MONTSERRAT

STATUTORY RULES AND ORDERS

S.R.O. 40 OF 2026

PROTECTION OF THE SEAS (CIVIL LIABILITY FOR OIL POLLUTION DAMAGE) REGULATIONS 2026

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NO. 40 OF 2026

PROTECTION OF THE SEAS (CIVIL LIABILITY FOR OIL POLLUTION DAMAGE) REGULATIONS 2026

THE PROTECTION OF THE SEAS (CIVIL LIABILITY FOR OIL POLLUTION DAMAGE) REGULATIONS 2026 MADE BY THE GOVERNOR, ACTING ON THE ADVICE OF CABINET, UNDER SECTIONS 116 AND 123 OF THE MERCHANT SHIPPING (REGISTRATION) ACT (CAP. 7.11).

PART 1- PRELIMINARY

1. Citation

These Regulations may be cited as the Protection of the Seas (Civil Liability for Oil Pollution Damage) Regulations 2026.

2. Commencement

(1) These Regulations come into force on the day on which the Merchant Shipping (Oil Pollution) (Montserrat) Order 1998 (SI 1998 No. 1263) ("the 1998 Order") is revoked.

(2) The Governor shall publish in the Gazette the date the 1998 Order is revoked.

3. Oil Pollution Liability Convention to have effect

The provisions of the Oil Pollution Liability Convention, which is given the force of law in Montserrat by virtue of section **122(1)** and **(2)(b)** of the Act, have effect, subject to and in accordance with the provisions of these Regulations.

4. Interpretation: general

(1) In these Regulations, except where the context otherwise requires—

"**the Act**" means the Merchant Shipping (Registration) Act (Cap 7.11);

"**act**" includes omission;

"**Article**" has the meaning assigned to it in regulation **5(2)**;

"**authorised officer**" has the meaning assigned to it in regulation **7**;

"controlled waters" means in relation to a Convention State other than Montserrat, that State's —

(a) territory,

(b) territorial sea, and

(c) exclusive economic zone established in accordance with international law, or, if the State has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of the State's territorial sea is measured;

"**Convention State**" means a State which is a party to the Oil Pollution Liability Convention, and includes a reference to a territory to which the Convention has been extended;

"**the court**" means the High Court;

"**escape**" in relation to an escape of oil from a ship, includes a reference to discharge of oil from a ship;

"**foreign ship**" has the meaning assigned to it in section 2(1) of the Act;

"**government commercial ship**" means a State-owned or State-operated ship being used for a commercial or non-public service;

"**government non-commercial ship**" means a State-owned or State-operated ship used for a non-commercial public service;

"**incident**" means an occurrence which—

(a) causes pollution damage, or

(b) creates a serious and imminent threat of pollution damage;

and a reference to an incident includes a reference to a multiple incident;

"**insurance**" includes security;

"**insurance certificate**" means a certificate for the purposes of regulation 18;

"**insurer**" means a person who provides insurance (or security);

"**limitation fund**" has the meaning assigned to it in regulation **15**;

"**Maritime Administration**" means the Maritime Administration established under section 3A(2) of the Act; and includes a surveyor organisation authorised to act on behalf of the Maritime Administration under and in accordance with section 125(1) of the Act;

"**Minister**" means the Minister responsible for maritime affairs in Montserrat;

"**Montserrat**" has the meaning given in section 2(1) of the Interpretation Act (Cap. 1.02);

"**Montserrat controlled waters**" means—

(a) Montserrat waters, and

(b) the fisheries zone contiguous to the territorial sea established by the Fishery Limits Proclamation made on the 1 February 1983 (S.R.O. 14/1983, as amended by S.R.O 27/1983) made under section 2 of the Fisheries Act (Cap. 9.01).

