



TRINIDAD AND TOBAGO

No. 25—1951

[L.S.]

I ASSENT,

H. E. RANCE,
Governor.

5th May, 1951.

AN ORDINANCE to make provision against the discharge or
escape of oil into the waters of the Colony.Commence-
ment

[5th May, 1951.]

Enactment

ENACTED by the Governor of Trinidad and Tobago with
the advice and consent of the Legislative Council thereof.

Short title

1. This Ordinance may be cited as the Oil in Waters of the
Colony Ordinance, 1951.

2. (1) In this Ordinance—

Interpretation

“oil” means oil of any description, and includes spirit produced from oil and oil mixed with water;

“harbour” means any harbour established by proclamation under subsection (2) of section 3 of the Harbours Ordinance;

Ch. 18. No. 1

“harbour master” includes every harbour master and assistant harbour master appointed under the provisions of the Harbours Ordinance;

Ch. 18. No. 1

“master” when used in relation to any vessel means the person having the command or charge of the vessel for the time being;

“vessel” includes any ship or boat, or any other description of vessel used in navigation.

(2) The waters to which this Ordinance applies are the territorial waters of the Colony and the waters of the harbours therein.

3. (1) If any oil is discharged, or allowed to escape into any waters to which this Ordinance applies from any vessel, the owner or master of the vessel from which the oil is discharged or allowed to escape shall be guilty of an offence and shall, in respect of each such offence, be liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for twelve months, or to both such fine and imprisonment: Provided that it shall be a good defence to proceedings for an offence under this section to prove that the escape of the oil was due to, or that it was necessary to discharge the oil by reason of, the vessel being in collision or the happening to the vessel of some damage or accident, and also, if the proceedings are in respect of an escape of oil, that all reasonable means were taken by the master to prevent the escape.

Penalty for discharge of oil into waters of the Colony

(2) It shall be lawful for a harbour master to appoint a place within his jurisdiction at which ballast water may be discharged, and where a place is so appointed ballast water may, notwithstanding anything in this section, be discharged at such place, but only at such times and subject to such conditions as the harbour master may determine.

Place for discharge of ballast water

4. (1) Where any offence under this Ordinance is alleged to have been committed by the master of a vessel who thereafter departs from the Colony before the expiration of the period within which proceedings for the offence might have been

Legal proceedings

Ch. 3. No. 4 instituted against him proceedings for the offence may, notwithstanding anything in the Summary Courts Ordinance, be instituted against him at any time within two months next after the date on which he first returns to the Colony.

(2) For the purpose of any proceedings for an offence under this Ordinance, the offence may be treated as having been committed either at the place at which it was actually committed or at any place in which the person charged with the offence may at any time be.

Recovery of
fine

(3) Where a fine imposed by any court in proceedings against the owner or master of a vessel for an offence under this Ordinance is not paid at the time and in manner ordered by the court, the court shall, without prejudice, to any other powers of the court for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress and sale of the vessel, her tackle, furniture and apparel.

Ch. 20. No. 2

(4) Proceedings for an offence against this Ordinance shall not be instituted except by a harbour master, a member of the Police Force, or the Chief Immigration Officer, the Deputy Chief Immigration Officer, or any immigration officer, within the meaning of the Immigration (Restriction) Ordinance, or by an officer of Customs and Excise.

Saving

5. The provisions of this Ordinance shall be in addition to and not in derogation of or substitution for any provisions for the protection of a harbour or the carriage, storage or use of oil contained in any existing Ordinance or re-enactment thereof or in any order, rule, regulation or bye-law made or to be made under any such Ordinance or any re-enactment thereof.

Commence-
ment

6. This Ordinance shall come into operation on the 1st June, 1951.

Passed in Council this twenty-seventh day of April, in the year of Our Lord one thousand nine hundred and fifty-one.

HAROLD LEACOCK,
Clerk of the Council.