

Merchant Shipping (Amendment) Act, 2002

Section 24 - Amendment of Section 352-i

In section 352-I of the principal Act,-

(a) for sub-section (4), the following sub-section shall be substituted, namely:-

"(4) When any incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under sub-section (3), shall be jointly and severally liable for such damage which is not reasonably separable.";

(b) for sub-section (6), the following sub-section shall be substituted, namely:-

"(6) Without prejudice to any right of recourse of the owner against third parties, no claim for compensation for pollution damage may be made against-

(a) the servants or agents of the owner or the members of the crew;

(b) the pilot or any other person who, without being a member of the crew, renders services for the ship;

(c) any charterer (howsoever described, including a bare-boat charterer), manager or operator of the ship;

(d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;

(e) any person taking preventive measures;

(f) all servants or agents of persons mentioned in clauses (c), (d) and (e), unless the incident causing such damage occurred as a result of their personal act or omission committed or made with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.".