this Decree.

(2) If a ship required by this Decree to be registered is not registered under this Decree she shall not be recognized as a Kuwaiti ship and may be detained until the Master of the ship, if so required, produces the certificate of registry of the ship.

(b) LAW NO. 12 FOR THE YEAR 1964 REGARDING PREVENTION OF POLLUTION OF NAVIGABLE WATERS BY OIL, articles II-VII, ANNEX I<sup>2</sup>

<sup>1</sup> *Supra* DIVISION II, 22.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VII, 5 (b).

## 15. MALAYSIA

PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT NO. 58 OF 1966), second schedule, sections 14 and 22<sup>1</sup>

## 16. MAURITANIA

(a) Loi<sup>2</sup> N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE

...

## LIVRE II. — LE STATUT DU NAVIRE

*Chapitre II — Naturalisation des navires de mer*

...

*Article 2.* — Aucun navire de mer ne peut porter le pavillon de la République islamique de Mauritanie et, par voie de conséquence, être immatriculé et avoir un port d'attache en Mauritanie, s'il ne possède pas un acte de naturalisation.

*Article 3.* — Tout navire de mer doit posséder un acte de naturalisation et ne peut prendre la mer s'il n'en est muni. En sont dispensés :

— Les navires étrangers affrétés sous leur pavillon d'origine ;

— Les navires de faible tonnage ou ayant une affection très particulière dont la liste est établie par l'autorité maritime.

*Article 4.* — La délivrance de l'acte de naturalisation est subordonnée aux conditions suivantes :

1° Le navire doit avoir été construit en Mauritanie ou, s'il a été construit ou acheté à l'étranger, avoir satisfait au paiement des droits d'importation s'il en existe. Dans ce dernier cas, il doit, en outre, avoir été radié de la flotte du pays d'origine s'il en faisait déjà partie.

...

5° Le navire doit appartenir pour moitié au moins à des nationaux mauritaniens.

Si le navire appartient à une société, il est nécessaire que :

— Le siège social soit situé en Mauritanie.

— Le président, le directeur général s'il y en a un, le gérant et la moitié des membres du Conseil d'administration ou de surveillance soient des nationaux mauritaniens.

<sup>1</sup> *Supra* DIVISION II, 27 (b).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 12.

— La moitié du capital appartient à des nationaux mauritaniens s'il s'agit d'une société de personnes ou d'une société à responsabilité limitée.

Pour l'application de ces dispositions les nationaux de droit reconnu équivalent seront assimilés aux nationaux mauritaniens.

*Article 6.* — Les navires achetés ou construits à l'étranger sont munis, pour se rendre en Mauritanie, d'une autorisation provisoire de naviguer sous pavillon mauritanien. Cette autorisation est délivrée par les consuls mauritaniens ou les autorités qui les suppléent ou, à défaut, par le ministre chargé de la Marine marchande. L'acte de naturalisation est alors délivré à l'arrivée de ces navires en Mauritanie.

...

#### LIVRE X. — LE RÉGIME DISCIPLINAIRE ET PÉNAL

##### *Chapitre premier. — Dispositions générales*

*Article premier.* — Sont soumis aux dispositions du présent livre:

1<sup>o</sup> Les navires mauritaniens;

2<sup>o</sup> Les personnes, de quelque nationalité qu'elles soient, embarquées à bord des navires mauritaniens: soit comme membres de l'équipage, pendant la durée de leur embarquement; soit comme passagers, pendant la durée de leur présence à bord.

3<sup>o</sup> Les personnes qui, bien que non embarquées à bord d'un navire mauritanien, ont commis une des infractions prévues au présent livre, quelle que soit leur nationalité.

4<sup>o</sup> Les navires étrangers, leurs équipages et leurs passagers dans les cas prévus expressément par le présent livre.

## 17. NETHERLANDS

LOI RELATIVE AUX INSTALLATIONS DANS LA MER DU NORD, articles 1-8<sup>1</sup>

## 18. NEW ZEALAND

(a) CRIMES ACT<sup>2</sup> 1961 (No. 43 of 1961; 1 November 1961)

...

### 2. *Interpretation*

(1)<sup>3</sup> In this Act, unless the context otherwise requires—

<sup>1</sup> *Supra* DIVISION II, 30 (a).

<sup>2</sup> By section 412 and the fifth schedule of this Act, Offences at Sea Act, 1963 reproduced in ST/LÉG/SER.B/6, pp. 346-347, was repealed

<sup>3</sup> As amended by Schedule of the Territorial Sea and Fishing Zone Act 1965. *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 31 (a).

“New Zealand” includes all waters within the outer limits of the territorial sea of New Zealand (as defined by section 3 of the Territorial Sea and Fishing Zone Act 1965)<sup>1</sup>

...

“Territorial waters”, in relation to any country other than New Zealand, means such part of the sea adjacent to the coast of that country as is within the territorial sovereignty of that country; and includes ports, harbours, rivers, and other places in which at the commencement of this Act the Admiralty of England has jurisdiction (whether exclusive or not) in respect of offences of any kind committed on board Commonwealth ships:

#### PART I. JURISDICTION

...

#### 8. *Jurisdiction in respect of crimes on ships or aircraft beyond New Zealand*

(1) This section applies to any act done or omitted beyond New Zealand by any person—

(a) On board any Commonwealth ship; or

(b) On board any New Zealand aircraft; or

(c) On board any ship or aircraft, if that person arrives in New Zealand on that ship or aircraft in the course or at the end of a journey during which the act was done or omitted; or

(d) Being a British subject, on board any foreign ship (not being a ship to which he belongs) on the high seas, or on board any such ship within the territorial waters of any Commonwealth country; or

(e) Being a New Zealand citizen or a person ordinarily resident in New Zealand, on board any aircraft:

Provided that paragraph (c) of this subsection shall not apply where the act was done or omitted by a person, not being a British subject, on any ship or aircraft for the time being used as a ship or aircraft of any of the armed forces of a country that is not a Commonwealth country.

(2) Where any person does or omits any act to which this section applies, and that act or omission would, if it occurred within New Zealand, be a crime under this Act or under any other enactment (whether that enactment was passed before or after the commencement of this Act), then, subject to the provisions of this Act and of that other enactment, he shall be liable on conviction on indictment or, in the case of a crime to which Part I of the Summary Proceedings Act 1957 applies, either on conviction on indictment or on summary conviction under that Part, as if the act or omission had occurred in New Zealand:

Provided that where any proceedings are taken by virtue of the jurisdiction conferred by this section it shall be a defence to prove that the act or omission would not have been an offence under the law of the country of which the person charged was a national or citizen at the time of the act or omission, if it had occurred in that country.

<sup>1</sup> By section 412 and the fifth schedule of this Act, Offences at Sea Act, 1963 reproduced in ST/LEG/SER.B/6, pp. 346-347, was repealed

(3) Where at any place beyond New Zealand any person who belongs, or within three months previously has belonged, to any Commonwealth ship does or omits any act, whether on shore or afloat, not being an act or omission to which subsection (1) of this section applies, and that act or omission would, if it occurred within New Zealand, be a crime, then this section shall apply in respect of that act or omission in the same manner in all respects as if it had occurred on board a Commonwealth ship.

(4) The provisions of this section shall have the same operation in relation to the Republic of Ireland and to the citizens thereof, and to ships registered therein or belonging thereto, and to persons who belong or have belonged to those ships, and to all other persons on board those ships, as if the Republic of Ireland were a Commonwealth country and as if the citizens thereof were British subjects.

(5) This section shall be read subject to the provisions of section 400 of this Act.

(6) In this section, the expression "British subject" includes a British protected person within the meaning of the British Nationality and Citizenship Act 1948.

(7) Nothing in this section shall apply with respect to any crime against the Shipping and Seamen Act 1952.

...

#### PART V. CRIMES AGAINST PUBLIC ORDER

...

#### 92. *Piracy*

(1) Every one who does any act amounting to piracy by the law of nations, whether that act is done within or outside New Zealand,—

(a) Shall upon conviction thereof be sentenced to imprisonment for life if, in committing piracy, he murders, attempts to murder, or does any act likely to endanger the life of any person:

(b) Is liable to imprisonment for a term not exceeding fourteen years in any other case.

(2) Any act that by the law of nations would amount to piracy if it had been done on the high seas on board or in relation to a ship shall be piracy for the purposes of this section if it is done on board or in relation to an aircraft, whether the aircraft is on or above the sea or is on or above the land.

#### 93. *Piratical acts*

(1) Every one commits a piratical act who—

(a) Within New Zealand, or, being a New Zealand citizen or a person ordinarily resident in New Zealand, outside New Zealand, under pretence of any commission from any State other than New Zealand (whether or not that State is at war with New Zealand) or under pretence of authority from any person whatever, commits an act of hostility or robbery:

(b) Within or outside New Zealand, enters into any New Zealand ship and throws overboard or destroys any goods on board the ship:



(c) Within or outside New Zealand, on board any New Zealand ship—

- (i) Turns enemy or rebel and piratically runs away with the ship or any boat, weapons, ammunition, or goods; or
- (ii) Voluntarily yields up the ship or any boat, weapons, ammunition, or goods to any pirate; or
- (iii) Counsels or procures any person to yield up or run away with any ship, goods, or merchandise, or to turn pirate or go over to pirates; or
- (iv) Assaults the master or commander of any ship in order to prevent him from fighting in defence of his ship and goods; or
- (v) Imprisons or restrains the master or commander of any ship; or
- (vi) Makes or endeavours to make a revolt in the ship.

(2) Subsection (1) of this section shall extend and apply to aircraft as it applies to ships; and for the purposes of this subsection any reference in subsection (1) of this section to the master or commander of any ship shall be read as a reference to the pilot in command of an aircraft.

94. *Punishment of piratical acts*

Every one who commits any piratical act—

(a) Shall upon conviction thereof be sentenced to imprisonment for life if, in committing that act, he murders, attempts to murder, or does any act likely to endanger the life of any person:

(b) Is liable to imprisonment for a term not exceeding fourteen years in any other case.

95. *Attempt to commit piracy*

Every one is liable to imprisonment for a term not exceeding fourteen years who, within or outside New Zealand, attempts to do any act amounting to piracy by the law of nations.

96. *Conspiring to commit piracy*

Every one is liable to imprisonment for a term not exceeding ten years who, within or outside New Zealand, conspires with any other person to do any act amounting to piracy by the law of nations.

97. *Accessory after the fact to piracy*

Every one is liable to imprisonment for a term not exceeding seven years who, within or outside New Zealand, is accessory after the fact to any act amounting to piracy by the law of nations.

...

PART XVI. MISCELLANEOUS PROVISIONS

400. *Consent of Attorney-General to proceedings in certain cases of offences on ships or aircraft*

(1) Proceedings for the trial and punishment of any person who—

(a) Whether or not he is a New Zealand citizen or a person ordinarily resident

in New Zealand, is charged with having committed beyond New Zealand an offence on board or by means of any ship or aircraft which is not a New Zealand ship or a New Zealand aircraft, or an offence to which subsection (3) of section 8 of this Act applies; or

(b) Whether or not he is a New Zealand citizen or a person ordinarily resident in New Zealand, is charged with having committed, anywhere within New Zealand or in the space above New Zealand, an offence on board or by means of any ship or aircraft which belongs to the Government of any country other than New Zealand or is held by any person on behalf or for the benefit of that Government, whether or not the ship or aircraft is for the time being used as a ship or aircraft of any of the armed forces of that country—

shall not, by virtue only of the provisions of this Act, be instituted in any Court except with the consent of the Attorney-General and on his certificate that it is expedient that the proceedings should be instituted; and where the proceedings would be instituted only by virtue of the jurisdiction conferred by paragraph (c) of subsection (1) of section 8 of this Act the Attorney-General shall not give his consent unless he is satisfied that the Government of the country to which the ship or aircraft belongs has consented to the institution of the proceedings:

Provided that a person charged with any such offence may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained; but no further or other proceedings shall be taken until that consent has been obtained.

(2) Nothing in this section shall apply with respect to any offence against the Shipping and Seamen Act 1952.

...

(b) OIL IN NAVIGABLE WATERS ACT 1965 (No. 65 of 1965; 22 October 1965)<sup>1</sup>

...

## 2. Interpretation

(1) In this Act, unless the context otherwise requires,—

...

“Continental shelf” has the same meaning as in the Continental Shelf Act 1964:

...

“Prohibited sea area”,—

(a) Until the prescribed date, means,—

(i) In relation to tankers, an area of the sea designated by or in accordance with section 4 of this Act to be a prohibited sea area in relation to tankers:

(ii) In relation to ships other than tankers, an area of the sea designated by or in accordance with section 4 of this Act to be a prohibited sea area in relation to ships other than tankers:

<sup>1</sup> The Oil in Territorial Waters Act 1926 (No. 27 of 1925) quoted in ST/LEG/SER.B/6, pp. 214-5, was repealed by Second Schedule of this Act.

(b) On and after the prescribed date, an area of the sea designated in accordance with section 5 of this Act to be a prohibited sea area:

“Sea” includes any estuary or arm of the sea:

...

“Subsequent Convention” means any Convention relating to the prevention of the pollution of the sea by oil, being a Convention subsequent to the International Convention for the Prevention of Pollution of the Sea by Oil 1954; and includes any amendments to that convention or to any subsequent Convention:

...

“Territorial sea of New Zealand” has the same meaning as in the Territorial Sea and Fishing Zone Act 1965:<sup>1</sup>

...

### 3. *Discharge of certain oils into prohibited sea areas*

(1) If any oil to which this section applies is discharged before the prescribed date from a New Zealand ship into a part of the sea which, in relation to that ship, is a prohibited sea area, or if any mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from such a ship into such a part of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

...

### 5. *Designation of prohibited sea areas on and after prescribed date*

For the purpose of protecting the coasts and territorial sea of New Zealand against pollution by oil, or of giving effect to any Convention relating to the prevention of the pollution of the sea by oil, regulations made under this Act and commencing on or after the prescribed date may,—

(a) Designate, as a prohibited sea area, any area of the sea outside the territorial sea of New Zealand:

(b) Vary the limits of any such prohibited sea area or declare that any area shall cease to be a prohibited sea area.

### 6. *Discharge of oil into New Zealand waters*

(1) If any oil or mixture containing oil is discharged into the territorial sea or internal waters of New Zealand from any ship, or from any place on land, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship), then, subject to the provisions of this Act,—

(a) If the discharge is from a ship, the owner or master of the ship; or

(b) If the discharge is from a place on land, the occupier of that place; or

(c) If the discharge is from an apparatus used for transferring oil from or to a ship, the person in charge of the apparatus—  
is guilty of an offence under this section.

...

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 31 (a).

7. *Special defences under sections 3, 6, and 9*

(1) Where a person is charged with an offence under section 3 or section 9 of this Act, or is charged with an offence under section 6 of this Act as the owner or master of a ship, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of any ship, or of preventing damage to any ship or cargo, or of saving life:

...

15. *Master of overseas ship carrying oil to notify harbourmaster*

(1) The master of every ship arriving in New Zealand from overseas carrying oil in bulk as cargo shall—

(a) Send by radio to the harbourmaster at the first port of call in New Zealand, so as to be delivered to him not later than twelve hours before the arrival of the ship thereat, notice of the fact that oil is being carried as aforesaid; and

(b) Before proceeding from any port in New Zealand to any other such port, send a similar notice to the harbourmaster at the last-mentioned port by such means as will ensure its being delivered at least twelve hours before the arrival of the ship.

...