"**Montserrat ship**" has the meaning given to it in section 2(1) of the Act;

"**Montserrat waters**" has the meaning given in section 2(1) of the Act;

"**multiple incident**" means an incident consisting of a series of occurrences with the same origin;

"**oil**" means any persistent hydrocarbon mineral oil (including crude oil, fuel oil, heavy diesel oil and lubricating oil) whether carried on board a ship as cargo or in the bunkers of a ship;

"**the Oil Pollution Liability Convention**" means the International Convention on Civil Liability for Oil Pollution Damage 1969 as amended by its Protocols of 1976 and 1992;

"**owner**", in relation to a ship, includes a registered owner, bareboat charterer, manager and operator of the ship;

"**person**" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions;

"**pollution damage**" has the meaning assigned to it in regulation 6**;**

"**por**t", in relation to a State, includes a terminal installation (including a terminal installation in the territorial sea of the State);

"**registered**", in relation to a ship registered in a State, includes a reference to an unregistered ship which is entitled to fly the flag of the State;

"**Registrar**" means the Registrar of Montserrat ships appointed under section 3 of the Act;

"**servant**" includes agent;

"**ship**" has the meaning given in section 2(1) of the Act, and includes—

(a) a ship in the process of construction from the time that it is capable of floating, and

(b) a ship that has been stranded, wrecked or sunk and any part of a ship that has broken up,

but does not include an air cushion vehicle;

"**State**" includes a territory;

"**terminal installation**" means a site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated offshore and linked to a site of that kind;

"**threat of contamination**" means a threat falling within regulation 10(2);

"**warship**" includes a naval auxiliary;

"**year**" means calendar year.

(2) In these Regulations, in relation to oil a reference to importing is a reference to entering for customs or excise purposes on importation (or incurring liability to do so).

(3) In these Regulations, a reference to entering or leaving a port in a State—

(a) includes a reference to attempting to enter or leave a port, and

(b) includes a reference to arriving at or leaving a terminal installation in the territorial sea of the State.

5. Interpretation: Oil Pollution Liability Convention

(1) The provisions of these Regulations are to be construed in accordance with the Oil Pollution Liability Convention.

(2) A reference in these Regulations to a numbered (or lettered) Article is a reference to that numbered (or lettered) Article in the Oil Pollution Liability Convention (except where the context otherwise requires).

(3) A reference in these Regulations to the Oil Pollution Liability Convention, or to a provision of or Annex to the Convention, is to be construed—

(a) as a reference to the Convention, provision or Annex as modified from time to time, and

(b) if the Convention, provision or Annex is replaced, as a reference to the replacement.

(4) Except as otherwise required in accordance with a Convention, no modification or replacement affects a right or liability arising before the date on which the modification or replacement takes effect.

(5) The Maritime Administration shall publish in such manner as it thinks fit—

(a) the text of the Oil Pollution Liability Convention (as it has effect when these Regulations are made), and

(b) a modification or replacement of the Convention (or any provision, including an Annex or other attachment).

6. Interpretation: pollution damage

(1) In these Regulations "**pollution damage**" (or "**damage**") means—

(a) loss or damage caused by a ship by contamination resulting from the escape of oil from the ship,

(b) the costs of preventive measures, and

(c) further loss or damage caused by preventive measures.

(2) For the purposes of subregulation (1)—

(a) in calculating loss and damage, compensation for impairment of the environment, other than loss of profit, is limited to the costs of reasonable measures of reinstatement actually undertaken or to be undertaken,

(b) "preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimise pollution damage,

(c) it is immaterial where the escape of oil occurs,

(d) a reference to escape of oil from a ship includes a reference to escape of oil carried in a cargo and to oil carried in the bunkers of the ship (whether in a bunker fuel tank or otherwise),

(e) where more than one escape of oil results from the same occurrence or from a series of occurrences having the same origin, they are treated as one, but any measures taken after the first of them are deemed to have been taken after the escape, and

(f) where a relevant threat of contamination results from a series of occurrences having the same origin, they are treated as a single occurrence.

