

MONTSERRAT

STATUTORY RULES AND ORDERS

S.R.O. 42 OF 2026

PROTECTION OF THE SEAS (INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS) REGULATIONS 2026

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STATUTORY RULES AND ORDERS

NO. 42 OF 2026

**PROTECTION OF THE SEAS (INTERNATIONAL OIL
POLLUTION COMPENSATION FUNDS) REGULATIONS 2026**

**THE PROTECTION OF THE SEAS (INTERNATIONAL OIL
POLLUTION COMPENSATION FUNDS) 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).**

Preliminary

1. Citation

These Regulations may be cited as the Protection of the Seas
(International Oil Pollution Compensation Funds) Regulations
2026.

2. Commencement

- (1)** These Regulations come into force on the day three months
after the day on which notice is given to the International
Maritime Organization of the extension of the Supplementary
Fund Protocol to Montserrat.
- (2)** The Governor shall publish in the Gazette the date that, in
accordance with subregulation (1), these Regulations come
into force.

**3. Compensation Fund Convention and Supplementary Fund
Protocol to have effect**

The provisions of the Compensation Fund Convention and the
Supplementary Fund Protocol, which have the force of law in
Montserrat by virtue of section **122(1)** and **(2)(d)** 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—
- (2)** In these Regulations—

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- (a) “**Montserrat**” has the meaning given in section 2(1) of the Interpretation Act (Cap. 1.02);
- (b) “**Montserrat waters**” has the meaning given in section 2(1) of the Act;
- (c) “**Montserrat controlled waters**” means—
 - (i) Montserrat waters, and
 - (ii) 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 and as amended by S.R.O. 27/1983) made under section 2 of the Fisheries Act.

(3) In these Regulations—

“**contributing oil**” means crude oil and fuel oil; and

“**crude oil**” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation; and includes crude oils from which certain distillate fractions have been removed (or topped crudes) or to which certain distillate fractions have been added (or spiked or reconstituted crudes);

“**fuel oil**” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the American Society for Testing and Materials’ Specification for Number Four Fuel Oil (Designation D 396-69)”, or heavier.

- (4) In relation to contributing oil, a reference to importing is a reference to entering for customs or excise purposes on importation (or incurring liability to do so).
- (5) 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 an offshore facility in the territorial sea of the State (except in a provision permitting detention of ships).

5. Interpretation, etc.: Fund Conventions

(1) In these Regulations—

- (a) “**the Compensation Fund Convention**” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992;

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- (b) “**the Compensation Fund**” means the International Fund established by the Compensation Fund Convention;
 - (c) “**Compensation Fund Convention State**” means a State in respect of which the Compensation Fund Convention is in force.
 - (2) In these Regulations—
 - (a) “the **Supplementary Fund Protocol**” means the Protocol of 2003 to the Compensation Fund Convention;
 - (b) “**the Supplementary Fund**” means the International Supplementary Fund established by the Supplementary Fund Protocol;
 - (c) “**Supplementary Fund Protocol State**” means a State in respect of which the Supplementary Fund Protocol is in force.
 - (3) In these Regulations “**the Funds**” means the Compensation Fund and the Supplementary Fund.
 - (4) The provisions of these Regulations are to be construed in accordance with the Compensation Fund Convention or the Supplementary Fund Protocol (as the case may be).
 - (5) A reference in these Regulations to a numbered (or lettered) Article is a reference to that numbered (or lettered) Article in the Compensation Fund Convention or the Supplementary Fund Protocol (except where the context otherwise requires).
 - (6) A reference in these Regulations to the Compensation Fund Convention or the Supplementary Fund Protocol, or to a provision of or Annex to the Convention or Protocol, is to be construed—
 - (a) as a reference to the Convention or Protocol, provision or Annex as modified from time to time, and
 - (b) if the Convention or Protocol, provision or Annex is replaced, as a reference to the replacement.
 - (7) Except as otherwise required in accordance with the Compensation Fund Convention or the Supplementary Fund Protocol, no modification or replacement affects a right or liability arising before the date on which the modification or replacement takes effect.
 - (8) The Maritime Administration shall publish in such manner as it thinks fit—
 - (a) the text of the Compensation Fund Convention and the Supplementary Fund Protocol (as they have effect when these Regulations are made), and
 - (b) a modification or replacement of the Convention or Protocol (or any provision, including an Annex or other attachment).
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Application

6. Application

These Regulations apply in relation to—

- (a) pollution damage caused in Montserrat or Montserrat controlled waters, and
- (b) measures, wherever taken, to prevent or minimise pollution damage in Montserrat or Montserrat controlled waters.