17. *Powers of inspection*

(7) Without prejudice to any powers exercisable by virtue of the foregoing provisions of this sections, in the case of a ship which is for the time being in a harbour in New Zealand, the harbourmaster, and any person appointed by the Minister under this subsection (either generally or in relation to a particular ship), shall have power—

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

(b) To require the production of any records which by virtue of any regulations made under this Act are required to be kept in respect of the ship:

(c) To copy any entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

3. *Application of Act*

(1) For the purpose of jurisdiction in respect of offences against this Act or regulations under this Act, and subject to section 8 of this Act, this Act applies to all acts or omissions—

(a) By any person (whether or not a New Zealand citizen or ordinarily resident in New Zealand) within the territorial sea or internal waters of New Zealand; or

(b) By any person (whether or not a New Zealand citizen or ordinarily resident in New Zealand) on board or by means of a New Zealand ship on the high seas; or

(c) By a New Zealand citizen or a person ordinarily resident in New Zealand on board or by means of any ship on the high seas.

(2) This Act does not apply to any part of a cable or pipeline situated on the landward side of low-water mark in any area nor to any part of a cable or pipeline not ordinarily beneath the surface of the sea.

#### 4. *Offence to break or injure submarine cable or pipeline*

(1) Any person who, wilfully, breaks or injures or causes or permits a ship to break or injure a submarine cable or submarine pipeline, commits an offence against this Act, and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds, or to both.

(2) Notwithstanding the provisions of subsection (1) of this section, it shall be a defence to a prosecution under this section if the breakage or injury to which the prosecution relates was caused by persons acting with the sole object of saving their lives or their ships after having taken all necessary precautions to avoid the breakage or injury.

(3) For the purposes of this section, any person who causes an event by an act or omission which he knows or ought to know would probably cause it, being reckless whether that event happens or not, shall be deemed to have caused it wilfully.

(c) SUBMARINE CABLES AND PIPELINES PROTECTION ACT 1966 (No. 5 of 1966;  
2 September 1966)

...

#### 2. *Interpretation*

In this Act, unless the context otherwise requires,—

...

“High seas” means all parts of the sea that are not included in the territorial sea or in the internal waters of any country:

“Low-water mark”, in relation to New Zealand, has the meaning assigned thereto by the Territorial Sea and Fishing Zone Act 1965:

“New Zealand ship” means a New Zealand ship within the meaning of the Crimes Act 1961:

...

“Ship” means every description of vessel (including barges, lighters, and like vessels) used in navigation, however propelled:

“Submarine cable” means a cable which lies beneath the high seas, or the territorial sea or internal waters of New Zealand:

“Submarine pipeline” means a pipeline which lies beneath the high seas, or the territorial sea or internal waters of New Zealand.

#### 5. *Absolute liability in respect of damage to cables or pipelines*

If any person, in the course of laying or repairing a submarine cable or submarine pipeline of which he is the owner, causes a break in or injury to another

submarine cable or submarine pipeline, he shall be liable, in addition to any other liability to which he may be subject, to bear the cost of repairing the break or injury, whether or not he has been guilty of any offence and whether or not the damage was caused through his negligence.

6. *Indemnity for loss of gear*

If, after all reasonable precautionary measures have been taken, an anchor, a net, or any other fishing gear belonging to a ship is sacrificed in order to avoid injuring a submarine cable or submarine pipeline, the owner of the ship shall be entitled to be indemnified for his loss by the owner of the cable or pipeline.

7. *Protected and restricted areas*

(1) The Governor-General may from time to time by Order in Council declare any area within the territorial sea or internal waters of New Zealand to be a protected area for the purposes of this Act.

(2) The Governor-General may from time to time by Order in Council declare any area within the fishing zone of New Zealand to be a restricted area for the purposes of this Act.

(3) Any Order in Council under this section may prescribe such terms and conditions as the Governor-General in Council thinks necessary or desirable for the protection of submarine cables and submarine pipelines and may apply generally in respect of any area to which it relates or in respect of specified areas or classes of areas and may also apply generally in respect of all ships or in respect of specified ships or classes of ships.

(4) Subject to any Order in Council under this section, any person who conducts, or causes or permits to be conducted, fishing operations from a ship in a protected or restricted area or who anchors, or causes or permits to be anchored, a ship in any such area, or who commits a breach of any terms or conditions prescribed by any Order in Council under this section, commits an offence against this Act and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds, or to both.

(5) Notwithstanding the provisions of this section, it shall be a defence to a prosecution under this section if any anchoring to which the prosecution relates was made necessary by *force majeure* or for the purpose of saving life or a ship in distress.

...

13. *Regulations*

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the navigation or conduct of ships engaged in the laying, repairing, or maintenance of submarine cables or submarine pipelines and prescribing the lights or signals to be displayed by any such ships while engaged in any such operations:

(b) Prescribing the duties of owners of submarine cables or submarine pipelines in respect of the marking or definition of those cables and pipelines and prescribing records to be kept in respect of the location of any such cables or pipelines:

(c) Regulating the navigation or conduct of ships in relation to other ships engaged in the laying, repairing, or maintenance of submarine cables or submarine pipelines or in relation to any such cables or pipelines or in relation to any buoys or signals indicating the presence or proximity of any such cables or pipelines:

(d) Prescribing the duties of persons in respect of reporting damage caused or likely to be caused to submarine cables or submarine pipelines:

(e) Prescribing offences against the regulations and defining the persons or classes of persons liable to conviction for any such offences:

(f) Prescribing penalties for offences against the regulations, not exceeding imprisonment for a term not exceeding three months or a fine not exceeding five hundred pounds:

(g) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

## 19. NORWAY

(a) GENERAL PENAL CODE OF 22 MAY 1902, AS AMENDED<sup>1\*\*</sup>

...

### CHAPTER I

#### APPLICATION OF NORWEGIAN CRIMINAL LAW

##### *Article 12<sup>2</sup>*

In the absence of any specific provisions or any agreement concluded with a foreign State to the contrary, the Norwegian Penal Code shall apply to any act committed:

1. Within the Kingdom, which shall include any Norwegian vessel on the high seas and any Norwegian aircraft beyond the limits of national jurisdiction;
2. On a Norwegian vessel or aircraft, wherever it may be, by a member of the crew or by any other person aboard the vessel or aircraft;
3. In a foreign country by a Norwegian national or a person domiciled in Norway, where the act:

(a) Is included among those dealt with in chapters 8, 9, 10, 11, 12, 14, 17, 18, 20, 23, 24, 25, 26 or 33 or in articles 135, 141, 142, 144, 169, 192-195, 199, 206-209, 223-225, 228-235, 242-245, 291, 292, 294 (2), 318, 326-328, 330, final paragraph, 338, 367-370, 380, 381 or 423 of this Code and, in any case, where it:

(b) Is a crime (*forbrytelse*) or misdemeanour (*forseelse*) against the Norwegian State or a Norwegian State authority, or

<sup>1</sup> Most recently by the Act of 17 June 1966. For the text of articles 13 and 14, see ST/LEG/SER.B/2, pp. 86-87.

<sup>2</sup> This text supersedes the one reproduced in ST/LEG/SER.B/6, p. 348 (a). It should be noted that the title of the Code reproduced in ST/LEG/SER.B/6, p. 348 (b) should read: Code of Criminal Procedure, 1 July 1887, as amended by Act No. 12 of 22 May 1902.

(c) Is also punishable under the law of the country in which it is committed:

4. In a foreign country by a foreign national, where the act either:

(a) Is included among those dealt with in articles 83, 88, 89, 90, 91, 91 a, 93, 94, 98-104, 110-132, 148, 149, 152, first and second paragraphs, 153, first, second, third and fourth paragraphs, 154, 159, 160, 161, 169, 174-178, 182-185, 187, 189, 190, 192-195, 217, 220, 221, 223-225, 229, 231-235, 243, 244, 256, 258, 267-269, 276, 292, 324, 325, 328, 415 or 423 of this Act or in articles 1, 2, 3 or 5 of the Defence Secrets Act, or

(b) Is a crime which is also punishable under the law of the country in which it is committed, and the offender is domiciled or resident in the Kingdom.

Where the punishable nature of an act is dependent upon or affected by an actual or intended effect, the act shall also be deemed to have been committed in the place where the effect has occurred or was intended to occur.

(b) REGULATIONS<sup>1</sup> FOR PREVENTING COLLISIONS AT SEA (THE INTERNATIONAL RULES OF THE ROAD), AND SPECIAL NAVIGATION RULES FOR NORWEGIAN INLAND WATERS ESTABLISHED BY THE OFFICE OF SHIPPING AND NAVIGATION ON 3 MARCH 1965 (PURSUANT TO ARTICLE 1 OF THE ACT OF 21 AUGUST 1914 RESPECTING MEASURES FOR THE SAFETY OF NAVIGATION, *cf.* ROYAL DECREE OF 5 APRIL 1963), AS AMENDED BY THE SAME AUTHORITY ON 5 JUNE AND 23 JUNE 1965, AS CONTAINED IN "NOTICES OF THE OFFICE OF SHIPPING AND NAVIGATION" No. 14 FOR 1965\*\*

## I. THE INTERNATIONAL RULES OF THE ROAD

### PART A. PRELIMINARY AND DEFINITIONS

#### *Rule 1*

(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise. During such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by these Rules may also be shown between sunrise and sunset under conditions of reduced visibility and in any other circumstances when it is considered necessary to do so.

(c) In the following Rules, except where the context otherwise requires:

1. the word "vessel" includes every description of water craft, other than a

<sup>1</sup> These regulations supersede the text reproduced in ST/LEG/SER.B/6, p. 221.



seaplane on the water, used or capable of being used as a means of transportation on water;

2. the word "seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water;

...

PART F. MISCELLANEOUS

...

*Rule 30*

*Reservation of rules for harbours and inland navigation*

Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

...

(c) CUSTOMS ACT OF 10 JUNE 1966, article 2<sup>1</sup>

20. PANAMA

ACT NO. 31 OF 2 FEBRUARY 1967, article 1<sup>2</sup>

21. PORTUGAL

(a) LEGISLATIVE DECREE NO. 46 OF 27 OCTOBER 1965, articles 2-5<sup>3</sup>

(b) DECREE NO. 47973 OF 30 SEPTEMBER 1967, article 23<sup>4</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IV, 6 (a).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 34.

<sup>3</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VII, 7.

<sup>4</sup> *Supra* DIVISION II, 36.

## 22. SWEDEN

(a) MARITIME LAW<sup>1</sup> OF 12 JUNE 1891, AS AMENDED BY ACTS NO. 720<sup>2</sup> OF 19 NOVEMBER 1965 AND NO. 48 OF 24 FEBRUARY 1967<sup>3\*\*</sup>

*Article 1.*<sup>4</sup> A ship can be considered Swedish when it is either owned to the extent of two-thirds by Swedish subjects, or else is owned by a joint-stock company, the Board of Directors of which has its registered office in Sweden and the shareholders of which are Swedish subjects. A managing part-owner must always be a Swedish subject residing in Sweden. *Law of 27 April 1906.*

...

*Article 2.*<sup>5</sup> A register shall be kept of all Swedish ships of twenty tons gross tonnage or more intended for use in merchant shipping or for the conveyance of passengers and shall contain for each such ship all the details which are deemed requisite for its identification, as well as information respecting the ownership, the nature of the acquist by the registered owner and the time when the ship was registered or when change of ownership was entered; and a certificate shall be issued to every ship when entered in the Register, and such certificate shall accompany the ship.

...

*Article 5.*<sup>6</sup> No share in a ship shall be transferred to any person who is not a Swedish subject without the consent of all the other part-owners, if owing to such transfer the ship would cease to be a Swedish ship; should the transfer take place, however, it shall be void, even though the share were sold in consequence of a legal seizure or in bankruptcy.

Should an alien through inheritance, will or marriage become a part-owner in a Swedish ship, or should any Swedish part-owner become the subject of a Foreign Power and should, in consequence of the acquist or the change in nationality the ship cease to be a Swedish ship, such part-owner shall then transfer to a Swedish subject such proportion of the ship as shall enable her Swedish nationality to be preserved. If within three months from the date of the acquist or change no such transfer has been made and duly notified to the proper authority where the ship is registered, or, if the ship is not registered, to all the other part-owners, any one of such other shareholders shall have the right to cause to be sold, for account of the owner, any such share in a ship which in the manner aforesaid has become the property of an alien. The sale shall be made by the bailiff of the place to which the

<sup>1</sup> See ST/LEG/SER.B/5 and Add.1, p. 162 and ST/LEG/SER.B/8, p. 133.

<sup>2</sup> *Svensk förfatningssamling* 1965, No. 720, p. 1557. Came into force on 1 January 1966.

<sup>3</sup> For articles 58-63, 70, 223, 323-332, see *supra* DIVISION I, SUB-DIVISION A, Chapter II, 18 (a).

<sup>4</sup> The text of article 1 (see ST/LEG/SER.B/5 and Add.1, p. 162) has not been amended, only the English translation has been modified, as suggested by the Permanent Mission of Sweden to the United Nations.

<sup>5</sup> Translation by the Secretariat of the United Nations.

<sup>6</sup> Also reproduced in ST/LEG/SER.B/5 and Add.1, p. 183.

ship belongs, in the manner prescribed for sale of ships seized for debt. *Law of 27 April 1906.*

...

(b) ORDINANCE<sup>1</sup> NO. 78 OF 18 OCTOBER 1901 CONCERNING THE REGISTRATION OF SWEDISH VESSELS, AS AMENDED BY NOTICE<sup>2</sup> NO. 683 OF 16 DECEMBER 1955\*\*

...

*Article 1.* The register of Swedish ships mentioned in article 2 of the Maritime Law shall be kept at the Board of Shipping and Navigation.

...

*Article 7.* After registration has been completed and an entry regarding the master made in the register, the Board of Shipping and Navigation shall issue a certificate (*Certificate of Nationality and Registration*) in accordance with the annexed form (Form B). If the application for registration was accompanied only by a provisional formula of measurement, the certificate shall not be issued until a Swedish tonnage certificate for the vessel has been produced.

This certificate shall be produced whenever a request to that effect is made by a Swedish civil or military authority or by a Swedish consular official.

No entry may be made on the certificate by the shipowner, master or any other private person. *Notice of 8 May 1931.*

*Article 8.* 1. A vessel which has been built in Sweden and has not been in foreign ownership and is of twenty tons gross tonnage or more may not be used in merchant shipping or for the conveyance of passengers until a certificate of nationality and registration has been issued with regard to the vessel, except in the cases mentioned in paragraph 3. The present provisions are also applicable to a vessel of the tonnage just mentioned if it has passed from foreign to Swedish ownership while in this country.

2. If a vessel of the tonnage mentioned in paragraph 1 has been built abroad for Swedish account, or if a vessel of such tonnage, while abroad, has passed from foreign to Swedish ownership, the foregoing provisions shall apply after the vessel has entered a Swedish port. If, before such entry takes place, the owner wishes to use the vessel in merchant shipping or for the conveyance of passengers on any voyage other than to Sweden, either direct or calling at only one intermediate port, notice regarding that vessel shall be given for the purposes of the register in the manner and according to the procedure prescribed in articles 4 and 5 in the case of a vessel which has passed from foreign to Swedish ownership, but instead of a Swedish tonnage certificate, there may be produced the foreign tonnage certificate of the vessel or a certificate regarding the net tonnage of the vessel in Swedish or foreign measurement issued by a Swedish consul or other proper Authority; the said notice shall also contain particulars of the master's name, his domicile and any special

<sup>1</sup> The English translation in ST/LEG/SER.B/5, p. 163, has been modified, as suggested by the Permanent Mission of Sweden to the United Nations.

<sup>2</sup> *Svensk författningssamling* 1955, No. 683, p. 1511. Came into force on 1 January 1955. According to the Proclamation, the National Board of Shipping and Navigation is now the registration authority.

qualification that he may possess for holding command on board a Swedish merchant vessel.

After the vessel has been entered in the register, the Board of Shipping and Navigation shall issue a certificate to that effect (*Interim Certificate of Nationality and Registration*) valid for such time as the Board may decide in each separate case. If the vessel does not arrive within such specified time in a Swedish port, the Board of Shipping and Navigation may, after investigating the circumstances, issue a new interim certificate for the vessel.