7. Authorised officers

(1) For the purpose of these Regulations the following are authorised officers—

(a) customs officers;

(b) constables or other members of the Royal Montserrat Police Service appointed under the Police Act;

(c) the Registrar, and any person acting under the Registrar's express or implied authority;

(d) the Harbour Master;

(e) the Port Manager;

(f) any other person authorised by the Maritime Administration with the relevant skills and experience to perform the functions required under these Regulations.

(2) An authorised officer may exercise powers under these Regulations—

(a) on or in respect of premises in Montserrat;

(b) on or in respect of a ship in Montserrat or in Montserrat controlled waters;

(c) on or in respect of a Montserrat ship (whether or not in Montserrat or Montserrat controlled waters).

(3) For the purpose of exercising a function under these Regulations, an authorised officer has the powers of an inspector conferred by sections **126 to 128 of** the Act.

PART 2 – IMPLEMENTATION OF THE OIL POLLUTION LIABILITY CONVENTION

Application

8. Application: ships

(1) These Regulations apply in relation to ships constructed or adapted for the carriage of oil in bulk as cargo.

(2) These Regulations also apply to a ship that is capable of carrying oil and other cargoes, but only—

(a) when it is actually carrying oil in bulk as cargo, or

(b) during a voyage following carriage of oil in bulk in cargo.

(3) These Regulations do not apply to a ship by virtue of subregulation (2)(b) if it is proved that the ship has no residues of oil in bulk aboard.

(4) These Regulations apply to State-owned ships only to the extent provided for in regulations 25 and 26.

9. Application: pollution damage

These Regulations apply in relation to—

(a) pollution damage caused by a Montserrat ship wherever it may be,

(b) pollution damage caused by a foreign ship in Montserrat and Montserrat controlled waters, and

(c) preventive measures, wherever taken, to prevent or minimise such damage.

Liability

10. Liability for oil pollution

(1) Where oil escapes from a ship as a result of an incident, the owner of the ship is liable—

(a) in the case of a ship in Montserrat or Montserrat controlled waters—

(i) for any damage caused by the ship in Montserrat or Montserrat controlled waters by contamination resulting from the escape of oil,

(ii) for the cost of any measures reasonably taken after the escape of oil for the purpose of preventing or minimising any damage so caused in Montserrat or Montserrat controlled waters by contamination,

(iii) for any damage caused in Montserrat or Montserrat controlled waters by measures taken, and

(b) in the case of a Montserrat ship in the controlled waters of another Convention State, for any damage or cost mentioned in subregulation (a) in respect of those waters.

(2) Where a grave and imminent threat of pollution damage from a ship arises from an incident as a result of potential contamination if oil escapes from the ship, the owner of the ship is liable—

(a) in the case of a ship in Montserrat or Montserrat controlled waters—

(i) for the cost of any measures reasonably taken for the purpose of preventing or minimising damage in Montserrat or Montserrat controlled waters, and

(ii) for any damage caused by any measures taken;

(b) in the case of a Montserrat ship in the controlled waters of another Convention State, for any damage or cost mentioned in subregulation (a) in respect of those waters.

(3) For the purposes of this regulation a reference to the owner of a ship is a reference to—

(a) the owner at the time of the incident, or

(b) in the case of a multiple incident, the owner at the time of the first occurrence.

(4) This regulation is subject to other provisions of these Regulations.

11. Joint liability of owners

(1) This regulation applies where pollution damage occurs as a result of an incident involving two or more ships.

(2) Any liability under regulatio**n 10 is** shared by the owners of all the ships jointly and severally.

(3) Subregulation (2) does not apply in respect of any damage which is reasonably separable.

Exceptions and restrictions

12. Exceptions from liability

(1) No liability is incurred under regulation 10 by reason of an escape of oil from a ship or a threat of contamination if the owner proves that the escape or threat—

(a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon,

(b) was due wholly to an act carried out by another person with intent to do damage, or

(c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

(2) No liability is incurred under regulation 10 by the owner of a ship ("O") to another person ("P") in respect of pollution damage if O proves that the damage was due wholly or partially to an act carried out—

(a) by P with intent to cause damage, or

(b) as a result of P's negligence.