The Funds

7. Status of Funds

- (1) Each of the Funds has legal personality in Montserrat.
- (2) The Director of each of the Funds is recognised as the legal representative of the respective Fund.
- (3) The assets, income and other property of the Compensation Fund and Supplementary Fund within the scope of the Funds' official activities shall be exempt from taxes, rates, duties and dues.
- (4) In subregulation (3), “**income**” includes contributions payable or paid under these Regulations.

8. Liability to pay contributions

- (1) Contributions are payable to the Funds in respect of contributing oil carried by sea to ports in Montserrat.
- (2) Subregulation (1)—
 - (a) does not apply in respect of carriage on a voyage wholly within Montserrat waters,
 - (b) applies whether or not the contributing oil is being imported into Montserrat, and
 - (c) applies whether or not contributions were payable in respect of carriage of the same contributing oil on a previous voyage.
- (3) Contributions are also payable to the Compensation Fund in respect of contributing oil when first received in a terminal installation in Montserrat after having been carried by sea and discharged in a port in a State which is not a Compensation Fund State.
- (4) Contributions are also payable to the Supplementary Fund in respect of contributing oil when first received in a terminal installation in Montserrat after having been carried by sea and discharged in a port in a State which is not a Supplementary Fund Protocol State.

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- (5) The person liable to pay contributions is—
- (a) in the case of contributing oil which is being imported into Montserrat, the importer, and
 - (b) otherwise, the person who receives the contributing oil.

9. Thresholds for contributions

- (1) If the contributing oil imported or received by a person in a year does not exceed the amount referred to in Article 10(1) of the Compensation Fund Convention (150,000 tons of contributing oil), the person is not liable to make contributions in respect of that oil (subject to subregulation (2)).
- (2) If the quantity of contributing oil received in a terminal installation in Montserrat by a person (P1) in a calendar year, when aggregated with the quantity of contributing oil received in any terminal installation in Montserrat by one or more persons associated with P1, exceeds the amount referred to in Article 10(2) of the Compensation Fund Convention (150,000 tons of contributing oil in aggregate), P1 shall pay contributions in respect of the quantity received by P1 and those associated persons (and subregulation (1) does not apply).
- (3) If the contributing oil imported or received by a person in a year does not exceed the amount referred to in Article 10(1) of the Supplementary Fund Convention (150,000 tons of contributing oil), the person is not liable to make contributions in respect of that oil (subject to subregulation (4)).
- (4) If the quantity of contributing oil received in a terminal installation in Montserrat by a person (P1) in a calendar year, when aggregated with the quantity of contributing oil received in any terminal installation in Montserrat by one or more persons associated with P1, exceeds the amount referred to in Article 10(2) of the Compensation Fund Convention (as applied by Article 10(2) of the Supplementary Fund Convention) (150,000 tons of contributing oil in aggregate), P1 shall pay contributions in respect of the quantity received by P1 and those associated persons (and subregulation (3) does not apply).
- (5) Article 14 of the Supplementary Fund Convention (deemed minimum receipt of 1 million tons of contributing oil) has effect in respect of contributions to the Supplementary Fund as if references in that Article to Contracting State are references to the United Kingdom, its Crown Dependencies and Overseas Territories collectively.

10. Amount of contributions

The contributions payable by a person for a year are—

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- (a) in the case of contributions to the Compensation Fund, the amount determined by the Director of the Fund under Article 12 of the Compensation Fund Convention and notified to the person, and
- (b) in the case of contributions to the Supplementary Fund, the amount determined by the Director of the Supplementary Fund under Article 11 of the Supplementary Fund Protocol and notified to the person.

11. Payments

- (1) Contributions payable by a person are payable in such instalments, due at such times, as the relevant Fund notifies to the person.
- (2) Contributions due by a person to a Fund are to be set off against any compensation due to the person.
- (3) Where an amount remains unpaid after the date on which it became due, interest is payable on it at a rate determined from time to time by the Assembly of the Compensation Fund or Supplementary Fund, as the case may be.
- (4) A person who is or may be liable to pay contributions under this regulation may be directed to give security for payment by the Maritime Administration to—
 - (a) the Maritime Administration,
 - (b) the Compensation Fund, or
 - (c) the Supplementary Fund.
- (5) Contributions due and payable by a person to a Fund that are not paid are recoverable as a debt by the relevant Fund.