Where special circumstances give occasion for doing so, the Board of Shipping and Navigation may, even though the above conditions for obtaining the interim certificate have not been complied with, authorize a Swedish consul, after having ascertained the alleged owner's legal right to the vessel, to issue an interim certificate, which shall be valid for a specified time not exceeding six months, or until the vessel arrives in a Swedish port within such specified time.

3. In special cases, and for very special reasons, and subject to such conditions as may in such cases be prescribed, the Board of Shipping and Navigation may issue a certificate (*Interim Evidence of Nationality*) to the effect that a vessel which is in this country and is subject to registration may, even if it is not entered in the register, depart either for one or more other specified Swedish ports or for one or more specified foreign ports and back to a Swedish port.

4. An interim certificate, during the time it is valid, shall carry the same rights and privileges as a certificate of nationality and registration. The same shall apply in the case of a certificate constituting interim evidence of nationality in regard to the voyage set out therein.

...

(c) ORDINANCE<sup>1</sup> OF 4 DECEMBER 1903 CONCERNING PASSPORTS AND NATIONALITY DOCUMENTS FOR SWEDISH FOREIGN-GOING VESSELS\*\*

*Article 1.* A Swedish vessel of such description as necessitates its being entered in the register of ships shall, on its voyages to places outside Sweden, carry, for confirmation of its nationality, not only a *Certificate of Nationality and Registration* or, in lieu thereof, a valid interim document of nationality but also the proper ship's articles; all such documents must be issued in conformity with provisions specially enacted to that effect.

No vessel of the above-mentioned description which is not provided with the documents here prescribed may be cleared from a Swedish port.

...

(d) ACT NO. 86 OF 6 APRIL 1956 CONCERNING MEASURES FOR THE PREVENTION OF WATER POLLUTION, CAUSED BY SHIPS, AS AMENDED, article 1<sup>2</sup>

<sup>1</sup> The English text reproduced in ST/LEG/SER.B/5 and Add.1, p. 165, has been modified, as suggested by the Permanent Mission of Sweden to the United Nations.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VII, 8.

(e) EXTRADITION ACT<sup>1</sup> OF 6 DECEMBER 1957\*\*

...

*Article 3*

Extradition may be granted only for an offence, or for participation in an offence, which was committed in its entirety or in part outside Sweden or on board a foreign vessel or aircraft.

In the case of an offence committed in Sweden by a person who was an officer or employee of a foreign State and a national of the same State, extradition to the said State may be granted irrespective of the provisions of the first paragraph (Act of 30 March 1962).

- (f) ROYAL NOTICE<sup>2</sup> No. 191 OF 2 MAY 1958 CONTAINING REGULATIONS FOR THE APPLICATION OF ACT No. 86 OF 6 APRIL 1956 CONCERNING MEASURES FOR THE PREVENTION OF WATER POLLUTION CAUSED BY SHIPS, AS AMENDED BY ROYAL NOTICE<sup>3</sup>

*Article 1*

The provisions of article 1, first paragraph, of the Act concerning measures for the prevention of water pollution caused by ships shall, in so far as Swedish tankers of 150 tons gross tonnage or more and other Swedish ships of 500 tons gross tonnage or more are concerned, also apply within the water areas (prohibited zones) which are set out in the annex to this Notice.

With regard to Swedish ships of 20,000 tons gross tonnage or more for which the building contract was placed on or after 18 May 1967, the provisions of article 1, first paragraph, of the said Act shall apply within each water area. Oil may, however, be discharged from such a ship outside the prohibited zones if special circumstances make it neither reasonable nor practicable to retain the oil on board. Such discharge and the reasons therefore shall be reported by the master to the Shipping and Navigation Board as soon as possible.

*Article 1a*

The provisions of article 1, first paragraph, of the Act concerning measures for the prevention of water pollution caused by ships shall also apply in the prohibited zones to Swedish tankers of under 150 tons gross tonnage and other Swedish ships of under 500 tons gross tonnage having engines of 400 effective horsepower or more.

The provisions of articles 2, 4 and 6 of the said Act which relate to ships of a specified minimum tonnage shall also apply to the ships referred to in the first paragraph of the present article.

The Shipping and Navigation Board shall be authorized to waive the provisions of this article.

<sup>1</sup> C. G. Hellquist. *Sveriges Rikes Lag*, 1969, p. 717. Came into force on 1 January 1958. By this Act, the Extradition Law of 4 June 1913, as amended (see ST/LEG/SER.B/2, p.111; ST/LEG/SER.B/8, p. 107), was repealed. The present Act does not relate to Denmark, Finland, Iceland and Norway, which are dealt with in a separate Act of 5 June 1959 (see *infra*).

<sup>2</sup> *Svensk författningssamling* 1958, No. 191.

<sup>3</sup> *Ibid.*, 1967, No. 126.

## ANNEX

## PROHIBITED ZONES

1. All sea areas within fifty miles from the nearest land shall be prohibited zones.
2. The following sea areas, in so far as they extend more than fifty miles from the nearest land, shall also be prohibited zones:

## PACIFIC OCEAN

*The Canadian Western Zone*

The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

## NORTH ATLANTIC OCEAN, NORTH SEA AND BALTIC SEA

*The North-West Atlantic Zone*

The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47' north, longitude 73° 43' west to latitude 39° 58' north, longitude 68° 34' west, thence to latitude 42° 05' north, longitude 64° 37' west, thence along the east coast of Canada at a distance of 100 miles from the nearest land.

*The Icelandic Zone*

The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

*The Norwegian, North Sea and Baltic Sea Zones*

The Norwegian, North Sea and Baltic Sea Zones shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea, the Baltic Sea and the Gulf of Bothnia.

*The North-East Atlantic Zone*

The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

<i>Latitude</i>	<i>Longitude</i>
62° north	2° east,
64° north	00°;
64° north	10° west,
60° north	14° west;
54° 30' north	30° west,
53° north	40° west;
44° 20' north	40° west,
44° 20' north	30° west;
46° north	20° west, [new line] thence

towards Cape Finisterre at the intersection of the 50-mile limit.

*The Spanish Zone*

The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain.

*The Mediterranean and Adriatic Zone*

The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of Algeria, France, Greece, Israel, Italy, Spain and the United Arab Republic.

RED SEA

*The Red Sea Zone*

The Red Sea Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of the United Arab Republic.

PERSIAN GULF

*The Kuwait Zone*

The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

INDIAN OCEAN

*The Malagasy Zone*

The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians.

*The Australian Zone*

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

The term "mile" means a nautical mile of 1,852 metres.

The term "from the nearest land" means from the baseline from which the territorial sea is established.

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This Notice shall come into force on 1 January 1969 in so far as article 1a is concerned and on 18 May 1967 in all other respects.

(g) ACT<sup>1</sup> OF 5 JUNE 1959 CONCERNING EXTRADITION FOR THE COMMISSION OF AN OFFENCE TO DENMARK, FINLAND, ICELAND AND NORWAY\*\*

...

*Article 2*

A Swedish national may be extradited only if, at the time of the commission of the offence, he had been resident for at least two years in the requesting State or if

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<sup>1</sup> *Ibid.*, p. 270. According to information transmitted by the Permanent Mission of Sweden to the United Nations, the Act does not require, in respect of the extradition of a foreign national, that the offence shall have been committed in its entirety or in part outside Sweden. A Swedish national may be extradited under the conditions laid down in article 2.

the offence for which extradition is requested corresponds to an offence which is punishable under Swedish law by a term of imprisonment exceeding four years; extradition may not, however, be granted for an offence that was committed in its entirety in Sweden save where the offence entails participation in an offence committed outside Sweden or where extradition is also taking place for an offence that was committed outside Sweden (Act of 20 March 1964).

(h) ROYAL ORDER NO. 150 OF 18 MAY 1962 CONCERNING NAVIGATION, AS AMENDED BY ROYAL NOTICE NO. 454 OF 15 JUNE 1965 AND BY ROYAL NOTICE NO. 114 OF 21 APRIL 1967, article 2<sup>1</sup>

(i) ROYAL NOTICE NO. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS RELATING TO NAVIGATION, article 1<sup>2</sup>

(j) PENAL CODE<sup>3</sup> OF 21 DECEMBER 1962

PART ONE. GENERAL PROVISIONS

...

CHAPTER 2

*Applicability of Swedish law*

*Article 1*

A person who has committed an offence in Sweden shall be tried according to Swedish law and in a Swedish court. The same shall apply when it is uncertain where the offence was committed but grounds exist for assuming that it was committed in Sweden.

*Article 2*

Where an offence has been committed outside Sweden by a Swedish national or by an alien domiciled in Sweden, the offender shall be tried according to Swedish law and in a Swedish court.

Where an alien other than as aforesaid has, while outside Sweden, committed an offence punishable under the law in force at the place where the offence was committed, he shall be tried according to Swedish law and in a Swedish court if, after having committed the offence, he has become a Swedish national or has acquired domicile in Sweden, or if he is a Danish, Finnish, Icelandic or Norwegian national and is found to be present in Sweden, or if he is found to be present in Sweden and the offence is one that is punishable under Swedish law by a term of imprisonment exceeding six months.

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter II, 18 (b).

<sup>2</sup> *Ibid.*, Chapter III, 6 (a).

<sup>3</sup> C. G. Hellquist, *Sveriges Rikes Lag*, 1969, p. 716. Came into force on 1 January 1965. By the present Penal Code, the Penal Code of 16 February 1864, as amended, (see ST/LEG/SER.B/2, p. 109) was repealed.



*Article 3*

Apart from the cases referred to in article 2, an alien who has committed an offence outside Sweden shall be tried according to Swedish law and in a Swedish court:

1. If he committed the offence on board a Swedish vessel or aircraft or if he was the officer in charge or a crew member of such vessel or aircraft and committed the offence while acting in that capacity;
2. If he committed the offence in an area where a detachment of military forces was present, but, unless he was a serviceman, only if the detachment was there for other than training purposes;
3. If the offence was committed against Sweden, a Swedish national or a Swedish group, institution or organization or against an alien domiciled in Sweden; or
4. If the offence constituted a violation of international law.

*Article 4*

An offence shall be deemed to have been committed at the place where the criminal act occurred and also where the offence was completed or, in the case of an attempt to commit an offence, where the intended offence would have been completed.

*Article 5*

Criminal proceedings in respect of an offence committed in Sweden on board a foreign vessel or aircraft by an alien who was the officer in charge or a crew member of or a person otherwise accompanying such vessel or aircraft may not be instituted against such alien or a foreign interest without an order from the King or from a person authorized by the King to issue such an order.

Criminal proceedings in respect of an offence committed outside Sweden may be instituted only in pursuance of an order as referred in the first paragraph. Such proceedings may, however, be instituted without such an order if the offence was committed on board a Swedish vessel or aircraft, or, while on duty, by the officer in charge or a crew member of such a vessel or aircraft, or by a serviceman in an area where a detachment of the armed services was present, or by a Swedish, Danish, Finnish, Icelandic or Norwegian national against a Swedish interest.

*Article 6*

No person may, without an order from the King or from a person authorized by the King to issue such an order, be prosecuted for an act for which he has been punished or otherwise penalized outside Sweden. If criminal proceedings are instituted in Sweden, the fixing of the penalty shall be done with due regard for the penalties imposed on the offender outside Sweden, and the offender may, according to the circumstances, be sentenced to a lesser penalty than the one prescribed by law for the relevant act or may be completely absolved from punishment.

*Article 7*

Apart from the provisions of this chapter regarding the applicability of Swedish law and the jurisdiction of Swedish courts, attention shall be paid to the limitations

arising from generally recognized principles of international law or, in accord with special statutory provisions, from agreements with foreign Powers.

...

(k) ACT NO. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS, chapter 1, articles 1 and 3; chapter 8, article 2<sup>1</sup>

(l) ACT<sup>2</sup> NO. 78 OF 1 APRIL 1966 CONCERNING THE PROHIBITION IN CERTAIN CASES OF RADIO BROADCASTING ON THE HIGH SEAS\*\*

*Article 1*

Any person who broadcasts from a radio installation on the high seas or in the air space above the high seas shall be liable to a fine or to imprisonment for a term of not more than one year if the broadcast is intended to be received or can be received in Sweden, Denmark, Finland or Norway or in any country which is a party to the European Agreement for the prevention of broadcasts transmitted from stations outside national territories, or if the broadcast causes harmful interference with radio communications in any of the said countries.

Any person who establishes or operates a radio installation for the purposes of broadcasting as referred to in the first paragraph shall be liable to a fine or to imprisonment for a term of not more than one year.

*Article 2*

A person shall be liable to punishment for participating in an offence as referred to in article 1 if he furthers the establishment, maintenance or operation of the radio installation by:

- (1) providing the owner or operator of the installation with technical or financial assistance;
- (2) providing equipment or supplies for the broadcasting activity;
- (3) providing transport to or from a vessel, aircraft or contrivance of any other nature containing the installation, or providing the means for such transport;
- (4) participating in a broadcast;
- (5) producing a programme or anything else which is intended to be used in a broadcast;
- (6) giving or transmitting instructions for a broadcast;
- (7) supplying advertising for the broadcasting activity; or
- (8) carrying on business for the purpose of furthering the broadcasting activity in any other manner.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 18 (c).

<sup>2</sup> *Svensk författningssamling, 1966, No. 78*. Came into force on the date on which the Act was published. Act No. 278 of 6 June 1962 prohibiting radio broadcasting on the high seas in certain cases, has been repealed.

*Article 3*

Any stock-in-trade or payment which an owner or operator of a radio installation as referred to in article 1 has received for the establishment, maintenance or operation of the installation or for a broadcast from the installation shall be declared forfeited to the Crown unless such action is clearly unreasonable.

Property which has been used for the purpose of committing or has resulted from or has been the object of an offence referred to in article 1 or in article 2, item (1), (2), (3), (5) or (8), may, if the offence was committed by the owner of the property or a person acting in his stead, be declared, in its entirety or in part, to be forfeited to the Crown where such action is required for the purpose of preventing an offence as referred to in this paragraph or for any other special reason and it is not clearly unreasonable.

Where property as referred to in the first or second paragraph was in a form other than money and cannot be recovered, the value of such property may instead be declared forfeited.

The provisions of the first and second paragraphs may not be applied to the detriment of any person who acquired the property or a special interest therein in good faith.

*Article 4*

Where a vessel on which there is a maritime lien or a mortgage, or an aircraft on which there is an aircraft lien or a mortgage, is declared to be forfeited, the court may rule that the lien on the forfeited property shall be lost. Where in other cases a person's interest in an object declared to be forfeited ought to subsist despite such declaration, the court shall make a reservation to that effect.

*Article 5*

An alien who has committed an offence as referred to in article 1 or 2 outside Sweden shall, if he is present in Sweden, be brought to trial in a Swedish court by virtue of the present Act even if the provisions of chapter 2, article 2 or 3, of the Criminal Code are not applicable.

Proceedings against a Swedish national in respect of an offence concerning a broadcast which is not intended to be or cannot be received in Sweden and which does not cause harmful interference with radio communications in Sweden, or proceedings against an alien, may, even in a case other than as referred to in chapter 2, article 5, of the Criminal Code, be instituted only as determined by the King or a person authorized by the King.

(m) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF (articles 4, 10 and 13)<sup>1</sup>

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<sup>1</sup> *Supra* DIVISION II, 41 (a).

## 23. UNITED KINGDOM

(a) OIL IN NAVIGABLE WATERS ACT,<sup>1</sup> 1955 (CHAPTER 25) AS AMENDED<sup>2</sup>

Whereas a Convention entitled "The International Convention for the Prevention of Pollution of the Sea by Oil, 1954" (in this Act referred to as "the Convention of 1954") was signed on behalf of Her Majesty's Government in the United Kingdom in London on the twelfth day of May, nineteen hundred and fifty-four:

And whereas it is expedient to enable effect to be given to that Convention, and otherwise to make new provision for preventing the pollution of navigable waters by oil:

<sup>1</sup> 3 and 4 Eliz. 2 c. 25.