(3) Nothing in these Regulations prejudices any right of recourse of the owner of a ship against a third party.

(4) No claim for compensation for pollution damage within the meaning of these Regulations may be made against the owner of a ship otherwise than in accordance with these Regulations.

13. Restriction of liability

(1) Where there is an escape of oil from a ship, or a threat of contamination, to which regulation 10 applies, whether or not the owner of the ship incurs liability under that regulation—

(a) the owner is not liable otherwise than under that regulation for any damage or cost of a kind mentioned in it, and

(b) no person listed in subregulation (2) is liable for any damage or cost of that kind unless it resulted from an act done by the person—

(i) with intent to cause damage or cost of that kind, or
(ii) recklessly and in the knowledge that damage or cost of that kind would probably result.

(2) The persons mentioned in subregulation (1)(*b*) are—

(a) a servant or agent of the owner of the ship;

(b) a member of the crew;

(c) the pilot or another person who, without being a member of the crew, performs services for the ship;

(d) a charterer of the ship (however described and including a bareboat charterer);

(e) a manager or operator of the ship;

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

(g) a person taking preventive measures;

(h) a servant or agent of a person falling within paragraphs (*d*) to (*g*).

Limitation of liability

14. Right to limit liability

(1) This regulation applies where, as a result of an incident, the owner of a ship incurs a liability under regulation 10.

(2) The owner may limit liability in accordance with the provisions of these Regulations.

(3) If the owner limits liability, the limit of that liability (being the aggregate of the owner's liabilities under regulation 10 resulting from the incident) shall not exceed the relevant amount expressed in units of account contained in Article V(1) (which is calculated by reference to the ship's tonnage).

(4) For the purposes of Article V(1)—

(a) the "relevant amount" is the amount applicable to the owner according to the tonnage of the ship;

(b) a "unit of account" is the special drawing right as defined by the International Monetary Fund.

(5) The special drawing rights referred to in Article V(1) shall be converted into East Caribbean Dollars as at the date of the constitution of the fund (see regulat**ion 29).**

(6) The owner of a ship may not limit liability under subregulation (2) where it is proved that the escape or threat of contamination resulted from an act committed by the owner—

(a) with intent to cause damage or cost of a kind mentioned in regulatio**n 10, or**

(b) recklessly and knowing that damage or cost of that kind would probably result.

(7) In this regulation, "**tonnage**" in relation to a ship means its gross tonnage calculated in accordance with the International Convention on Tonnage Measurements of Ships 1969, as amended from time to time.

15. Limitation fund

(1) An owner who wishes to rely on the right to limit liability under regulation 14 shall constitute a fund in accordance with Article V(3) (a "**limitation fund**"), for the sum representing the owner's liability under regulation 10, as limited by regulation 14, with—

(a) the court, or

(b) a court or competent authority of another Convention State.

(2) A limitation fund may be constituted by—

(a) a bank bond or guarantee, or

(b) any other form of financial security approved for the purposes of this regulation by notice published (from time to time) by the Maritime Administration.

(3) Where liability arises in respect of a limitation fund constituted with the court, the court shall distribute the sums in the fund among all claimants in proportion to their claims.

(4) The court may postpone distribution of part of the sums to be distributed having regard to any claims that may later be established before another court or competent authority.

(5) Rules of court may make provision supplementing subregulations (3) and (4).

(6) Where the owner has voluntarily made a reasonable sacrifice or taken other reasonable measures to prevent or reduce damage to which liability extends or might have extended, the owner has a claim to reimbursement which ranks equally with other claims made against the limitation fund.

(7) No lien or other right in respect of any ship or other property affects the proportions in which any sums in the limitation fund are distributed in accordance with subregulation (3).

(8) Where a sum has been paid in or towards satisfaction of a claim for damage or cost in respect of which liability extends, the person who paid the sum has the same rights, to the extent of the sum paid, in relation to a distribution of the limitation fund as the person to whom the sum was paid would have had.