Liability of Compensation Fund

12. Liability of Compensation Fund

The Compensation Fund is liable for pollution damage in Montserrat or Montserrat controlled waters if—

- (a) the person suffering the damage has been unable to obtain full compensation under the **Protection of the Seas (Civil Liability for Oil Pollution Damage) Regulations 2026** for a reason specified in Article 4(1) of the Compensation Fund Convention, and
- (b) compensation is payable to the person in accordance with the provisions of Article 4(4) of that Convention.

13. Exemptions

- (1) The Compensation Fund incurs no obligation if—

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- (a) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection,
 - (b) it proves that the pollution damage was caused by oil which has escaped from a warship or a government non-commercial ship, or
 - (c) the claimant cannot prove that the pollution damage resulted from an occurrence involving one or more ships.
- (2) Subregulation (3) applies if the Compensation Fund proves that pollution damage suffered by a person resulted wholly or partly—
 - (a) from anything done or omitted to be done with intent to cause damage by the person, or
 - (b) from the person's negligence.
- (3) Where this subregulation applies, the Compensation Fund is exonerated from its obligations to pay compensation to the person to the extent that an owner would be exonerated under Article III(3) of the Oil Pollution Liability Convention.
- (4) The exoneration in subregulation (3) does not apply in respect of pollution damage which consists of—
 - (a) the costs of preventive measures, or
 - (b) damage caused by preventive measures.

14. Limitation of liability

- (1) The Compensation Fund's liability under regulation 12 is subject to the limits imposed by Article 4(4) of the Compensation Fund Convention (overall limit on the liabilities of the Fund).
- (2) In those provisions references to the 1992 Liability Convention are references to the Oil Pollution Liability Convention within the meaning of these Regulations.
- (3) A certificate given by the Director of the Fund stating that Article 4(4)(c) of the Compensation Fund Convention (maximum amount of compensation) is applicable to any claim under regulation 22 is conclusive evidence of that fact for the purposes of these Regulations.
- (4) A document purporting to be a certificate mentioned in subregulation (3) 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.
- (5) Where the amount of the claims established against the Compensation Fund exceeds the aggregate amount of compensation payable, the amount available shall be

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distributed in such a manner that the proportion between any established claim and the amount of compensation recovered by a claimant shall be the same for all claimants.

15. Payment of liability

- (1) This regulation applies for the purpose of giving effect to Article 4(4) and (5) of the Compensation Fund Convention.
- (2) Where the court gives judgment against the Fund in proceedings under regulation 12, the court shall notify the Fund.
- (3) No steps may be taken to enforce the judgment unless and until the court gives leave to enforce it.
- (4) Leave may not be given unless and until the Fund notifies the court either—
 - (a) that the amount of the claim is not to be reduced under the provisions mentioned in subregulation (1), or
 - (b) that it is to be reduced to a specified amount (in which case the judgment is enforceable only for the specified amount).

16. Currency of payment

- (1) Payment of an amount in pursuance of a judgment is to be made in East Caribbean Dollars.
- (2) Special drawing rights are to be converted into East Caribbean Dollars at the rate fixed by the International Monetary Fund as at the day on which the Assembly of the Fund decide the date for the first payment of compensation in respect of the incident.
- (3) A certificate given by or on behalf of the Minister of Finance is conclusive evidence for the purposes of these Regulations if it states that a specified rate for conversion into Eastern Caribbean Dollars was fixed for the day referred to in subregulation (2).
- (4) A document purporting to be a certificate mentioned in subregulation (3) 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.

Liability of Supplementary Fund

17. Liability of the Supplementary Fund

- (1) The Supplementary Fund is liable for pollution damage in Montserrat in accordance with the Supplementary Fund Protocol—

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- (a) in the circumstances mentioned in Article 4(1) of the Supplementary Fund Protocol (cases where full compensation cannot be obtained because of the limit imposed by Article 4(4) of the Compensation Fund Convention), and
 - (b) in accordance with Articles 4(4) and 5 of the Supplementary Fund Protocol.
- (2) Subject to Article 15(2) and (3) of the Supplementary Fund Protocol (compensation dependent on communication of information), a claimant's rights to compensation against the Supplementary Fund are only extinguished if they are also extinguished against the Compensation Fund.

18. Limitation of Supplementary Fund's liability

- (1) The Supplementary Fund's liability under regulation 17 is subject to—
 - (a) Article 4(2) of the Supplementary Fund Protocol (limit on liabilities), and
 - (b) Article 15(2) and (3) of the Supplementary Fund Protocol.
- (2) Where the amount of the claims established against the Supplementary Fund exceeds the aggregate amount of compensation payable, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation recovered by a claimant shall be the same for all claimants.