<sup>2</sup> By the Oil in Navigable Waters (Enforcement of Convention) Order, 1958 and the Oil in Navigable Waters Act 1963;

To give effect to the provisions of the Act, the following Orders were issued (besides those mentioned above under the heading UNITED KINGDOM):

- The Oil in Navigable Waters (Prohibited Sea Areas) (Australian Zone) Order, 1958 (*Statutory Instruments* 1958 No. 1058)
- The Oil in Navigable Waters (Prohibited Areas) (Extension of Canadian Zone) Order, 1961 (*Statutory Instruments* 1961, No. 78)
- The Oil in Navigable Waters (Convention Countries) (Poland) Order, 1961 (*Statutory Instruments* 1961 No. 1008)
- The Oil in Navigable Waters (Convention Countries) (Greece and Ivory Coast) Order 1967 (*Statutory Instruments* 1967 No. 814)
- The Oil in Navigable Waters (Prohibited Sea Areas) (Amendment) Order 1967 (*Statutory Instruments* 1967 No. 891)
- The Oil in Navigable Waters (Prohibited Sea Areas) (Amendment No. 2) Order 1967 (*Statutory Instruments* 1967 No. 1120)
- The Oil in Navigable Waters (Convention Countries) (Lebanon) Order 1967 (*Statutory Instruments* 1967 No. 1153)
- The Oil in navigable Waters (Prohibited Sea Areas) (Amendment No. 3) Order 1967 (*Statutory Instruments* 1967 No. 1625)
- The Oil in Navigable Waters (Convention Countries) (Japan and Portugal) Order 1967 (*Statutory Instruments* 1967 No. 1680)
- The Oil in Navigable Waters (Convention Countries) (United States of America) Order, 1961 (*Statutory Instruments* 1961 No. 2277)
- The Oil in Navigable Waters (Convention Countries) (Kuwait) Order 1962 (*Statutory Instruments* 1962 No. 174)
- The Oil in Navigable Waters (Convention Countries) (Iceland) Order 1962 (*Statutory Instruments* 1962 No. 1092)
- The Oil in Navigable Waters (Convention Countries) (Liberia) Order 1962 (*Statutory Instruments* 1962 No. 1345)
- The Oil in Navigable Waters (Convention Countries) (Ghana) Order 1962 (*Statutory Instruments* 1962 No. 1657)
- The Oil in Navigable Waters (Extension of Convention) (Netherlands Antilles) Order 1962 (*Statutory Instruments* 1962 No. 2189)
- The Oil in Navigable Waters (Convention Countries) (Jordan) Order 1963 (*Statutory Instruments* 1963 No. 1149)
- The Oil in Navigable Waters (Convention Countries) (United Arab Republic) Order 1963 (*Statutory Instruments* 1963 No. 1150)

1. *Discharge of certain oils into prohibited sea areas.*—(1) If any oil to which this section applies is discharged from a British ship registered in the United Kingdom into a part of the sea which is a prohibited sea area, or if any mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from such a ship into such a part of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

(2) This section applies—

(a) to crude oil, fuel oil and lubricating oil, and

(b) to heavy diesel oil, as defined by regulations made under this section by the Minister of Transport and Civil Aviation (in this Act referred to as “the Minister”), and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

...

(5) In this Act “subsequent Convention” means any Convention subsequent to the Convention of 1954, being a Convention accepted by Her Majesty’s Government in the United Kingdom.

...

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- The Oil in Navigable Waters (Convention Countries) (Dominican Republic) Order 1963 (*Statutory Instruments* 1963 No. 1317)
  - The Oil in Navigable Waters (Convention Countries) (Republic of Panama) Order 1963 (*Statutory Instruments* 1963 No. 1931)
  - The Oil in Navigable Waters (Convention Countries) (Republic of the Philippines) Order 1964 (*Statutory Instruments* 1964 No. 60)
  - The Oil in Navigable Waters (Convention Countries) (Republic of Venezuela) Order 1964 (*Statutory Instruments* 1964 No. 61)
  - The Oil in Navigable Waters (Convention Countries) (Democratic and Popular Republic of Algeria) Order 1964 (*Statutory Instruments* 1964 No. 280)
  - The Oil in Navigable Waters (Convention Countries) (Spanish State) Order 1964 (*Statutory Instruments* 1964 No. 281)
  - The Oil in Navigable Waters (Convention Countries) (Italian Republic) Order 1964 (*Statutory Instruments* 1964 No. 931)
  - The Oil in Navigable Waters (Convention Countries) (Malagasy Republic) Order 1965 (*Statutory Instruments* 1965 No. 976)
  - The Oil in Navigable Waters (Convention Countries) (State of Israel) Order 1966 (*Statutory Instruments* 1966 No. 189)
  - The Oil in Navigable Waters (Convention Countries) (Swiss Confederation) Order 1966 (*Statutory Instruments* 1966 No. 392)

2. *Designation of prohibited sea areas.*—(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas.

(2) Subject to the following provisions of this section,—

(a) the areas specified in Part I of the Schedule to this Act shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to tankers;

(b) the areas specified in Part II of that Schedule shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to vessels other than tankers.

...

(5) The Minister, if he considers it necessary to do so for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, may by order—

(a) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in the Schedule to this Act, as a prohibited sea area.

...

(7) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by order vary any of the areas specified in any Part of the Schedule to this Act, or declare that any area specified in a Part of that Schedule shall cease to be included therein.

(8) For the purpose of giving effect to any subsequent Convention, the Minister may by order designate, as a prohibited sea area, any area of the sea, outside the territorial waters of the United Kingdom, which apart from the order is not a prohibited sea area in relation to tankers, or to vessels other than tankers, as the case may be.

3. *Discharge of oil into United Kingdom waters.*—(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

(a) if the discharge is from a vessel, the owner or master of the vessel, or

(b) if the discharge is from a place on land, the occupier of that place, or

(c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say,—

(a) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom, and

(b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

(3) A harbour authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the harbour, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

In this subsection "petroleum-spirit" has the same meaning as in the Petroleum (Consolidation) Act, 1928.

(4) In this Act "place on land" includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and "occupier", in relation to any such thing as is mentioned in the preceding provisions of this subsection, 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.

(5) In this Act—

"harbour authority" means a person or body of persons empowered by an enactment to make charges in respect of vessels entering a harbour in the United Kingdom or using facilities therein;

"harbour in the United Kingdom" means a port, estuary, haven, dock, or other place which fulfils the following conditions, that is to say,—

(a) that it contains waters to which this section applies, and

(b) that a person or body of persons is empowered by an enactment to make charges in respect of vessels entering that place or using facilities therein.

In this subsection "enactment" includes a local enactment, and "charges" means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons, and of charges in respect of pilotage.

4. *Special defences under ss. 1 and 3.*—(1) Where a person is charged with an offence under section one of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question 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:

Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection, 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 the leakage was not 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) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not 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.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall (without prejudice to any other defence under this section) 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 the last preceding section applies; and

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

Provided that a defence under this subsection shall not have effect 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 in question, or land adjacent to those waters, was fouled by oil, 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.

(6) Where any oil, or mixture containing oil, is discharged in consequence of—

(a) the exercise of any power conferred by sections five hundred and thirty to five hundred and thirty-two of the Merchant Shipping Act, 1894 (which relate to the removal of wrecks by harbour, conservancy and lighthouse authorities), or

(b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment,

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section one of this Act, or under the last preceding section, in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

(7) The last preceding subsection shall apply to the exercise of any power conferred by section thirteen of the Dockyard Ports Regulation Act, 1865 (which relates to the removal of obstructions to dockyard ports), as it applies to the exercise of any such power as is mentioned in paragraph (a) of that subsection, as if references



to the authority exercising the power were references to the Queen's harbour-master for the port in question.

...

7. *Keeping of records of matters relating to oil.*—(1) The Minister may make regulations requiring masters of British ships registered in the United Kingdom to keep records—

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

(b) of any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from any such ship in consequence of damage to the ship, or by reason of leakage;

(c) of the carrying out, on board or in connection with any such ship, of such operations as may be prescribed, being operations relating to—

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

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

(iii) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding subparagraphs, or,

(iv) the disposal of any other oil residues.

(2) The Minister 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 United Kingdom.

In the case of vessels in respect of which requirements are imposed by the preceding subsection, any requirements imposed by virtue of this subsection shall be in addition to those requirements.

(3) Any records required by virtue of regulations made under the last preceding subsection in the case of any vessel shall be kept by the master of the vessel:

Provided that in the case of a barge the records, in so far as they relate to the transfer of oil to the barge, shall be kept by the person supplying the oil, and, in so far as they relate to the transfer of oil from the barge, shall be kept by the person to whom the oil is delivered.

(4) Where by any regulations made under this section any records are required to be kept, the regulations may—

(a) prescribe the form in which the records are to be kept, and the nature of the entries to be made in them;

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

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

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

and any regulations made under subsection (2) of this section may provide for any of the matters specified in paragraphs (b) to (d) of this subsection in relation to records kept under section three of the Oil in Navigable Waters Act, 1922 (which provides for the keeping of records such as are mentioned in subsection (2) of this section).

(5) If any person fails to comply with any requirements imposed by or under this section, he shall be liable on summary conviction to a fine not exceeding five hundred pounds; and if any person makes an entry in any records 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 five hundred pounds, or imprisonment for a term not exceeding six months, or both.

(6) In any proceedings under this Act—

(a) any records kept in pursuance of the Convention of 1954 shall be admissible as evidence of the facts stated in those records;

(b) any copy of an entry in such records, which is certified by the master of the ship 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 records kept in pursuance of the Convention of 1954 or purporting to be such a certified copy as is mentioned in the last preceding paragraph, shall, unless the contrary is proved, be presumed to be such records or such a certified copy, as the case may be.

8. *Facilities in harbours for disposal of oil residues.*—(1) In respect of every harbour in the United Kingdom, the powers of the harbour authority shall include power to provide facilities for enabling vessels using the harbour to discharge or deposit oil residues (in this Act referred to as “oil reception facilities”).

...

9. *Restrictions on transfer of oil at night.*—(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any harbour in the United Kingdom unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil for the purposes of a fire brigade.

...

10. *Duty to report discharges of oil into waters of harbours.*—(1) If any oil or mixture containing oil—

(a) is discharged from a vessel into the waters of a harbour in the United Kingdom for the purposes of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life, or

(b) is found to be escaping, or to have escaped, into any such waters from a vessel in consequence of damage to the vessel, or by reason of leakage; or

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

the owner 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, stating, in the case of a report by the owner or master of a vessel whether it falls within paragraph (a) or paragraph (b) of this subsection, and, if he fails to do so, shall be guilty of an offence under this section:

Provided that if the harbour has no harbour-master the report shall be made to the harbour authority.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds.

...

*11. Powers of inspection.*—(1) The Minister may appoint any person as an inspector to report to him—

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

(b) what measures (other than measures made obligatory by regulations under section five of this Act) 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.

...

(6) 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 United Kingdom the harbour-master, and any other person appointed by the Minister 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 records which by virtue of any regulations made under this Act are required to be kept in respect of the vessel;

(c) to copy any entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

*14. General provisions as to application of Act.*—(1) The provisions of this Act, except provisions which are expressed to apply only to British ships registered in the United Kingdom, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

(2) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, any regulations made under section five of this Act, or under subsection (1) of section seven of this Act, shall apply to ships registered in countries and territories other than the United Kingdom at any time when they are in a harbour in the United Kingdom, or are within the seaward limits of the territorial waters of the United Kingdom while on their way to or from a harbour in the United Kingdom.

(3) An Order in Council under the last preceding subsection shall not be made so as to impose different requirements in respect of ships of different countries or territories:

Provided that if Her Majesty 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, Her Majesty may by Order in Council direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with the said provisions applicable thereto under the law of that country or territory.

(4) No regulation shall by virtue of an Order in Council under this section apply to any ship as being within a harbour in the United Kingdom, or on her way to or from such a 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 circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

...

*16. Application of Act to Crown.*—(1) The provisions of this Act do not apply to vessels of Her Majesty's navy, nor to Government ships in the service of the Admiralty while employed for the purposes of Her Majesty's navy.

(2) Subject to the preceding subsection—

...

(b) provisions of this Act which are expressed to apply to vessels generally apply to Government ships as they apply to other vessels.

(3) In this section "Government ships" has the same meaning as in section eighty of the Merchant Shipping Act, 1906.

*17. Provisions as to Isle of Man, Channel Islands, colonies and dependencies.*—

(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order (including any enactments for the time being in force amending or substituted for those provisions) shall extend, with such exceptions and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, or any colony.

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being Her Majesty has jurisdiction.

(3) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, the provisions of this Act which (apart from section fourteen of this Act and the last preceding section) apply only to British ships registered in the United Kingdom shall apply also to ships registered in any country or territory specified in the Order, being a country or territory to which the provisions of this Act can be extended by virtue of either of the preceding subsections.

*18. Enforcement of Conventions relating to oil pollution.*—(1) Her Majesty may by Order in Council empower such persons as may be designated by or under the Order to go on board any ship to which the Convention of 1954 applies, while the ship is within a harbour in the United Kingdom, and to require production of any records required to be kept in accordance with that Convention.

(2) An Order in Council under this section may, for the purposes of the Order, and with any necessary modifications, apply any of the provisions of this Act relating to the production and inspection of records and the taking of copies of entries therein, and to the admissibility in evidence of such records and copies, including any provisions of the Merchant Shipping Act, 1894, applied by those provisions and including any penal provisions of this Act in so far as they relate to those matters.

(3) For the purposes of this section Her Majesty, if satisfied that the government of any country has accepted, or denounced, the Convention of 1954, or that the Convention of 1954 extends, or has ceased to extend, to any territory, may by Order in Council make a declaration to that effect; and in this section “ship to which the Convention of 1954 applies” means a ship registered in—

(a) a country the government of which has been so declared to have accepted that Convention, and has not been so declared to have denounced it, or

(b) a territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend.

(4) The preceding provisions of this section shall apply to any sub-

...

22. *Interpretation.*—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

...

“oil” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar, and any power conferred by any provision of this Act to prescribe descriptions of oil for the purposes of that provision shall be construed accordingly;

“oil reception facilities” has the meaning assigned to it by section eight of this Act;

“oil residues” means any waste material consisting of, or arising from, oil or a mixture containing oil;

“outside the territorial waters of the United Kingdom” means outside the seaward limits of those waters;

...

“sea” includes any estuary or arm of the sea;

“subsequent Convention” has the meaning assigned to it by section one of this Act;

...

23. *Provisions as to Northern Ireland.*—(1) The provisions of this section shall have effect for the purposes of the application of this Act in relation to Northern Ireland.

...

## SCHEDULE

## PROHIBITED SEA AREAS

*Part I**Initial Areas*

1. The whole of the sea which lies—
  - (a) outside the territorial waters of the United Kingdom, and
  - (b) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark.
2. The whole of the sea which lies—
  - (a) south of latitude 62° north, and
  - (b) within 50 miles from the coast of Norway.
3. So much of the Atlantic Ocean and of the English Channel, outside the territorial waters of the United Kingdom, and outside the area specified in paragraph 1 of this Part of this Schedule, as lies within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Isles; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to the coast of France.

...

*Part III**Additional Areas*

1. The whole of the sea which lies within 50 miles from land, exclusive of—
  - (a) the areas specified in Part I of this Schedule,
  - (b) any area within the seaward limits of the territorial waters of the United Kingdom, and
  - (c) the Adriatic Sea.
2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 30 miles from any other coast (the island of Vis being disregarded).

(b) OIL IN NAVIGABLE WATERS (SHIPS EQUIPMENT) REGULATIONS,<sup>1</sup> 1957\*

(c) OIL IN NAVIGABLE WATERS (ENFORCEMENT OF CONVENTION) ORDER,<sup>2</sup> 1958

...