(9) Subregulation (8) applies to sums paid—

(a) by the owner;

(b) by an insurer;

(c) by a person who has incurred, or is alleged to have incurred, a liability for the damage or cost, other than under regulation **10** and who is entitled to limit liability in connection with the ship under the **Protection of the Seas (Limitation of Liability for Maritime Claims) Regulations 2026**.

16. Restriction on enforcement

(1) This regulation applies where after an incident—

(a) the owner has constituted a limitation fund,

(b) the liability of the owner has been established, and

(c) the owner's right to limit liability has also been established.

(2) No person may exercise a right against any assets of the owner other than the limitation fund in respect of a claim for pollution damage arising out of the incident.

(3) The court shall order the release of—

(a) any ship or other property arrested in connection with a claim of that kind, and

(b) any security given to prevent or obtain release from arrest in connection with a claim of that kind.

(4) Subregulation (2) applies to a person only if—

(a) the person has access to the court or other authority administering the owner's limitation fund, and

(b) the limitation fund is available in respect of the person's claim, or would have been available if the proper steps had been taken in accordance with these Regulations.

Insurance

17. Compulsory insurance against liability for pollution

(1) This regulation applies to any ship (to which these Regulations apply) which is carrying more than 2,000 tons of oil in bulk as cargo.

(2) A Montserrat ship may not enter or leave a port in Montserrat or elsewhere unless the owner has insurance in respect of the ship satisfying subregulation (4).

(3) A foreign ship may not enter or leave a port in Montserrat unless the owner has insurance in respect of the ship satisfying subregulation (4).

(4) Insurance satisfies this subregulation if it—

(a) satisfies the requirements of Article VII (cover for owner's liability), and

(b) is in the form of the certificate in the Annex to the Oil Pollution Liability Convention (which may be in electronic format).

18. Insurance certificates

(1) This regulation applies to a certificate for the purposes of regulation **17.**

(2) The certificate shall be issued—

(a) in the case of a Montserrat ship, by the Maritime Administration,

(b) in the case of a ship registered in a Convention State other than Montserrat, by or under the authority of its government, or

(c) in any other case, by the Maritime Administration, or by or under the authority of the government of a Convention State.

(3) The owner and master of a ship shall—

(a) ensure the certificate is carried on board the ship,

(b) ensure that the certificate is deposited with the ship's registry, and

(c) produce the certificate to an authorised mariofficer on demand.

(4) The Maritime Administration shall issue a certificate, on an application in respect of a Montserrat ship or a ship registered in a non-Convention State, if satisfied that satisfactory insurance will be in force in respect of the ship throughout the period for which the certificate is sought.

(5) Insurance is satisfactory for the purposes of subregulation (4) if it satisfies the requirements of Article VII.

(6) The Maritime Administration may refuse to issue a certificate if the Maritime Administration is not satisfied that—

(a) the person providing the insurance will be able to meet the obligations under the certificate, or

(b) the insurance will cover the owner's liability under regulation **10**.

(7) A certificate issued under this regulation shall—

(a) be in English,

(b) contain the information set out in Article VII(2), and

(c) be in the form of the model certificate in the Annex to the Oil Pollution Liability Convention (which may be in electronic format).

(8) A certificate issued or certified by or under the authority of the government of a Convention State other than Montserrat, which meets the requirements of Article VII(2) of the Oil Pollution Liability Convention, has the same force as a certificate issued by the Maritime Administration (even if issued or certified in respect of a ship not registered in another Convention State).

19. Cancellation and delivery up of certificates

(1) Where, at any time while a certificate issued under regulation **18** 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, that person shall forthwith deliver up the certificate to the Maritime Administration and in such a case the certificate shall be cancelled by the Maritime Administration.

(2) Where, at any time while a certificate under regulation 18 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 Maritime Administration and, if so cancelled, shall on demand forthwith be delivered up to the Maritime Administration by the person to whom it was issued.

