

SAORSTÁT EIREANN.

BILLE UM ILE IN UISCÍ INTSEOLTA, 1925. OIL IN NAVIGABLE WATERS BILL, 1925.

Mar do leasúidh i gCoiste.

As amended in Committee.

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SAORSTÁT EIREANN.

BILLE UM ILE IN UISCI INTSEOLTA, 1925.
OIL IN NAVIGABLE WATERS BILL, 1925.

BILL

entitled

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AN ACT TO RESTRICT, CONTROL, AND WHERE NECESSARY PROHIBIT THE DISCHARGE OR ESCAPE OF OIL INTO NAVIGABLE WATERS.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

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Definitions.

1.—In this Act—

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

the word “vessel” includes any ship or boat or any other description of vessel used in navigation; 15

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

the word “harbour” means any harbour whether natural or artificial, and includes any port, dock, estuary, or arm of the sea, any river or canal navigable by sea-going vessels, and any waters in which sea-going vessels can obtain shelter or ship or unship goods or passengers; 20

the expression “harbour authority” includes all persons or bodies of persons, corporate or unincorporate, being proprietors of or entrusted with the duty or invested with the power of constructing, improving, managing, regulating, or maintaining a harbour; 25

the expression “harbour master” includes any person appointed by a harbour authority for the purpose of enforcing the provisions of this Act; 30

the word “barge” includes a lighter or like vessel;

the verb “transfer” when used in relation to oil means transfer in bulk, and cognate words shall be constructed accordingly; 35

the expression “local authority” means and includes the council of a county, county borough, or urban district, the commissioners of a town and the sanitary authority of a port;

the expression “petroleum spirit” means refined petroleum which is subject to rapid evaporation and which, when tested in the manner prescribed by the Petroleum Act, 1879 or any enactment amending that Act, gives off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit’s thermometer; 40

the expression “the Minister” means the Minister for Industry and Commerce. 45

Vessels and waters to which Act applies.

2.—(1) This Act applies to any vessel which is capable of carrying in bulk, whether for cargo or for bunker purposes, more than twenty-five tons of oil at one time, or which though not so capable is constructed or fitted to carry in bulk as aforesaid more than five tons of oil in any one space or container, and accordingly 50

the word "vessel" shall in this Act (save where otherwise expressly stated) be construed as referring to and meaning only a vessel to which this Act applies.

(2) The waters to which this Act applies are the waters of all 5 harbours in Saorstát Eireann and all territorial waters which are for the time being within the jurisdiction of the Parliament and Government of Saorstát Eireann.

3.—(1) Subject to the exceptions mentioned in this section, it shall not be lawful for any person to discharge or allow to escape, 10 whether directly or indirectly, any oil into any waters to which this Act applies—

Prohibition on discharge of oil into navigable waters.

- (a) from any vessel, or
- (b) from any premises or place on land, or
- (c) from any apparatus used for the purpose of transferring 15 oil from or to any vessel to or from any other vessel (whether a vessel to which this Act applies or not), or to or from any place.

(2) If and whenever any oil is discharged or allowed to escape into any waters to which this Act applies from any vessel, 20 or any premises or place or any apparatus aforesaid in contravention of this section, the owner and also the master of such vessel, or the owner and also the occupier of such premises or place, or the owner and also the person having charge of such apparatus (as the case may be) shall be guilty of an offence under this 25 section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(3) This section shall not apply—

- (a) to the discharge of oil from a vessel in any case where, 30 by reason of the vessel having been in collision or some damage or accident having happened to the vessel, the discharge of such oil has become necessary for the safety of the vessel, or
- (b) to the escape of oil in any case where it is shown that all reasonable means were taken to prevent such 35 escape, or
- (c) to the discharge in any harbour of ballast water containing petroleum spirit from a vessel in which a cargo of petroleum spirit has been carried in any case where such discharge takes place at the place appointed and 40 at the time and in accordance with the conditions specified under this Act by the harbour authority of that harbour for the discharge of the ballast water of that vessel, or
- (d) to any discharge of oil which is made by direction of 45 a harbour master or an officer in charge of a fire brigade in the course or for the purpose of extinguishing or preventing the spreading of a fire.