<sup>1</sup> *Statutory Instruments* 1957 No. 1424 made on 31 July 1957, came into operation on 1 July 1958.

<sup>2</sup> *Statutory Instruments* 1958 No. 1526 made on 11 September, came into operation on 18 September 1958.

2. Without prejudice to any powers exercisable by surveyors of ships otherwise than by virtue of this Order every surveyor of ships is hereby designated as a person empowered to go on board any ship to which the Convention of 1954 applies, while the ship is within a harbour in the United Kingdom, and to require production of any records required to be kept in accordance with that Convention.

...

(d) OIL IN NAVIGABLE WATERS (HONG KONG) ORDER,<sup>1</sup> 1963

1. The provisions of the Oil in Navigable Waters Act 1955 specified in the Schedule to this Order (being those provisions which apply only to British ships registered in the United Kingdom) shall apply also to British ships registered in Hong Kong.

...

SCHEDULE

Section 1.

Section 5.

Section 7, subsection (1).

(e) OIL IN NAVIGABLE WATERS (HONG KONG) REGULATIONS,<sup>2</sup> 1963

...

3. The provisions of the following statutory instruments, namely, the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956, the Oil in Navigable Waters (Ships' Equipment) (No. 1) Regulations 1956, the Oil in Navigable Waters (Records) Regulations 1957, the Oil in Navigable Waters (Ships' Equipment) Regulations 1957 and the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958, shall apply in relation to British ships registered in Hong Kong as they apply in relation to British ships registered in the United Kingdom, but, as respects those statutory instruments other than the Oil in Navigable Waters (Ships' Equipment) Regulations 1957, as if they had come into operation on the date of coming into operation of these Regulations, and, as respects the Oil in Navigable Waters (Ships' Equipment) Regulations 1957, as if they were coming into operation on the 3rd May 1966.

...

(f) OIL IN NAVIGABLE WATERS ACT,<sup>3</sup> 1963

(Chapter 28)

Whereas on the 11th April 1962 the Conference of Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil 1954, adopted amendments to that Convention:

<sup>1</sup> *Statutory Instruments* 1963 No. 788 made on 11 April, came into operation on 20 April 1963.

<sup>2</sup> *Statutory Instruments* 1963 No. 848. Made on 22 April, came into operation on 3 May 1963.

<sup>3</sup> By the Oil in Navigable Waters Act 1963 (Commencement Order) 1967 *Statutory Instruments* 1967 No. 708 (C.11) made on 8 May 1967, the Act came into operation on 18 May 1967.

And whereas it is expedient to enable effect to be given to those amendments, and otherwise to extend the Oil in Navigable Waters Act 1955:

...

1. *Amendments as to prohibited sea areas*

(1) The areas which at the coming into operation of this section are prohibited sea areas in relation to tankers shall be prohibited sea areas in relation to all ships to which section 1 of the Oil in Navigable Waters Act 1955 (hereafter referred to as "the principal Act") applies.

(2) The power of the Minister under section 2 (7) or 2 (8) of the principal Act (variation or deletion of prohibited sea areas, and designation of additional areas, in accordance with or to give effect to Conventions) shall be exercisable either generally or in relation to different classes of vessels or different circumstances or both.

2. *Restriction of discharge at sea from new ships over specified tonnage*

(1) If any oil to which section 1 of the principal Act applies is discharged anywhere at sea from a British ship registered in the United Kingdom, being a ship of twenty thousand tons gross tonnage or more for which the building contract was entered into on or after the coming into operation of this section, or if there is so discharged from such a ship any such oily mixture as is mentioned in subsection (1) of that section, the owner or master of the ship shall, subject to the provisions of the principal Act, be guilty of an offence:

Provided that it shall be a defence to prove that by reason of special circumstances it was impracticable or unreasonable to retain the oil or mixture in the ship.

(2) Where any such oil or oily mixture is discharged at sea from such a ship as aforesaid, the master of the ship shall as soon as may be report the fact in the prescribed form and manner to the Minister, and if he fails to comply with this subsection he shall be guilty of an offence.

(3) Section 1 (3) of the principal Act (power to prescribe exceptions) shall apply to subsection (1) of this section, and sections 4 (special defences) and 6 (penalties) of the principal Act shall apply in relation to offences under the said subsection (1).

(4) In subsection (2) of this section "prescribed" means prescribed by regulation under section 7 of the principal Act, and subsection (5) of that section (failure to keep records and falsification of records) and subsection (6) thereof (evidence) shall apply in relation to reports required by subsection (2) of this section as they apply in relation to records required under the said section 7.

(5) For the purpose of giving effect to any variation of the Convention of 1954 or to any subsequent Convention the Minister may by order apply the foregoing provisions of this section to ships of such classes as may be specified in the order.

(6) Nothing in this section shall be taken to authorise the discharge of oil or oily mixture in a prohibited sea area.

...



## SCHEDULE 1

*Minor Amendments*

3.—(1) Subject to section 16 (1) of the principal Act (exclusion of naval ships), provisions of the principal Act or this Act which are expressed to apply only to British ships registered in the United Kingdom apply—

(a) to Government ships so registered,

(b) to Government ships, not so registered, which are held for the purposes of Her Majesty's Government in the United Kingdom, as they apply to other ships which are registered in the United Kingdom as British ships.

(2) In this paragraph "Government ships" has the same meaning as in section 80 of the Merchant Shipping Act 1906.

...

(g) CONTINENTAL SHELF ACT, 1964, sections 5 and 8<sup>1</sup>

(h) OIL IN NAVIGABLE WATERS (GUERNSEY) ORDER,<sup>2</sup> 1966

1. The provisions of the Oil in Navigable Waters Act 1955 which (apart from sections 14 and 16 of the Act) apply only to British ships registered in the United Kingdom shall apply also to ships registered in the Isle of Man.

...

(i) OIL IN NAVIGABLE WATERS (ISLE OF MAN) ORDER,<sup>3</sup> 1966

1. The provisions of the Oil in Navigable Waters Act 1955 which (apart from sections 14 and 16 of the Act) apply only to British ships registered in the United Kingdom shall also to ships registered in the Isle of Man.

...

(j) OIL IN NAVIGABLE WATERS (JERSEY) ORDER,<sup>4</sup> 1966

1. The provisions of the Oil in Navigable Waters Act 1955 which (apart from sections 14 and 16 of the Act) apply only to British ships registered in the United Kingdom shall apply also to ships registered in Jersey.

...

<sup>1</sup> *Supra*, DIVISION II, 45 (a).

<sup>2</sup> *Statutory Instruments* 1966 No. 393. Made on 6 April, came into operation on 18 April 1966.

<sup>3</sup> *Statutory Instruments* 1966 No. 394. Made on 6 April, came into operation on 18 April 1966.

<sup>4</sup> *Statutory Instruments* 1966 No. 395. Made on 6 April, came into operation on 18 April 1966.

*(k)* OIL IN NAVIGABLE WATERS (GUERNSEY) REGULATIONS,<sup>1</sup> 1966

1. The provisions of the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956, the Oil in Navigable Waters (Records) Regulations 1957 and of Regulations 2 to 4 of the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958 shall apply in relation to ships registered in Guernsey as they apply in relation to British ships registered in the United Kingdom.

2. The Regulations specified below shall apply in relation to ships registered in Guernsey as they apply in relation to British ships registered in the United Kingdom, with effect from the dates specified in relation to them respectively:—

The Oil in Navigable Waters (Ships' Equipment) (No. 1) Regulations 1956	19th April 1967.
The Oil in Navigable Waters (Ships' Equipment) Regulations 1957	19th April 1969.

*(l)* OIL IN NAVIGABLE WATERS (ISLE OF MAN) REGULATIONS,<sup>2</sup> 1966

1. The provisions of the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956, the Oil in Navigable Waters (Records) Regulations 1957 and of Regulations 2 to 4 of the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958 shall apply in relation to ships registered in the Isle of Man as they apply in relation to British ships registered in the United Kingdom.

2. The Regulations specified below shall apply in relation to ships registered in the Isle of Man as they apply in relation to British ships registered in the United Kingdom, with effect from the dates specified in relation to them respectively:—

The Oil in Navigable Waters (Ships' Equipment) (No. 1) Regulations 1956	19th April 1967.
The Oil in Navigable Waters (Ships' Equipment) Regulations 1957	19th April 1969.

...

*(m)* OIL IN NAVIGABLE WATERS (JERSEY) REGULATIONS,<sup>3</sup> 1966\*

<sup>1</sup> *Statutory Instruments* 1966 No. 425. Made on 18 April, came into operation on 19 April 1966.

<sup>2</sup> *Statutory Instruments* 1966 No. 426. Made on 18 April, came into operation on 19 April 1966.

<sup>3</sup> *Statutory Instruments* 1966 No. 427. Made on 18 April, came into operation on 19 April 1966.

(n) OIL IN NAVIGABLE WATERS (PROHIBITED SEA AREAS) ORDER 1967<sup>1</sup>

...

1. There shall be such variations of the prohibited sea areas specified in Parts I and III of the Schedule to the principal Act, as varied, (being areas which, by virtue of section 1 of the 1963 Act, are prohibited sea areas in relation to all ships to which section 1 of the principal Act applies) as are necessary for those prohibited sea areas to read as set out in Schedule 1 to this Order.

2. The sea area specified in Schedule 2 to this Order, being an area outside the areas specified in the Schedule to the principal Act as varied by Article 1 of this Order and being an area which the Board of Trade consider it necessary to designate as a prohibited sea area for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, is hereby so designated.

...

## SCHEDULE 1

*Prohibited Sea Areas in accordance with the International Convention for the Prevention of Pollution of the Sea by Oil 1954, as amended*

1. All sea areas which lie within 50 miles from the nearest land.

2. The following sea areas, insofar as they extend more than 50 miles from the nearest land:—

(1) *Norway, North Sea and Baltic Sea*

The area lying within 100 miles from the nearest land along the coast of Norway; the whole of the North Sea; and the whole of the Baltic Sea and its Gulfs.

(2) *North-East Atlantic Ocean*

The area lying within a line drawn between the following points:

<i>Latitude</i>	<i>Longitude</i>
(a) 62° north	2° east;
(b) 64° north	00°;
(c) 64° north	10° west;
(d) 60° north	14° west;
(e) 54°30' north	30° west;
(f) 53° north	40° west;
(g) 44°20' north	40° west;
(h) 44°20' north	30° west;
(j) 46° north	20° west;

and thence to Cape Finisterre.

(3) *Iceland*

The area lying within 100 miles from the nearest land along the coast of Iceland.

<sup>1</sup> *Statutory Instruments* 1967 No. 709, made on 8 May came into operation on 18 May 1967. By this Order, the Oil in Navigable Waters (Prohibited Sea Areas) (Protection of the United Kingdom Coasts) Order 1956 was revoked.

(4) *North-West Atlantic Ocean*

The area lying within a line drawn from latitude 38° 47' north, longitude 73° 43' west to latitude 39° 58' north, longitude 68° 34' west; thence to latitude 42° 05' north, longitude 64° 37' west; thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(5) *Atlantic Ocean: Spain*

The area of the Atlantic Ocean lying within 100 miles from the nearest land along the coast of Spain.

(6) *Mediterranean Sea*

The areas of the Mediterranean Sea lying within 100 miles from the nearest land along the coasts of Spain, France, Israel, the United Arab Republic and Algeria.

(7) *Red Sea*

The areas of the Red Sea lying within 100 miles from the nearest land along the coasts of the United Arab Republic and Jordan.

(8) *Persian Gulf*

The area lying within 100 miles from the nearest land along the coast of Kuwait.

(9) *Malagasy*

(a) The area lying within 100 miles from the nearest land along the coast of the Malagasy Republic west of Cape d'Ambre in the north and Cape Ste. Marie in the South.

(b) The area lying within 150 miles from the nearest land along the coast of the Malagasy Republic east of those points.

(10) *Australia*

The areas lying within 150 miles from the nearest land along the coasts of Australia and Tasmania except that part thereof lying off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at latitude 20° south.

(11) *Western Canada*

The area lying within 100 miles from the nearest land along the west coast of Canada.

## 3. In this Schedule—

(1) the sea areas specified in paragraphs 1 and 2 shall not include the territorial waters of the United Kingdom;

(2) the expression “from the nearest land” in relation to any territory means from the baseline from which the territorial sea of that territory is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone 1958 (Cmd. 584).

## SCHEDULE 2

*Prohibited Sea Area designated pursuant to section 2(5) of the Oil in Navigable Waters Act 1955, as amended*

The area of the Atlantic Ocean adjacent to that specified in paragraph 2(2) of Schedule 1 and lying within a line drawn from latitude 44° 20' north, longitude 40° west to latitude 42° north, longitude 40° west; thence to latitude 44° 20' north, longitude 30° west; thence to the point of commencement.

*(o) OIL IN NAVIGABLE WATERS (HEAVY DIESEL OIL) REGULATIONS 1967<sup>1</sup>*

...

1. For the purposes of section 1 of the Oil in Navigable Waters Act 1955 as so amended heavy diesel oil shall mean marine diesel oil, other than those distillates of which more than half the volume distils at a temperature not exceeding 340 degrees centigrade when tested by the A.S.T.M. (American Society for Testing and Materials) Standard Method D.86-66, published in the 1967 Book of A.S.T.M. Standards, Part 17.

*(p) OIL IN NAVIGABLE WATERS (EXCEPTIONS) REGULATIONS 1967<sup>2</sup>*1. *Exception for ships generally*

There are hereby excepted from the operation of—

(a) section 1(1) of the principal Act as amended by the 1963 Act, and

(b) section 2(1) of the 1963 Act

all ships to which those provisions respectively apply in so far as they prohibit the discharge from the bilges of a ship of oily mixture, being a mixture in which the only oil is lubricating oil which has drained or leaked from machinery spaces.

2. *Exceptions for tankers*

(1) Every tanker of less than 150 tons to which section 1 of the principal Act applies is hereby excepted from the operation of subsection (1) of that section as so amended in so far as it prohibits the discharge from the ship of oil or oily mixture into any prohibited sea area other than a home prohibited sea area.

(2) Subject to paragraph (3) of this Regulation, every such tanker when proceeding to a port without adequate oil reception facilities in the United Kingdom or elsewhere in or adjacent to a home prohibited sea area is hereby excepted from the operation of the said subsection (1) as so amended in so far as it prohibits the discharge from the ship of oily mixture, being a mixture consisting only of oil and either ballast

<sup>1</sup> *Statutory Instruments* 1967 No. 710. By this Order, made on 8 May, which came into operation on 18 May 1967, the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956 were revoked.

<sup>2</sup> *Statutory Instruments* 1967 No. 771. By the Regulations, made on 8 May, which came into operation on 18 May 1967, the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958 were revoked.

water or water which has been used for cleaning cargo tanks, into a home prohibited sea area.

(3) The exception in paragraph (2) of this Regulation is subject to the condition that the discharge therein referred to shall be made as far from land as practicable.

### 3. *Exceptions for ships other than tankers*

(1) This Regulation applies to every ship to which section 1 of the principal Act applies, not being (i) a tanker or (ii) a ship of 20,000 tons or more to which section 2 of the 1963 Act applies.

(2) Subject to paragraph (4) of this Regulation every ship to which this Regulation applies of 500 tons or more which is using bunker fuel tanks for the carriage of ballast water and—

- (a) is fitted with effective means of separating oil from ballast water, and
- (b) is proceeding to a port without adequate oil reception facilities

is hereby excepted from the operation of subsection (1) of the said section 1 as amended by the 1963 Act in so far as it prohibits the discharge from the ship into any prohibited sea area of oily mixture consisting only of oil from bunker fuel tanks and ballast water.

(3) Subject to paragraphs (4) and (5) of this Regulation every ship of less than 500 tons is hereby excepted from the operation of the said subsection (1) as amended—

(a) in so far as it prohibits the discharge from the ship into any prohibited sea area, other than a home prohibited sea area, of oil or oily mixture; and

(b) in so far as it prohibits the discharge from the ship into a home prohibited sea area of oily mixture consisting only of oil from bunker fuel tanks and ballast water.