(3) Where, at any time while a certificate under regulation 18 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 Maritime Administration would be entitled to refuse the application under regulation 18(6), the certificate may be cancelled by the Maritime Administration and, if so cancelled, shall on demand forthwith be delivered up to the Maritime Administration by the person to whom it was issued.

20. Rights of third parties against insurers

(1) This regulation applies where it is alleged that—

(a) the owner of a ship has incurred a liability under regulation 10 as a result of an escape of oil or a threat of contamination, and

(b) an insurance certificate was in force in relation to the liability.

(2) Proceedings to enforce a claim in respect of the liability may be brought against the insurer.

(3) In proceedings brought against an insurer under this regulation it is a defence (in addition to any defence affecting the owner's liability) to prove that the escape of oil or threat of contamination was due to the wilful misconduct of the owner.

(4) The insurer may limit liability in respect of claims under this regulation in the same way as an owner may limit liability under regulation **10 (**irrespective of whether the escape of oil or threat of contamination resulted from an act of the owner).

(5) The defendant to proceedings under this regulation may require the owner to be joined to the proceedings.

(6) Where both the owner and the insurer limit liability under these Regulations, any sum paid into court in respect of either's liability shall be treated as paid also in pursuance of the other's liability.

(7) Sums provided by insurance in accordance with these Regulations shall be made available exclusively for the satisfaction of claims under these Regulations.

(8) This regulation has effect despite any other enactment relating to third party rights against insurers.

Claims for liability under these Regulations

21. Jurisdiction

(1) A claim in respect of liability under regulations 10 or 20 shall only be brought in a court of a Convention State.

(2) The court may hear a claim under the Oil Pollution Liability Convention in relation to an incident in—

(a) Montserrat or Montserrat controlled waters;

(b) any other Convention State's controlled waters.

22. Notice

A claimant in respect of liability under these Regulations shall give reasonable notice of the claim to the defendant in accordance with the applicable rules of the court.

23. Extinguishment of claims

(1) This regulation applies to claims in respect of liability under regulation 10.

(2) An action on a claim may not be brought—

(a) after the period of 3 years beginning with the date on which the claim arose, or

(b) after the period of 6 years beginning with the date of the incident giving rise to the liability (irrespective of when the claim arose).

24. Recognition and enforcement of foreign judgments

(1) The United Kingdom Administration of Justice Act 1956 (admiralty jurisdiction: any claim for damage done by ship) as applied in Montserrat by the Admiralty Jurisdiction (Montserrat) Order 1968 (S.I. 1968 No 1647) shall be construed as extending to any claim in respect of liability incurred under these Regulations.

(2) Subregulation (3) applies where—

(a) any oil is discharged or escapes from a ship but does not result in any damage caused by contamination in Montserrat or Montserrat controlled waters and no measures are reasonably taken to prevent or minimise such damage in Montserrat or Montserrat controlled waters, or

(b) any relevant threat of contamination arises but no measures are reasonably taken to prevent or minimise such damage in Montserrat or Montserrat controlled waters.

(3) Where this subregulation applies, no court in Montserrat shall entertain any action (whether in rem or in personam) to enforce a claim arising from any relevant damage or cost—

(a) against the owner of the ship, or

(b) against any person listed in regulation 13(2) applies,

unless any such damage or cost resulted from anything done or omitted to be done as mentioned in regulation 13(1)(*b*).

(4) In this regulation, "**relevant damage or cost**" means—

(a) in relation to any such discharge or escape as is mentioned in subregulation (2)(a), any damage caused in the territory of another Convention State by contamination resulting from the discharge or escape, or any cost incurred in taking measures to prevent or minimise such damage in the territory of another Convention State,

(b) in relation to any such threat of contamination as is mentioned in subregulation (2)(*b*), any cost incurred in taking measures to prevent or minimise such damage in the territory of another Convention State, or

(c) any damage caused by any measures taken as mentioned in paragraph (*a*) or (*b*).