(6) Where any person is convicted of an offence under this section the court by or before whom such person is convicted 50 may on the application of the prosecutor order that the whole or any part of the fine imposed in respect of such offence shall be paid to such person as the court may direct and shall be applied by such person in or towards meeting any expenses incurred or to be incurred in the removal of oil in consequence of such offence.

55 4.—(1) It shall be lawful for the harbour authority of any harbour to appoint a place in that harbour at which ballast water containing petroleum spirit may be discharged from vessels in which a cargo of petroleum spirit has been carried.

Place for discharge of ballast water containing petroleum spirit.

(2) Whenever any harbour authority appoints under this 60 section a place at which ballast water containing petroleum spirit may be discharged, such harbour authority shall at the time of such appointment and may from time to time thereafter specify the times at which and the conditions subject to which such ballast water may be discharged at that place.

Transfer of oil
at night.

5.—(1) It shall not be lawful for any person during the hours between sunset and sunrise to transfer any oil to or from any vessel lying in any harbour unless such notice of intention so to do as is prescribed by this section shall previously have been given by such person to the harbour master of such harbour. 5

(2) If and whenever any oil is transferred to or from any vessel in contravention of the provisions of this section the master of the vessel to or from which such oil is transferred and if such oil is transferred from or to any premises or place on land the occupier of such premises or place shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds. 10

(3) Where the operation of transferring oil to or from any vessel is frequently and regularly performed at a particular place in a harbour by or by direction of any person, a general notice in writing given by such person to the harbour master that such operation will be performed at that place between sunset and sunrise at frequent intervals during a specified period (not exceeding twelve months from the date of the notice) shall be a sufficient notice for the purposes of this section of every such operation performed at such place during such period. 15 20

(4) Save where such general notice as aforesaid is permitted by this section, a notice for the purpose of this section shall relate only to one operation of transferring oil to or from a vessel and shall be given in writing to the harbour master not more than ninety-six hours nor less than three hours before the operation commences and shall state the time and place at which the operation is intended to take place. 25

(5) Nothing in this section shall apply to any transfer of oil which is made by the direction of the harbour master or of the officer in charge of a fire brigade in the course or for the purpose of extinguishing or preventing the spreading of a fire. 30

Records to be
kept of transfers
of oil.

6.—(1) There shall be kept in respect of every vessel to or from which any oil is transferred a record, in such form as the Minister shall prescribe, of all operations in connection with the transfer of oil to or from that vessel. 35

(2) The record required by this section to be kept shall, in the case of a barge, be kept by the owner of the barge, and shall, in the case of any other vessel, be kept by the master of the vessel. 40

(3) Every record kept in pursuance of this section may be inspected at all reasonable times by—

- (a) the harbour master of the harbour in which the vessel is at the time of inspection, or
- (b) the harbour master of any harbour in which a transfer of oil recorded or required by this section to be recorded in the record took place, or
- (c) any officer of the Minister, or
- (d) any officer of the Minister for Fisheries. 45

(4) Every person required by this section to keep a record who— 50

- (a) fails to keep such record, or
- (b) fails to enter in such record any matter which ought by virtue of this section to be entered therein, or
- (c) makes any entry in such record which is to his knowledge false or misleading in any material respect, or
- (d) neglects or refuses to produce such record for the inspection of any person authorised by this section to inspect the same, or
- (e) prevents, obstructs, or impedes any person so authorised from or in making an inspection of such record. 55 60

shall be guilty of an offence under this section and shall on summary conviction thereof be liable to a fine not exceeding fifty pounds.

7.—(1) Where oil has been contained in any tank or other space in a vessel and any other liquid subsequently enters or is brought into such tank or space and is discharged or allowed to escape therefrom, such liquid shall be deemed to be oil within the meaning of this Act unless it is proved either—

Liquid in spaces previously containing oil.

(a) that such tank or space was cleaned of oil before such liquid entered or was brought into the same, or

(b) that such liquid before being so discharged or allowed to escape was freed from oil by a separating apparatus.