(4) The exceptions in paragraphs (2) and (3)(b) of this Regulation are subject to the condition that any discharge referred to therein shall be made as far from land as practicable.

(5) The exception in paragraph (3)(b) applies only if the ship is using bunker fuel tanks for the carriage of ballast water, and in the case of a ship of 80 tons or more only if the ship

- (a) is fitted with effective means of separating oil from water, and
- (b) is proceeding to a port without adequate oil reception facilities in the United Kingdom or elsewhere in or adjacent to a home prohibited sea area.

### 4. *Interpretation and Revocation*

(1) In these Regulations—

“port without adequate oil reception facilities” in relation to any ship means a port which has no facilities adequate to receive oil residues from the ship without causing unreasonable delay to the ship;

“tanker” means a vessel the greater part of the cargo space of which is constructed or adapted for the carriage of liquid cargoes in bulk and which is not carrying a cargo other than oil in that part of its cargo space;

“tons” means tons gross tonnage.

(2) For the purposes of these Regulations the home prohibited sea areas are the following:—

(a) the sea area south of latitude 62° north lying within 100 miles from the nearest land along the coast of Norway; and the whole of the North Sea south of that latitude excluding the territorial waters of the United Kingdom;

(b) the sea area lying within a line drawn between the following points, excluding the territorial waters of the United Kingdom:—

<i>Latitude</i>	<i>Longitude</i>
62° north	2° east;
64° north	00°;
64° north	10° west;
60° north	14° west;
54° 30' north	30° west;
53° north	40° west;
44° 20' north	40° west;
44° 20' north	30° west;
46° north	20° west,

and thence to Cape Finisterre.

The expression “from the nearest land along the coast of Norway” means from the baseline from which the territorial sea of Norway is established in accordance with the Geneva Convention on the Territorial Sea and Contiguous Zone 1958.

...

(q) OIL IN NAVIGABLE WATERS (RECORDS AND REPORTS) REGULATIONS 1967<sup>1</sup>

1. *Records: Tankers*

(1) The master of every ship to which section 7 of the principal Act applies, being a tanker, shall keep a record in the form of a book of the following matters, namely—

(a) 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;

(b) 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;

(c) any of the following operations carried out on board or in connection with the ship; namely—

- (i) any ballasting of, and discharge of ballast from, oil tanks being cargo tanks;
- (ii) any cleaning of oil tanks being cargo tanks;
- (iii) any settling in slop tanks and discharge of water therefrom;
- (iv) any disposal of oil residues from slop tanks or other sources.

(2) Entries shall be made in the said book in respect of every occasion specified in sub-paragraphs (a) and (b) of paragraph (1) above in the form and containing the

<sup>1</sup>*Statutory Instruments* 1967 No. 712. By the Regulations, made on 8 May, which came into operation on 18 May 1967, the Oil in Navigable Waters (Records) Regulations 1957 were revoked.

particulars set out in Schedule 3 to these Regulations, and in respect of the operations specified in sub-paragraph (c) of that paragraph in the form and containing the particulars set out in Schedule 1 to these Regulations.

2. *Records: ships other than tankers*

(1) The master of every ship to which section 7 of the principal Act applies of 80 tons or more which uses oil fuel, not being a tanker, shall keep a record in the form of a book of the following matters, namely—

(a) 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;

(b) 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;

(c) any of the following operations carried out on board or in connection with the ship, namely—

(i) any ballasting of, and discharge of ballast from, oil tanks being bunker fuel tanks;

(ii) any cleaning of, and discharge of washing water from, oil tanks being bunker fuel tanks;

(iii) any separation of oil from water, or from other substances, in any mixture containing oil;

(iv) any disposal of oil residues from oil tanks being bunker fuel tanks or from other sources.

...

(r) OIL IN NAVIGABLE WATERS ACTS 1955 AND 1963. EXEMPTION<sup>1</sup> FOR VESSELS OF LESS THAN 80 TONS, 18 MAY 1967

The Board of Trade in exercise of their powers under *section 15* of the Oil in Navigable Waters Act 1955 as amended hereby exempt the following class of vessels, that is to say—

vessels of less than 80 tons gross tonnage,

from the provisions of *section 3(1)* of that Act (Prohibition of discharge of oil into United Kingdom waters) in so far as such provisions prohibit the discharge from the bilges of such vessels of a mixture containing oil, being a mixture the only oil in which is lubricating oil which has drained or leaked from machinery spaces.

(s) MARINE AND BROADCASTING (OFFENCES) ACT, 1967 (1967 Chapter 41; 14 July 1967) Sections k, 3 and 9<sup>2</sup>

<sup>1</sup> Issued by an Assistant Secretary of the Board of Trade on 18 May 1967.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VIII, 3.



## 24. UNITED STATES OF AMERICA

(a) UNITED STATES CODE, TITLE 18 (CRIMES AND CRIMINAL PROCEDURE), AS AMENDED<sup>1</sup>

...

§ 3238. *Offenses not committed in any district*

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district in which the offender, or any one of two or more joint offenders, is arrested or is first brought; but if such offender or offenders are not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or of any one of two or more joint offenders, or if no such residence is known the indictment or information may be filed in the District of Columbia. (June 25, 1948, ch. 645, 62 Stat. 826; May 23, 1963, Pub. L. 88-27, 77 Stat. 48.)

(b) REGULATIONS<sup>2</sup> ON SHIPPING AND SEAMEN§ 83.7 *Jurisdiction over offenses committed on the high seas*

Under the general principles of international and maritime law, crimes and misdemeanors, committed on the high seas and out of the territorial limits of any state, are cognizable only in the courts of the country to which the vessel belongs. For the purpose of prosecuting such crimes the vessel may be regarded as part of the country of registry. These principles are recognized and enforced by courts of the United States and they are incorporated into Federal statutes. Piracy is a notable exception to this rule since the law of nations recognizes this crime as punishable by the authorities of any nation capturing the accused persons and bringing them within the jurisdiction of its courts. Piracy should not be confused with mutiny, which is not an international crime in this sense.

§ 83.8 *Jurisdiction over offenses committed in port or territorial waters*

(a) *Offenses involving the peace of the port.* When an offense is committed aboard a merchant vessel in the port or territorial waters of a nation other than the nation of registry, and when the offense involves the peace of the port, the nation in whose waters the offense is committed has jurisdiction under an accepted principle of international law.

(b) *Offenses not involving the peace of the port.* When an offense is committed aboard a merchant vessel in the port or territorial waters of a nation other than the nation of registry, but does not involve the peace of the port, such offense is usually left by local governments to be adjusted by officers of the vessel and the diplomatic

<sup>1</sup> 18 U.S.C. (1964). The text reproduced in ST/LEG/SER.B/2, pp. 125-135 remains unchanged except section 3238 which is reproduced above.

<sup>2</sup> "Code of Federal Regulations", Title 22, Chapter I; "Federal Register", Vol. 22, p. 10852, 27 December 1957. The Consular Regulations of the United States, sections 355-356, reproduced in ST/LEG/SER.B/2, pp. 134-135 have been replaced by the above quoted provisions.

or consular representatives of the nation of registry. In the case of vessels of the United States, the right to protection against intervention by a foreign government in this class of cases is safeguarded in many areas by a treaty of friendship, commerce and navigation or by a consular convention between the United States and the foreign government concerned. Even where no treaty or convention exists, the local foreign government will usually refrain from intervening in such cases on the basis of comity between nations.

§ 83.9 *Jurisdiction over offenses committed ashore*

The courts of a country have jurisdiction over offenses against the laws of the country committed by seamen while ashore in its ports.

(c) OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, section 250.42<sup>1</sup>

(d) OUTER CONTINENTAL SHELF LANDS ACT, 7 AUGUST 1953, section 1332 (b)<sup>2</sup>

(e) OIL POLLUTION ACT,<sup>3</sup> 30 AUGUST 1961

§ 1001. *Definitions*

As used in this chapter, unless the context otherwise requires—

(a) The term “convention” means the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954;

(b) The term “discharge” in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

(c) The term “heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per centum, by volume distils at a temperature not exceeding three hundred and forty degrees centigrade when tested by American Society for the Testing of Materials standard method D. 158/53;

(d) The term “mile” means a nautical mile of six thousand and eighty feet or one thousand eight hundred and fifty-two meters;

(e) The term “oil” means persistent oils, such as crude oil, fuel oil, heavy diesel oil, and lubricating oil. For the purposes of this legislation, the oil in an oily mixture of less than one hundred parts of oil in one million parts of the mixture, shall not be deemed to foul the surface of the sea;

(f) The term “person” means an individual, partnership, corporation, or association; and any owner, operator, agent, master, officer, or employee of a ship;

(g) The term “prohibited zones” means the zones described in section 1011 of this title as modified by notices, if any, of extension or reduction issued by the Secretary;

<sup>1</sup> *Supra* DIVISION II, 46 (c).

<sup>2</sup> *Supra* DIVISION II, 46 (b).

<sup>3</sup> “U.S. Code” (1964 Edition), Title 33 (Navigation and Navigable Waters).

- (h) The term "Secretary" means the Secretary of the Army;
  - (i) The term "ship" means a seagoing ship of American registry except—
    - (1) ships for the time being used as naval auxiliaries;
    - (2) ships of under five hundred tons gross tonnage;
    - (3) ships for the time being engaged in the whaling industry;
    - (4) Ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.
- (Pub. L. 87-167, § 2, Aug. 30, 1961, 75 Stat. 402.)

§ 1002. *Prohibition against discharge of oil; area for discharge of oily ballast water or tank washings*

(a) Subject to the provisions of sections 1003 and 1004 of this title, the discharge by any person from any ship, which is a tanker, within any of the prohibited zones of oil or any oily mixture the oil in which fouls the surface of the sea, shall be unlawful.

(b) Subject to the provisions of sections 1003 and 1004 of this title, any discharge by any person into the sea from a ship, other than a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from July 26, 1961, subsection (a) of this section shall apply to ships other than tankers as it applies to tankers, except that the prohibited zones in relation to ships other than tankers shall be those referred to in the schedule. (Pub. L. 87-167, § 3, Aug. 30, 1961, 75 Stat. 402.)

§ 1003. *Excepted discharges; securing safety of ship; prevention of damage to ship or cargo; saving life; damaged ship or unavoidable leakage; solid sediments; residue from purification or clarification*

Section 1002 of this title shall not apply to—

(a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(c) the discharge of sediment—

- (i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or
- (ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

*Provided*, That such discharge is made as far from land as is practicable.  
(Pub. L. 87-167, § 4, Aug. 30, 1961, 75 Stat. 402.)

§ 1004. *Excepted discharges; oily mixtures from bilges*

Section 1002 of this title shall not apply to the discharge from the bilges of a ship—

(a) of any oily mixture, during the period of twelve months after the United States accepts the convention;

(b) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

(Pub. L. 87-167, § 5, Aug. 30, 1961, 75 Stat. 403.)

§ 1005. *Penalties for violation ; liability of vessel*

Any person who violates any provision of this chapter, except sections 1007(b) and 1008 of this title, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, for each offense. And any ship (other than a ship owned and operated by the United States) from which oil is discharged in violation of this chapter, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such ship from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such ship which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the ship may be. (Pub. L. 87-167, § 6, Aug. 30, 1961, 75 Stat. 403.)

§ 1006. *Suspension or revocation of licensc of officers of offending vessels*

The Coast Guard may, subject to the provisions of section 239 of Title 46, suspend or revoke a license issued to the master or other licensed officer of any ship found violating the provisions of this chapter or the regulations issued pursuant thereto. (Pub. L. 87-167, § 7, Aug. 30, 1961, 75 Stat. 403.)

§ 1007. *Personnel for enforcement of provisions ; arrest of offenders and procedure ; ship fittings and equipment ; civil penalty*

(a) In the administration of sections 1001-1011 of this title, the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors and in the enforcement of laws for the improvement of rivers and harbors and in the enforcement of laws for the preservation and protection of navigable waters. For the better enforcement of the provisions of said sections, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary, and officers and employees of the Bureau of Customs and the Coast Guard, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of said sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. Representatives of the Secretary and of the Bureau of Customs and Coast Guard of the United States may go on board and

inspect any ship in a prohibited zone or in a port of the United States as may be necessary for enforcement of this chapter.

(b) To implement article VII of the convention, ship fittings and equipment, and operating requirements thereof, shall be in accordance with regulations prescribed by the Secretary of the Department in which the Coast Guard is operating. Any person found violating these regulations shall, in addition to any other penalty prescribed by law, be subject to a civil penalty not in excess of \$ 100. (Pub. L. 87-167, § 8, Aug. 30, 1961, 75 Stat. 403.)

#### Cross Reference

Convention defined, see section 1001 of this title.

#### § 1008. *Oil record book; entries; penalties*

(a) There shall be carried in every ship an oil record book in the form specified in section 1012 of this title. In the event of discharge or escape of oil from a ship in a prohibited zone, a signed statement shall be made in the oil record book, by the officer or officers in charge of the operations concerned and by the master of the ship, of the circumstances of and the reason for the discharge or escape.

(b) If any person fails to comply with the requirements imposed by or under this section, he shall be liable on conviction to a fine not exceeding \$1,000 nor less than \$500 and if any person makes an entry in any records kept in accordance with this chapter which is to his knowledge false or misleading in any material particular, he shall be liable on conviction to a fine not exceeding \$1,000 nor less than \$500 or imprisonment for a term not exceeding six months, or both. (Pub. L. 87-167, § 9, Aug. 30, 1961, 75 Stat. 404.)

#### § 1009. *Regulations*

The Secretary may make regulations for the administration of sections 1002, 1003, 1004, 1007(a), and 1008 of this title. (Pub. L. 87-167, § 10, Aug. 30, 1961, 75 Stat. 404.)

#### § 1010. *Boarding of ships; production of records; evidence of violations by foreign ships*

(a) The Secretary may make regulations empowering such persons as may be designated to go on board any ship to which the convention applies, while the ship is within the territorial jurisdiction of the United States, and to require production of any records required to be kept in accordance with the convention.

(b) Should evidence be obtained that a ship registered in another country party to the convention has discharged oil in any prohibited zone, such evidence should be forwarded to the State Department for action in accordance with article X of the convention. (Pub. L. 87-167, § 11, Aug. 30, 1961, 75 Stat. 404.)

#### § 1011. *Prohibited zones; publication of reduction or extension of zones*

(a) Subject to subsection (c) of this section, the prohibited zones in relation to tankers shall be all sea areas within fifty miles from land, with the following exceptions:

(1) *The Adriatic Zones.*—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of fifty miles from land, excepting only the island of Vis.

(2) *The North Sea Zone.*—The North Sea Zone shall extend for a distance of one hundred miles from the coasts of the following countries—

Belgium,  
Denmark,  
the Federal Republic of Germany,  
the Netherlands,  
the United Kingdom of Great Britain and Northern Ireland;

but not beyond the point where the limit of a one hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

(3) *The Atlantic Zone.*—The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian one hundred miles in a north-northeasterly direction from the Shetland Islands; thence northward along the Greenwich meridian to latitude 64 degrees north; thence westward along the 64th parallel to longitude 10 degrees west; thence to latitude 60 degrees north, longitude 14 degrees west; thence to latitude 54 degrees 30 minutes north, longitude 30 degrees west; thence to latitude 44 degrees 20 minutes north, longitude 30 degrees west; thence to latitude 48 degrees north, longitude 14 degrees west; thence eastward along the forty-eighth parallel to a point of intersection with the fifty-mile zone off the coast of France: *Provided*, That in relation to voyages which do not extend seaward beyond the Atlantic Zone as defined above, and which are to points not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of one hundred miles from land.