(5) The Reciprocal Enforcement of Judgements Act (Cap. 2.15) shall apply, whether or not it would so apply apart from this regulation, to any judgment given by a court in a Liability Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to regulation 10.

State-owned ships

25. Warships and government non-commercial ships

These Regulations do not apply to warships or government non-commercial ships.

26. Government commercial ships

(1) These Regulations apply to a government commercial ship.

(2) In relation to a government commercial ship, the provisions of regulation **17** are to be treated as satisfied if there is in force a certificate—

(a) issued by the government of the relevant State, and

(b) showing that the ship is owned by that State and that any liability for pollution damage will be met up to the limit prescribed by Article V of the Oil Pollution Liability Convention.

(3) A Convention State is to be treated as having submitted to the jurisdiction of the court for the purposes of any claim in respect of liability under these Regulations.

(4) Rules of court may make provision in connection with proceedings to which a Convention State is a party.

(5) The court may not authorise the issue of execution against the property of a State for the purposes of satisfying liability under these Regulations.

PART 3 - ENFORCEMENT

27. Detention of ship

(1) An authorised officer who believes that a person is attempting to navigate a ship out of a port in Montserrat in contravention of these Regulations may detain the ship.

(2) Sections 134 and 135 of the Act (power to detain; enforcing detention of a ship) shall have effect in relation to the detention

of a ship under this regulation, as if the detention under these Regulations was a detention under the Act.

28. Offences

(1) The master and owner of a ship each commit an offence if the ship contravenes regulation 17(2) or (3) or 18(3).

(2) A person who fails to comply with regulation 19(1), (2) or (3) commits an offence.

(3) A person who commits an offence under this regulation is liable on summary to a fine not exceeding $100,000.

PART 4 – SUPPLEMENTARY

29. Conversion from special drawing rights

(1) This regulation applies where special drawing rights are mentioned in the Oil Pollution Liability Convention for the purpose of converting sums from such rights into Eastern Caribbean Dollars.

(2) The conversion is to be made at the rate fixed by the International Monetary Fund.

(3) Where these Regulations provides for the conversion to be made as at a specified day and no sum is fixed for that day, the conversion is to be made as at the last day before that day for which a sum was fixed.

(4) A certificate given by or on behalf of the Minister of Finance is conclusive evidence for the purposes of these Regulations if it states—

(a) that a specified rate for conversion into Eastern Caribbean Dollars was fixed for a specified day, or

(b) that no rate was fixed for a specified day and that a specified rate for conversion into Eastern Caribbean Dollars was the last rate fixed for a previous day.

(5) A document purporting to be a certificate mentioned in subregulation (4) is in any legal proceedings—

(a) to be received in evidence, and

(b) unless the contrary is proved, to be deemed to be such a certificate.

30. Certificates etc

(1) Any provision in these Regulations that requires that—

(a) an approval, direction, notice or similar matter shall be in writing, or

(b) a certificate be issued,

shall be satisfied where the text of the approval, direction, notice or certificate issued complies with the requirements of sub-regulation (2).

(2) The requirements are that the approval, direction, notice or certificate—

(a) is transmitted by electronic means,

(b) is received in legible form,

(c) is capable of being used for subsequent reference, and

(d) in the case of a certificate, complies with all requirements for electronic certificates established by the International Maritime Organization.

31. Savings

Except as provided expressly, nothing in these Regulations affects any claim, or the enforcement of any claim, a person incurring any liability under any other enactment may have against any other person in respect of the matters giving rise to that liability before these Regulations come into force.

32. Negative resolution

These Regulations are subject to negative resolution.

Made by the Governor acting on the advice of Cabinet this 3rd day of September, 2026.

(Sgd.) Alasdair Bain
Cabinet Secretary

Published by exhibition by the Cabinet Secretary at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this 11th day of November, 2026.

(Sgd.) Alasdair Bain
Cabinet Secretary