

Merchant Shipping (Amendment) Act, 2002

Section 23 - Substitution of New Section for Section 352h

For section 352H of the principal Act, the following section shall be substituted, namely:-

'352H. Definitions.- In this Part, unless the context otherwise requires,-

- (a) "incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage;
 - (b) "liability convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992 as amended from time to time.'.
 - (c) "oil" means any persistent hydro carbon mineral oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil whether carried on board a ship as cargo or in the bunker of such ship;
 - (d) "owner" means
 - (i) the person registered as owner of the ship;
 - (ii) in the absence of registration, the person owning the ship; or
 - (iii) in the case of a ship owned by a foreign State, the person registered in that State as operator of the ship;
 - (e) "person" means any individual or partnership or any public or private body, whether corporate or not, including a state or any of its constituent sub-divisions;
 - (f) "pollution damage" means
 - (i) loss or damage caused outside the ship by contamination resulting from escape or discharge of oil from the ship, wherever such escape or discharge occurs, provided that compensation for impairment of the environment other than losses or profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;
 - (ii) the costs of preventive measures and further loss or damage caused by such measures;
 - (g) "preventive measures" means any reasonable measures taken by any person after the incident to prevent or minimise pollution damage;
 - (h) "ship" means any sea-going vessel and sea borne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard;
 - (i) "State of the ship's registry", in relation to registered or unregistered ships, means the State of registration of the ship, or as the case may be, the State whose flag the ship is flying;
-