(2) In any proceedings against any person (other than the master of a vessel) in respect of the discharge or escape of any such liquid as aforesaid from any tank or other space in a vessel a certificate signed by the master of such vessel and certifying either—

(a) that such tank or other space had been cleaned of oil before such liquid entered or was brought into the same, or

(b) that such liquid before being so discharged or allowed to escape had been freed from oil by a separating apparatus,

shall until the contrary is proved be evidence of any such matter stated therein.

(3) If and whenever the master of any vessel gives any such certificate as aforesaid which is to his knowledge false or misleading in any material particular such master shall whether such certificate is or is not produced in any such proceeding as aforesaid be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding fifty pounds.

(4) In this section the expression "master of a vessel" means the person named as the master in the agreement with the crew.

8.—(1) The Minister may at his own instance or upon the request of the Minister for Fisheries or on the application of any harbour or local authority appoint an officer of the Minister or other competent and independent person to inspect vessels in any waters to which this Act applies, and every officer and other person so appointed may at all reasonable times enter upon any such vessel and examine the measures adopted therein to prevent the escape of oil therefrom.

Minister may appoint person to inspect premises and vessels.

(2) The harbour master of any harbour may at all reasonable times enter upon any vessel in such harbour and examine the measures adopted therein to prevent the escape of oil therefrom.

(3) Upon a representation made to the Minister by the Minister for Fisheries or by any local or harbour authority that there is reason to suspect that oil is escaping or has escaped, whether directly or indirectly, into waters to which this Act applies from any premises adjacent to or in the neighbourhood of such waters or adjacent to or in the neighbourhood of waters which communicate with waters to which this Act applies, the Minister may appoint an officer of the Minister or other competent and independent person to inspect such premises, and the officer or other person so appointed may at all reasonable times enter upon such premises and examine the same and the means adopted therein for preventing the escape of oil therefrom.

(4) Any person who obstructs or interferes with any such officer or person as aforesaid or with any harbour master in the exercise of any of the powers conferred on him by or by virtue

of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Legal proceedings.

9.—(1) Where any offence under this Act is alleged to have been committed by the master of a vessel who thereafter departs from Saorstát Eireann before the expiration of the period within which proceedings for such alleged offence might have been instituted against him, proceedings for such alleged offence may, notwithstanding anything in the Summary Jurisdiction Acts, be instituted against him at any time within two months next after the date on which he returns to Saorstát Eireann. 5 10

(2) For the purposes of any proceedings for an offence under this Act, 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 found. 15

(3) Where a fine or any part thereof imposed by any court in proceedings against the master of a vessel for an offence under this Act is not paid at the time and in the 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 of such fine remaining unpaid at the time aforesaid to be levied by distress and sale of such vessel, her tackle, furniture, and apparel. 20

(4) Every offence under any section of this Act may be prosecuted by or at the suit of the harbour authority concerned, or the Minister or the Minister for Fisheries as prosecutor. 25

Saving for other statutory provisions.

10.—The provisions of this Act shall be in addition to and not in derogation of or substitution for any provisions for the protection of a harbour as defined in this Act contained in any Act in force at the passing of this Act or in any order, rule, regulation, or bye-law made under any such Act and for the time being in force. 30

Short title.

11.—This Act may be cited as the Oil in Navigable Waters Act, 1925. 35

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Saorstát Éireann

BILLE UM ILE IN UISCI INTSEOLTA,
1925.

BILLE

(mar do leasúíodh i gCoiste)

dá ngairmtear

Acht chun srian do chur le hÍle do leigint no d'éalóidh isteach in uiscí intseolta agus chun an leigint no an t-ealóidh san do chimeád fé smacht, agus chun é do thoirmease más gá san.

An tAire Tionnscaíl agus Tráchtála do thug isteach.

*Do horduíodh, ag Dáil Éireann, do chlóbhuála,
3adh Mí na Samhna, 1925.*

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Saorstát Éireann

OIL IN NAVIGABLE WATERS BILL, 1925.

BILL

(as amended in Committee)

entitled

An Act to restrict, control, and where necessary prohibit the discharge or escape of oil into navigable waters.

Introduced by the Minister for Industry and Commerce.

*Ordered, by Dáil Éireann, to be printed,
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