



ST. HELENA

CHAPTER 46

MERCHANT SHIPPING

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown
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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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MERCHANT SHIPPING ACTS (UK)

The UK Merchant Shipping laws in force in England are in force in St. Helena pursuant to the English Law Application Ordinance, 2005

JAMESTOWN (REGISTRY PORT) ORDER

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Legal Notice 23/1977 made 30 September 1977

MERCHANT SHIPPING (OIL POLLUTION) ACTS (UK)

The UK Acts came into force in St. Helena and Dependencies on 1 April 1976 under Legal Notice 6/1976

MERCHANT SHIPPING (OIL POLLUTION) (OVERSEAS TERRITORIES) ORDER 1975

S.I. (UK) 1975/No. 2171 .. Part 1 of Schedule to the 1981 Amendment Order
is in force on 8 April 1981 vide L.N. 11/1981
Parts 1 and 2 of Schedule to the 1981 Amendment Order
are in force on 1 April 1995 vide L.N. 6/1995

COMPULSORY INSURANCE REGULATIONS 1976

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Legal Notice 7/1976.. in force 1 April 1976

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

JAMESTOWN (REGISTRY PORT) ORDER

(Legal Notice 23/1977)

WHEREAS the United Kingdom Merchant Shipping Acts are in force in St. Helena,

AND WHEREAS under sections 4(1)(e) and 89 of the Merchant Shipping Act 1894 (UK) the Governor of St. Helena is empowered to approve a port within St. Helena and Dependencies for the registry of British ships, the Governor makes the following order on 30 September 1977—

Short title

1. This Order may be cited as the Jamestown (Registry Port) Order.

Port Jamestown

2. The port of Jamestown in St. Helena is approved as a port for the registry of British Shipping.

COMPULSORY INSURANCE REGULATIONS 1976

(Legal Notice 7/1976)

In exercise of the powers conferred upon the Governor by section 10(1) and (4) and section 11(3) of the Merchant Shipping (Oil Pollution) Act 1971, (as modified in its application to St. Helena by the Merchant Shipping (Oil Pollution) (Overseas Territories) Order 1975 (S.I. 1975/No. 2171)) hereinafter called ‘the Act’, and of all other powers enabling him in that behalf, the following Regulations are hereby made:

Short title, commencement and interpretation

1. (1) These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations 1976, and shall come into operation on 1 April 1976.

- (2) In these Regulations, unless the context otherwise requires—

“**Certificate**” means a document showing that there is in force in respect of a ship to which section 10(2) of the Act applies a contract of insurance or other security such as is mentioned in that subsection;

“**Convention country**” has the meaning assigned to it in section 19(1) of the Act;

“**St. Helena**” means St. Helena and its Dependencies.

Definition of “persistent oil”

2. For the purposes of section 10(1) of the Act (requirements as to compulsory insurance against liability for oil pollution) “**persistent oil**” means any of the following—

- (a) hydrocarbon mineral oils whether crude or distilled, including crude coal tar and the oily residue of tank cleaning operations necessitated by the carriage of any such oils, but excluding those oils which consist wholly of distillate fractions of which

more than 50 per cent by volume distil at 340° centigrade when tested by the “American Society for Testing and Materials Specification D 86/67” in the case of oils derived from petroleum and at 350° centigrade in the case of oils derived from coal tar;

- (b) residual oil, consisting of mineral hydrocarbons comprising the residues of the process of distilling and/or refining crude petroleum, and any mixture containing such residual oil;
- (c) whale oil.

Recognition of certificates

3. (1) Subject to subregulation (3), certificates for ships registered in any country which is not a Convention country shall be recognised for the purposes of section 10(3)(c) of the Act (authorities by whom a certificate must be issued) if issued by or under the authority of the government of any of the following countries, namely—

Denmark,
Federal Republic of Germany,
France,
Netherlands,
Norway,
Spain,
Sweden,
United Kingdom.

(2) Subject to subregulation (3), a certificate for a ship registered in any of the following countries, namely—

Australia,
Austria,
Belgium,
Canada,
Finland,
Greece,
Iceland,
Italy,
Japan,
Luxembourg,
New Zealand,
Portugal,
Republic of Ireland,
Switzerland,
Turkey,
United States of America,

shall be recognised for the purposes of the said section 10(3)(c) if issued by or under the authority of the government of the country specified above in which that ship is registered.

(3) Where a ship such as is mentioned in subregulation (1) or (2) is engaged on a St. Helena voyage, a certificate relating to that ship shall not, by virtue of either of those subregulations, be recognised for the purposes of section 10(3)(c) of the Act unless the certificate has, and is expressed to have, as the period of its validity a period ending not earlier than the completion of that St. Helena voyage.

For the purposes of this paragraph, “**St. Helena voyage**” means any voyage by a ship—

- (a) from a port in St. Helena or a terminal in the territorial sea of St. Helena to another such port or terminal; or
- (b) from a place outside St. Helena to a port in St. Helena or a terminal in the territorial sea of St. Helena; or
- (c) from a port in St. Helena or a terminal in the territorial waters of St. Helena to a place outside St. Helena,

and the reference to the duration of such a voyage shall be taken as comprising the whole of any period during which the ship is engaged in that voyage, including any time during which in connection with the voyage, it is in a port in St. Helena or at a terminal in the territorial sea of St. Helena.

Fee for certificates

4. The fee to be paid on application for a certificate to be issued by the Governor under section 11 of the Act shall be £12.00.

Cancellation and delivery up of certificates

5. (1) Where at any time while a certificate under section 11 of the Act is in force the person to whom the certificate has been issued ceases to be the owner of the ship to which the certificate relates, he shall forthwith deliver up the certificate to the Governor and in such a case the certificate shall be cancelled by the Governor.

(2) Where at any time while a certificate under the said section 11 is in force it is established in any legal proceedings that the contract of insurance or other security in respect of which the certificate was issued is or may be treated as invalid, the certificate may be cancelled by the Governor and if so cancelled shall on demand forthwith be delivered up to him by the person to whom it was issued.

(3) Where at any time while a certificate under the said section 11 is in force circumstances arise in relation to the insurer or guarantor named in the certificate (or, where more than one is so named, to any of them) such that, if the certificate were applied for at that time, the Governor would be entitled to refuse the application under subsection (2) of that section (power to refuse a certificate where there is a doubt whether an insurer will be able to meet his insurance obligations), the certificate may be cancelled by the Governor and if so cancelled shall on demand forthwith be delivered up to him by the person to whom it was issued.
