


Assented to in Her Majesty's name this 31st day of
March, 1958.


Governor.



No. 6



1958.

Colony of the Falkland Islands.

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II.

EDWIN PORTER ARROWSMITH, C.M.G.
Governor.

**An Ordinance
To amend the Harbour Ordinance.**

ENACTED by the Legislature of the Colony of the Falkland
Islands, as follows —

1. This Ordinance may be cited as the Harbour (Amend-
ment) Ordinance, 1958, and shall be read as one with the Harbour
Ordinance, hereinafter referred to as the principal Ordinance.

2. The principal Ordinance is amended by inserting immedi-
ately after section 21 the following new sections :

"Discharge of
fuel oil or
diesel oil into
harbours.

21A. If any fuel oil or diesel oil is discharged, or
allowed to escape into any harbour, from any vessel or
boat, or from any place on land, or from any apparatus
used for transferring fuel oil or diesel oil from or to any
vessel or boat (whether to or from a place on land or to
or from another vessel or boat), then —

- (a) if the discharge or escape is from a vessel or boat,
the owner or master of the vessel or boat, or
- (b) if the discharge or escape is from a place on land,
the occupier of that place, or
- (c) if the discharge or escape is from apparatus used
for transferring fuel oil or diesel oil from or to a
vessel or boat, the person in charge of the
apparatus,

shall be liable to a fine not exceeding £500.

Title.

Enacting clause.

Short title.

Cap. 30.

Insertion of new sections
21A and 21B in the
principal Ordinance.

Special
defences.

21B. (1) Where a person is charged with an offence under the last preceding section as the owner or master of a vessel or boat, it shall be a defence to prove —

- (a) that the fuel oil or diesel oil escaped in consequence of damage to the vessel or boat, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the fuel oil or diesel oil, or
- (b) that the fuel oil or diesel oil escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(2) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which fuel oil or diesel oil is alleged to have escaped, it shall be a defence to prove that the escape of the fuel oil or diesel oil was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(3) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.”.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.


Clerk of the *Legislative Council*.

Ref. 1848.