(4) *The Australian Zone.*—The Australian Zone shall extend for a distance of one hundred and fifty miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20 degrees south latitude.

(b) Subject to subsection (c) of this section the prohibited zones in relation to ships other than tankers shall be all sea areas within fifty miles from land with the following exceptions:

(1) *The Adriatic Zones.*—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of twenty miles from land, excepting only the Island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with section 1002(b) of this title the said zones shall each be extended by a further thirty miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement, the Convention provides for notification to be given accordingly to the Intergovernmental Maritime Consultative Organization by said governments not less than three months before the expiration of such period of three years and for notification to be given to all contracting governments by the Intergovernmental Maritime Consultative Organization.

(2) *The North Sea and Atlantic Zones.*—The North Sea and Atlantic Zones shall extend for a distance of one hundred miles from the coasts of the following countries:

Belgium,  
Denmark,

the Federal Republic of Germany,  
Ireland,  
the Netherlands,  
the United Kingdom of Great Britain and Northern Ireland,  
but not beyond the point where the limit of a one hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

(e) With respect to the reduction or extension of the zones described above effectuated under the terms of the Convention, the Secretary of the Army shall give notice thereof by publication of such information in Notices to Mariners issued by the United States Coast Guard and United States Navy.

(f) ACT<sup>1</sup> ESTABLISHING INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 24 SEPTEMBER 1963

GENERAL PROVISIONS

§ 1051. *Regulations for preventing collisions at sea; proclamation by President; effective date; publication; applicability*

The President is authorized to proclaim the regulations set forth in sections 1061—1094 of this title for preventing collisions involving waterborne craft upon the high seas, and in all waters connected therewith. The effective date of such proclamation shall be not earlier than the date fixed by the Inter-Governmental Maritime Consultative Organization for application of such regulations by Governments which have agreed to accept them. Such proclamation, together with the regulations, shall be published in the Federal Register and after the effective date specified in such proclamation such regulations shall have effect as if enacted by statute and shall be followed by all public and private vessels of the United States and by all aircraft of United States registry to the extent therein made applicable. Such regulations shall not apply to the harbors, rivers, and other inland waters of the United States; to the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Saint Lambert Lock at Montreal in the Province of Quebec, Canada; to the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries; nor with respect to aircraft in any territorial waters of the United States. (Pub. L. 88-131, § 1, Sept. 24, 1963, 77 Stat. 194.)

Repeals; Effective Date; References in Other Laws to Act Oct. 11, 1951

Section 3 of Pub. L. 88-131 provided that: "On the date the regulations authorized to be proclaimed under section 1 hereof [section 1051 of this title] take effect, the Act of October 11, 1951 (65 Stat. 406) [sections 143—143b, 144, 145—145n, 146—146k and 147—147d of this title], is repealed and the regulations proclaimed thereunder shall be of no further force or effect. Until such date, nothing herein shall in any way limit, supersede, or repeal any regulations for the prevention of collisions which have heretofore been prescribed by statute, regulation, or rule. Any reference in any other law to the Act of October 11, 1951 (65 Stat. 406), or the regulations proclaimed thereunder, shall be deemed a reference to this Act [this chapter] and the regulations proclaimed hereunder."

<sup>1</sup> *Ibid.*

## Proc. No. 3632. Enabling Proclamation

Proc. No. 3632, Dec. 29, 1964, 29 F.R. 19167, provided:

*Whereas* certain regulations designated as Regulations for Preventing Collisions at Sea, 1960, were approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17 to June 17, 1960; and

*Whereas* the Act of September 24, 1963 (Public Law 88-131, 77 Stat. 194) [this chapter], hereinafter referred to as the Act, authorizes the President of the United States of America to proclaim those regulations, which are set forth in Section 4 of the Act [sections 1053, 1061—1094 of this title], and to specify the effective date thereof, the regulations to have effect (after the effective date thus specified), as if enacted by statute; and

*Whereas* on March 12, 1964, the Government of the United States of America communicated to the Inter-Governmental Maritime Consultative Organization, as depository agency, its acceptance of the regulations; and

*Whereas* the Government of the United States of America has been notified by the Inter-Governmental Maritime Consultative Organization, as depository agency, that substantial unanimity has been reached as to the acceptance by interested countries, and that it has fixed September 1, 1965, as the date on and after which the regulations shall be applied by the governments which have accepted them; and

*Whereas* the Act [this chapter] provides that the Regulations for Preventing Collisions at Sea, 1948 (65 Stat. 406), as proclaimed and made effective as of January 1, 1954, by Proclamation No. 3030 of August 15, 1953, shall be of no further force or effect after the effective date proclaimed for the Regulations for Preventing Collisions at Sea, 1960.

*Now, Therefore, I, Lyndon B. Johnson, President of the United States of America, under and by virtue of the authority vested in me by the Act, do hereby proclaim the Regulations for Preventing Collisions at Sea, 1960, as set forth in Section 4 of the Act [sections 1053, 1061—1094 of this title], which regulations are attached hereto and made a part hereof, and do hereby specify that the effective date thereof shall be September 1, 1965.*

Proclamation No. 3030 is superseded effective as of September 1, 1965.

*In Witness Whereof*, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

*Done* at the City of Washington this twenty-ninth day of December in the year of our Lord nineteen hundred and sixty-four, and of the Independence [SEAL] of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

§ 1052. *Navy and Coast Guard vessels; exemption regarding lights; feasible conformity to requirements; publication; effective date*

Any requirement of such regulations in respect of the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy or of the Coast Guard whenever the Secretary of the Navy or the Secretary of the Treasury, in the case of Coast Guard vessels operating under the Treasury Department, or such official as either may designate, shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with such regulations. The lights of any such exempted



vessel or class of vessels, however, shall conform as closely to the requirements of the applicable regulations as the Secretary or such official shall find or certify to be feasible. Notice of such findings or certification and of the character and position of the lights prescribed to be displayed on such exempted vessel or class of vessels shall be published in the Federal Register and in the Notice to Mariners and, after the effective date specified in such notice, shall have effect as part of such regulations. (Pub. L. 88-131, § 2, Sept. 24, 1963, 77 Stat. 194.)

§ 1053. *Designation of regulations*

The regulations authorized to be proclaimed under section 1051 of this title are the Regulations for Preventing Collisions at Sea, 1960, approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17, 1960, to June 17, 1960, and are set out in sections 1061—1094 of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 195.)

PRELIMINARY AND DEFINITIONS

§ 1061. *Scope of sections 1061—1094 (Rule 1)*

(a) *Watercraft to which applicable*

Sections 1061—1094 of this title shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in section 1092 of this title. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of sections 1062—1074 of this title specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

(b) *Provisions concerning lights; conditions governing compliance*

The provisions of sections 1062—1074 of this title concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by such sections may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(c) *Definitions*

In sections 1062—1094 of this title, except where the context otherwise requires—

- (i) the word “vessel” includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;
- (ii) the word “seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;
- (iii) the term “power-driven vessel” means any vessel propelled by machinery;
- (iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;

(v) a vessel or seaplane on the water is "under way" when she is not at anchor, or made fast to the shore, or aground;

(vi) the term "height above the hull" means height above the uppermost continuous deck;

(vii) the length and breadth of a vessel shall be her length overall and largest breadth;

(viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

(ix) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

(x) the word "visible", when applied to lights, means visible on a dark night with a clear atmosphere;

(xi) the term "short blast" means a blast of about one second's duration;

(xii) the term "prolonged blast" means a blast of from four to six seconds' duration;

(xiii) the word "whistle" means any appliance capable of producing the prescribed short and prolonged blasts;

(xiv) the term "engaged in fishing" means fishing with nets, lines or trawls but does not include fishing with trolling lines.

(Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 195.)

#### LIGHTS AND SHAPES

##### § 1062. *Requirements when under way (Rule 2)*

###### (a) *Power-driven vessels*

A power-driven vessel when under way shall carry—

(i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a white light so constructed as to show an unbroken light over an arc of the horizon of 225 degrees (20 points of the compass), so fixed as to show the light  $112\frac{1}{2}$  degrees (10 points) on each side of the vessel, that is, from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(ii) Either forward or abaft the white light prescribed in clause (i) of this subsection a second white light similar in construction and character to that light. Vessels of less than 150 feet in length shall not be required to carry this second white light but may do so.

(iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the forward light shall always be shown lower than the after one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than

40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

(iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of  $112\frac{1}{2}$  degrees (10 points of the compass), so fixed as to show the light from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of  $112\frac{1}{2}$  degrees (10 points of the compass), so fixed as to show the light from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

(b) *Seaplanes*

A seaplane under way on the water shall carry—

(i) In the forepart amidships where it can best be seen a white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

(ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 196.)

§ 1063. *Towing or pushing other vessels or seaplanes (Rule 3)*

(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two white lights in a vertical line one over the other, not less than 6 feet apart, and when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. Each of these lights shall be of the same construction and character and one of them shall be carried in the same positions as the white light prescribed in section 1062 (a) (i) of this title. None of these lights shall be carried at a height of less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

(b) The towing vessel shall also show either the stern light prescribed in section 1070 of this title or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

(c) Between sunrise and sunset a power driven vessel engaged in towing, if the length of tow exceeds 600 feet, shall carry, where it can best be seen, a black diamond shape at least 2 feet in diameter.

(d) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in section 1062(b)(i), (ii), and (iii) of this title; and, in addition, she shall carry a second white light of the same construction and character as the white light prescribed in section 1062(b)(i) of this title, and in a vertical line at least 6 feet above or below such light. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 197.)

§ 1064. *Vessels and seaplanes not under command, and vessels engaged in certain operations (Rule 4)*

(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights prescribed in section 1062(a)(i) and (ii) of this title, two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

(b) A seaplane on the water which is not under command may carry, where they can best be seen, and in lieu of the light prescribed in section 1062(b)(i) of this title, two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

(c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, or a vessel engaged in replenishment at sea, or in the launching or recovery of aircraft when from the nature of her work she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights prescribed in section 1062(a)(i) and (ii), or section 1067(a)(i) of this title, three lights in a vertical line one over the other so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(d) (i) A vessel engaged in minesweeping operations shall carry at the fore truck a green light, and at the end or ends of the fore yard on the side or sides on which danger exists, another such light or lights. These lights shall be carried in addition to the light prescribed in section 1062(a)(i) or section 1067(a)(i) of this title, as appropriate, and shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry black balls, not less than 2 feet in diameter, in the same position as the green lights.

(ii) the showing of these lights or balls indicates that it is dangerous for other vessels to approach closer than 3,000 feet astern of the minesweeper or 1,500 feet on the side or sides on which danger exists.

(e) The vessels and seaplanes referred to in this section, when not making way through the water, shall show neither the coloured side-lights nor the stern light, but when making way they shall show them.

(f) The lights and shapes prescribed in this section are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

(g) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in section 1093 of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 197.)

§ 1065. *Sailing vessels under way; vessels or seaplanes being towed; vessels being pushed ahead (Rule 5)*

(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed in section 1062 of this title for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights prescribed therein, which they shall never carry. They shall also carry stern lights as prescribed in section 1070 of this title, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as prescribed in section 1063(b) of this title.

(b) In addition to the lights prescribed in subsection (a) of this section, a sailing vessel may carry on the top of the foremast two lights in a vertical line one over the other, sufficiently separated so as to be clearly distinguished. The upper light shall be red and the lower light shall be green. Both lights shall be constructed and fixed as prescribed in section 1062(a) (i) of this title and shall be visible at a distance of at least 2 miles.

(c) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights prescribed in section 1062(a) (iv) and (v) of this title and shall be screened as provided in section 1062(a) (vi) of this title, provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

(d) Between sunrise and sunset a vessel being towed, if the length of the tow exceeds 600 feet, shall carry where it can best be seen a black diamond shape at least 2 feet in diameter. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 198.)

§ 1066. *Vessels in bad weather; other sufficient cause (Rule 6)*

(a) When it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than  $22\frac{1}{2}$  degrees (2 points) abaft the beam on their respective sides.

(b) To make the use of these portable lights more certain and easy, the lanterns

containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 199.)

§ 1067. *Substitute lights for power-driven vessels, power-driven vessels towing or pushing other vessels, vessels under oars or sails, vessels being towed or pushed ahead, and rowing boats (Rule 7)*

Power-driven vessels of less than 65 feet in length, vessels under oars or sails or less than 40 feet in length, and rowing boats, when under way shall not be required to carry lights prescribed in sections 1062, 1063, and 1065 of this title, but if they do not carry them they shall be provided with the following lights—

(a) Power-driven vessels of less than 65 feet in length, except as provided in subsections (b) and (c) of this section, shall carry—

- (i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a white light constructed and fixed as prescribed in section 1062(a) (i) of this title and of such a character as to be visible at a distance of at least 3 miles.
- (ii) Green and red sidelights constructed and fixed as prescribed in section 1062(a) (iv) and (v) of this title, and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

(b) Power-driven vessels of less than 65 feet in length when towing or pushing another vessel shall carry—

- (i) In addition to the sidelights or the combined lantern prescribed in subsection (a) (ii) of this section two white lights in a vertical line, one over the other not less than 4 feet apart. Each of these lights shall be of the same construction and character as the white light prescribed in subsection (a) (i) of this section and one of them shall be carried in the same position. In a vessel with a single mast such lights may be carried on the mast.
- (ii) Either a stern light as prescribed in section 1070 of this title or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

(c) Power-driven vessels of less than 40 feet in length may carry the white light at a less height than 9 feet above the gunwale but it shall be carried not less than 3 feet above the sidelights or the combined lantern prescribed in subsection (a) (ii) of this section.

(d) Vessels of less than 40 feet in length, under oars or sails, except as provided in subsection (f) of this section, shall, if they do not carry the sidelights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.

(e) The vessels referred to in this section when being towed shall carry the sidelights or the combined lantern prescribed in subsections (a) or (d) of this section, as

appropriate, and a stern light as prescribed in section 1070 of this title, or, except the last vessel of the tow, a small white light as prescribed in subsection (b) (ii) of this section. When being pushed ahead they shall carry at the forward end the sidelights or combined lantern prescribed in subsections (a) or (d) of this section, as appropriate, provided that any number of vessels referred to in this section when pushed ahead in a group shall be lighted as one vessel under this section unless the overall length of the group exceeds 65 feet when the provisions of section 1065(c) of this title shall apply.

(f) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern, showing a white light, which shall be exhibited in sufficient time to prevent collision.

(g) The vessels and boats referred to in this section shall not be required to carry the lights or shapes prescribed in sections 1064(a) and 1071(e) of this title and the size of their day signals may be less than is prescribed in sections 1064(c) and 1071(c) of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 199.)

§ 1068. *Pilot-vessels on and off duty (Rule 8)*

(a) A power-driven pilot-vessel when engaged on pilotage duty and under way—

- (i) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length she may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.
- (ii) Shall carry the sidelights or lanterns prescribed in section 1062(a) (iv) and (v) or section 1067(a) (ii) or (d) of this title, as appropriate, and the stern light prescribed in section 1070 of this title.
- (iii) Shall show one or more flare-up lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flare-up lights.

(b) A sailing pilot-vessel when engaged on pilotage duty and under way—

- (i) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.
- (ii) Shall be provided with the sidelights or lantern prescribed in sections 1065(a) or 1067(d) of this title, as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which she is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. She shall also carry the stern light prescribed in section 1070 of this title.
- (iii) Shall show one or more flare-up lights at intervals not exceeding ten minutes.

(c) A pilot-vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in subsections (a) (i) and (iii) or (b) (i) and (iii) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in section 1071 of this title.

(d) A pilot-vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of her length. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 200.)

§ 1069. *Fishing vessels; trawling vessels; fishing vessels by day (Rule 9)*

(a) Fishing vessels when not engaged in fishing shall show the lights or shapes for similar vessels of their length.

(b) Vessels engaged in fishing, when under way or at anchor, shall show only the lights and shapes prescribed in this section, which lights and shapes shall be visible at a distance of at least 2 miles.

(c) (i) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus through the water, shall carry two lights in a vertical line, one over the other, not less than 4 feet nor more than 12 feet apart. The upper of these lights shall be green and the lower light white and each shall be visible all round the horizon. The lower of these two lights shall be carried at a height above the sidelights not less than twice the distance between the two vertical lights.

(ii) Such vessels may in addition carry a white light similar in construction to the white light prescribed in section 1062(a) (i) of this title but such light shall be carried lower than and abaft the all-round green and white lights.

(d) Vessels when engaged in fishing, except vessels engaged in trawling, shall carry the lights prescribed in subsection (c) (i) of this section except that the upper of the two vertical lights shall be red. Such vessels if of less than 40 feet in length may carry the red light at a height of not less than 9 feet above the gunwale and the white light not less than 3 feet below the red light.

(e) Vessels referred to in subsections (c) and (d) of this section, when making way through the water, shall carry the sidelights or lanterns prescribed in section 1062(a) (iv) and (v) or section 1067 (a) (ii) or (d) of this title, as appropriate, and the stern light prescribed in section 1070 of this title. When not making way through the water they shall show neither the sidelights nor the stern light.

(f) Vessels referred to in subsection (d) of this section with outlying gear extending more than 500 feet horizontally into the seaway shall carry an additional all-round white light at a horizontal distance of not less than 6 feet nor more than 20 feet away from the vertical lights in the direction of the outlying gear. This additional white light shall be placed at a height not exceeding that of the white light prescribed in subsection (c) (i) of this section and not lower than the sidelights.

(g) In addition to the lights which they are required by this section to carry, vessels engaged in fishing may, if necessary in order to attract the attention of an approaching vessel, use a flare-up light, or may direct the beam of their searchlight in the direction of a danger threatening the approaching vessel, in such a way as not to embarrass other vessels. They may also use working lights but fishermen shall take into account that specially bright or insufficiently screened working lights may impair the visibility and distinctive character of the lights prescribed in this section.

(h) By day vessels when engaged in fishing shall indicate their occupation by displaying where it can best be seen a black shape consisting of two cones each not less than 2 feet in diameter with their points together one above the other. Such vessels if of less than 65 feet in length may substitute a basket for such black shape.



If their outlying gear extends more than 500 feet horizontally into the seaway vessels engaged in fishing shall display in addition one black conical shape, point upwards, in the direction of the outlying gear.

*Note.*—Vessels fishing with trolling lines are not “engaged in fishing” as defined in section 1061(c) (xiv) of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 201.)

§ 1070. *Stern and tail lights (Rule 10)*

(a) Except where otherwise provided in sections 1061—1094 of this title, a vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees (12 Points of the compass), so fixed as to show the light  $67\frac{1}{2}$  degrees (6 points) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 202.)

§ 1071. *Vessels and seaplanes at anchor or aground (Rule 11)*

(a) A vessel of less than 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light visible all round the horizon at a distance of at least 2 miles. Such a vessel may also carry a second white light in the position prescribed in subsection (b) of this section but shall not be required to do so. The second white light, if carried, shall be visible at a distance of at least 2 miles and so placed as to be as far as possible visible all round the horizon.

(b) A vessel of 150 feet or more in length, when at anchor, shall carry near the stern of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible at a distance of at least 3 miles and so placed as to be as far as possible visible all round the horizon.

(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in section 1064(c) of this title in addition to those prescribed in the appropriate preceding subsections of this section.

(e) A vessel aground shall carry the light or lights prescribed in subsections (a) or (b) of this section and the two red lights prescribed in section 1064(a) of this title. By day she shall carry, where they can best be seen, three black balls, each

not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

(h) A seaplane aground shall carry on anchor light or lights as prescribed in subsections (f) and (g) of this section, and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 202.)

§ 1072. *Additional lights and signals when necessary (Rule 12)*

Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by sections 1062-1074 of this title required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under such sections. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1073. *Ships of war, convoy vessels, fishing vessels, and seaplanes on water; naval and military vessels and seaplanes of special construction (Rule 13)*

(a) Nothing in sections 1061—1094 of this title shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, for fishing vessels engaged in fishing as a fleet or for seaplanes on the water.

(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special construction or purpose cannot comply fully with the provisions of any of sections 1062—1074 of this title with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with such sections in respect of that vessel or seaplane. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1074. *Vessels proceeding under sail, when also propelled by machinery (Rule 14)*

A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point downwards, not less than 2 feet in diameter at its base. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

## SOUND SIGNALS AND CONDUCT IN RESTRICTED VISIBILITY

§ 1075. *General considerations of radar*

1. The possession of information obtained from radar does not relieve any vessel of the obligation of conforming strictly with sections 1061—1094 of this title and, in particular, the obligations contained in sections 1076 and 1077 of this title.

2. The Annex to the Rules contains recommendations intended to assist in the use of radar as an aid to avoiding collision in restricted visibility. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1076. *Sound signals (Rule 15)*(a) *Power-driven, and sailing vessels*

A power-driven vessel of 40 feet or more in length shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 40 feet or more in length shall be provided with a similar fog horn and bell.

(b) *Methods of sending*

All signals prescribed in this section for vessels under way shall be given—

- (i) by power-driven vessels on the whistle;
- (ii) by sailing vessels on the fog horn;
- (iii) by vessels towed on the whistle or fog horn.

(c) *Number and length of blasts and rings*

In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this section shall be used as follows—

(i) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast.

(ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

(iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a going or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with section 1072 of this title, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manoeuvre as required by sections 1061—1094 of this title shall, instead of the signals prescribed in clauses (i), (ii), and (iii) of this subsection sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

(vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(vii) A vessel aground shall give the bell signal and, if required, the gong signal, prescribed in clause (iv) of this subsection and shall, in addition, give 3 separate and distinct strokes on the bell immediately before and after such rapid ringing of the bell.

(viii) A vessel engaged in fishing when under way or at anchor shall at intervals of not more than 1 minute sound the signal prescribed in clause (v) of this subsection. A vessel when fishing with trolling lines and under way shall sound the signals prescribed in clauses (i), (ii), or (iii) of this subsection as may be appropriate.

(ix) A vessel of less than 40 feet in length, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

(x) A power-driven pilot-vessel when engaged on pilotage duty may, in addition to the signals prescribed in clauses (i), (ii) and (iv) of this subsection, sound an identity signal consisting of 4 short blasts.

(Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1077. *Speed in weather restricting visibility (Rule 16)*

(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, go far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

(c) A power-driven vessel which detects the presence of another vessel forward of her beam before hearing her fog signal or sighting her visually may take early and substantial action to avoid a close quarters situation but, if this cannot be avoided, she shall, so far as the circumstances of the case admit, stop her engines in proper time to avoid collision and then navigate with caution until danger of collision is over. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

## STEERING AND SAILING RULES

§ 1078. *General considerations*

1. In obeying and construing sections 1078—1089 of this title, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

2. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

3. Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

4. Sections 1079 to 1086 of this title apply only to vessels in sight of one another. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

§ 1079. *Sailing vessels approaching one another; windward side (Rule 17)*

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows—

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other.

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

(b) For the purposes of this section the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

§ 1080. *Power-driven vessels meeting end on; definition (Rule 18)*

(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This section only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

(b) For the purposes of this section and sections 1081 to 1091 of this title inclusive, except section 1082(c) and section 1090 of this title, a seaplane on the water shall be deemed to be a vessel, and the expression “power-driven vessel” shall be construed accordingly. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

§ 1081. *Power-driven vessels crossing (Rule 19)*

When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1082. *Vessels or seaplanes meeting (Rule 20)*

(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided for in sections 1086 and 1088 of this title, the power-driven vessel shall keep out of the way of the sailing vessel.

(b) This section shall not give to a sailing vessel the right to hamper, in a narrow channel, the safe passage of a power-driven vessel which can navigate only inside such channel.

(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with sections 1078—1089 of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1083. *Vessels having right of way; duty in aiding to avert collision (Rule 21)*

Where by any of sections 1078—1089 of this title one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see sections 1089 and 1091 of this title). (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1084. *Positive action to keep out of way; crossing ahead of vessel having right of way (Rule 22)*

Every vessel which is directed by sections 1078—1089 of this title to keep out of the way of another vessel shall, so far as possible, take positive early action to comply with this obligation, and shall, if the circumstances of the case admit, avoid crossing ahead of the other. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1085. *Duty to slacken speed, stop or reverse (Rule 23)*

Every power-driven vessel which is directed by sections 1078—1089 of this title to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1086. *Overtaking vessel to keep out of way (Rule 24)*

(a) Notwithstanding anything contained in sections 1078—1089 of this title, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

(b) Every vessel coming up with another vessel from any direction more than 22½ degrees (2 points) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a

crossing vessel within the meaning of sections 1078—1089 of this title, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

*§ 1087. Power-driven vessels in narrow channels; nearing bends therein (Rule 25)*

(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

(b) Whenever a power-driven vessel is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such power-driven vessel, when she shall have arrived within one-half ( $\frac{1}{2}$ ) mile of the bend, shall give a signal by one prolonged blast on her whistle which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

(c) In a narrow channel a power-driven vessel of less than 65 feet in length shall not hamper the safe passage of a vessel which can navigate only inside such channel. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

*§ 1088. Right of way of fishing vessels; obstruction of fairways (Rule 26)*

All vessels not engaged in fishing, except vessels to which the provisions of section 1064 of this title apply, shall, when under way, keep out of the way of vessels engaged in fishing. This section shall not give, to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

*§ 1089. Special circumstances requiring departure from rules to avoid immediate danger (Rule 27)*

In obeying and construing sections 1078—1089 of this title due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from such sections necessary in order to avoid immediate danger. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER

*§ 1090. Sound signals indicating course (Rule 28)*

(a) *Meaning of blasts*

When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorised or required by sections 1061—1094 of this title, shall indicate that course by the following signals on her whistle, namely—

One short blast to mean “I am altering my course to starboard”.

Two short blasts to mean “I am altering my course to port”.

Three short blasts to mean “My engines are going astern”.

(b) *Doubt as to action of other vessel*

Whenever a power-driven vessel which, under sections 1061—1094 of this title, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under sections 1089 and 1091 of this title or any other provision of sections 1061—1094 of this title, or of her duty to indicate any action taken under sections 1061—1094 of this title by giving the appropriate sound signals laid down in this section.

(c) *Simultaneous operation of whistle and visual signals*

Any whistle signal mentioned in this section may be further indicated by a visual signal consisting of a white light visible all round the horizon at a distance of at least 5 miles, and so devised that it will operate simultaneously and in conjunction with the whistle-sounding mechanism and remain lighted and visible during the same period as the sound signal.

(d) *Additional signals between ships of war or vessels sailing under convoy*

Nothing in sections 1061—1094 of this title shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

MISCELLANEOUS RULES

§ 1091. *Usual additional precautions required generally (Rule 29)*

Nothing in sections 1061—1094 of this title shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 208.)

§ 1092. *Reservation of rules for harbours and inland navigation (Rule 30)*

Nothing in sections 1061—1094 of this title shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 208.)

§ 1093. *Distress signals (Rule 31)*

(a) When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely—



- (i) A gun or other explosive signal fired at intervals of about a minute.
- (ii) A continuous sounding with any fog-signalling apparatus.
- (iii) Rockets or shells, throwing red stars fired one at a time at short intervals.
- (iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group ... — — — ... in the Morse Code.
- (v) A signal sent by radiotelephony consisting of the spoken word "May-day".
- (vi) The International Code Signal of distress indicated by N.C.
- (vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.
- (viii) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).
- (ix) A rocket parachute flare or a hand flare showing a red light.
- (x) A smoke signal giving off a volume of orange-coloured smoke.
- (xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

*Note.*—Vessels in distress may use the radiotelegraph alarm signal or the radiotelephone alarm signal to secure attention to distress calls and messages. The radiotelegraph alarm signal, which is designed to actuate the radiotelegraph auto alarms of vessels so fitted, consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between 2 consecutive dashes being 1 second. The radiotelephone alarm signal consists of 2 tones transmitted alternately over periods of from 30 seconds to 1 minute.

(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel or seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 208.)

#### ANNEX TO RULES

##### § 1094. *Other general considerations*

###### *Assumptions to be avoided*

(1) Assumptions made on scanty information may be dangerous and should be avoided.

###### *Radar navigation; moderate speed; limitations of radar*

(2) A vessel navigating with the aid of radar in restricted visibility must, in compliance with section 1077(a) of this title, go at a moderate speed. Information obtained from the use of radar is one of the circumstances to be taken into account when determining moderate speed. In this regard it must be recognised that small vessels, small icebergs and similar floating objects may not be detected by radar. Radar indications of one or more vessels in the vicinity may mean that "moderate speed" should be slower than a mariner without radar might consider moderate in the circumstances.

*Same; duty to stop*

(3) When navigating in restricted visibility the radar range and bearing alone do not constitute ascertainment of the position of the other vessel under section 1077(b) of this title sufficiently to relieve a vessel of the duty to stop her engines and navigate with caution when a fog signal is heard forward of the beam.

*Close quarters; circumstances to guide alteration of course or speed*

(4) When action has been taken under section 1077(c) of this title to avoid a close quarters situation, it is essential to make sure that such action is having the desired effect. Alterations of course or speed or both are matters as to which the mariner must be guided by the circumstances of the case.

*Close quarters; alteration of course to avoid*

(5) Alteration of course alone may be the most effective action to avoid close quarters provided that—

- (a) There is sufficient sea room.
- (b) It is made in good time.
- (c) It is substantial. A succession of small alterations of course should be avoided.
- (d) It does not result in a close quarters situation with other vessels.

*Alteration of course; circumstances to guide direction; general preference for alteration to starboard*

(6) The direction of an alteration of course is a matter in which the mariner must be guided by the circumstances of the case. An alteration to starboard, particularly when vessels are approaching apparently on opposite or nearly opposite courses, is generally preferable to an alteration to port.

*Substantial alteration of speed*

(7) An alteration of speed, either alone or in conjunction with an alteration of course, should be substantial. A number of small alterations of speed should be avoided.

*Close quarters; action to take all way off vessel*

(8) If a close quarters situation is imminent, the most prudent action may be to take all way off the vessel. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 209.)

(g) MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966, 17 JUNE 1966, section 8<sup>1</sup>

<sup>1</sup> *Supra* DIVISION II, 46 (e).

## 25. WESTERN SAMOA

No provision exists relating to the exploitation of resources of the sea or of the sea-bed or subsoil outside internal waters.<sup>1</sup>

## 26. YUGOSLAVIA

LAW<sup>2</sup> OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

*Article 27*

The hot pursuit of a foreign ship will be undertaken when the competent organ has good reasons to suspect that the ship, its boat, or a boat operating with it, has violated the present Law or other Yugoslav regulations.

The hot pursuit may commence only when that ship, its boat, or a boat operating with it, is within the marginal seas or the contiguous zone and when it does not stop after a visual or auditory summons to stop has been addressed to it at a distance which enables the ship to receive it.

If the foreign ship, its boat, or a boat operating with it, is in the contiguous zone, the hot pursuit may only be undertaken for violations of the provisions referred to in article 19 of the present Law.

The hot pursuit may also be continued on the high seas if it has not been interrupted, until the foreign ship enters the territorial sea of its own country or of a third State.

The hot pursuit may be exercised only by Yugoslav warships or military aircraft or by other ship or aircraft which are authorized to that effect. For the beginning of the hot pursuit it is not necessary that the pursuing ship or aircraft be within the marginal seas or the contiguous zone.

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<sup>1</sup> Information submitted by a *note verbale* of 21 December 1967 from the Permanent Representative of New Zealand to the United Nations at the request of the Government of Western Samoa.

<sup>2</sup> See also articles 22 and 24, *supra* DIVISION II, 49 (a). English text provided by the Permanent Mission of Yugoslavia to the United Nations.

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