19. Payment of liability

- (1) This regulation applies for the purpose of giving effect to Article 4(2) and (3) of the Supplementary Fund Protocol (aggregate liability of Supplementary Fund and apportionment).
- (2) Where the court gives judgment against the Supplementary Fund, the court shall notify the Supplementary Fund.
- (3) No steps may be taken to enforce the judgment unless and until the court gives leave to enforce it.
- (4) Leave may not be given unless and until the Supplementary Fund notifies the court either—
 - (a) that the amount of the claim is not to be reduced under the provisions mentioned in subregulation (1), or
 - (b) that it is to be reduced to a specified amount (in which case the judgment is enforceable only for the specified amount).

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20. Currency of payment

Regulation **16** applies for the purposes of payments from the Supplementary Fund as to payments from the Compensation Fund.

Proceedings

21. Jurisdiction

- (1) The court has jurisdiction to hear an action against the Compensation Fund or the Supplementary Fund, in accordance with the provisions of the Oil Pollution Liability Convention.
- (2) Where an action against an owner or guarantor for compensation for pollution damage under Article IX of the Oil Pollution Liability Convention has been brought before—

 - (a) the court, or
 - (b) a court of competent jurisdiction in a State which is a party to the Oil Pollution Liability Convention,

an action against the Compensation Fund or the Supplementary Fund in respect of the same damage shall, subject to subregulations (3) and (4), be brought before that court.
- (3) Where an action under Article IX of the Oil Pollution Liability Convention has been brought in a State which is not a party to the Compensation Fund Convention, an action against the Compensation Fund in respect of the same damage shall be brought, at the option of the claimant, before either—

 - (a) a court of the State where the Compensation Fund has its headquarters,
 - (b) the court, or
 - (c) a court of a Compensation Fund Convention State.
- (4) Subregulation (5) applies where either—

 - (a) an action against an owner or guarantor for compensation for pollution damage under Article IX of the Oil Pollution Liability Convention, or
 - (b) an action against the Compensation Fund under the Compensation Fund Convention,

has been brought in a State which is not a party to the Supplementary Fund Protocol.
- (5) There this subregulation applies, an action against the Supplementary Fund in respect of the same damage shall be brought, at the option of the claimant, before either—

 - (a) a court of the State where the Supplementary Fund has its headquarters,

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(b) the court, or

(c) a court of a Supplementary Fund Protocol State.

(6) A judgment of the court is final and binding on the Compensation Fund and the Supplementary Fund—

(a) subject to the Compensation Fund or the Supplementary Fund, as the case may be, having been given notice of the action in accordance with these Regulations, and

(b) whether or not the Compensation Fund or the Supplementary Fund has intervened in the proceedings.

22. Supplementary Fund

(1) A claim made against the Compensation Fund is to be treated as including a claim against the Supplementary Fund (where relevant).

(2) Notice given to the Compensation Fund is to be treated as also being notice to the Supplementary Fund.

23. Intervention

(1) A Fund may intervene in legal proceedings under these Regulations.

(2) Where an action against an owner or guarantor for compensation for pollution damage under Article IX of the Oil Pollution Liability Convention has been brought, a party in that action may notify a Fund of the proceedings (with a view to its making decisions about intervention).

24. Institution of proceedings

Proceedings by or against either Fund may be instituted—

(a) by or against the Fund in its own name, or

(b) by or against the Director of the Fund as the Fund's representative.

25. Time limits for claims

(1) A claim against either Fund by virtue of these Regulations may be brought in the court only if, during the period of 3 years beginning with the date (or last date) on which the damage occurred—

(a) the action is commenced, or

(b) notice is given to the Fund of an action to enforce a claim under these Regulations in respect of the damage.

(2) In no case, shall a claim be brought after the expiry of a period of 6 years beginning with the date of the incident, or first of

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the incidents, resulting in the damage by reason of which the claim arose.

26. Fund documents

- (1) A copy certified as a true copy by an official of either Fund is admissible as evidence of—
 - (a) an instrument issued by any organ of the Fund,
 - (b) a document in the custody of the Fund, and
 - (c) an entry in or extract from a document in the custody of the Fund.
- (2) A document purporting to be a copy within subregulation (1) is admissible without proof of the official position or handwriting of the person signing the certificate.

27. International incidents

- (1) This regulation applies where an incident has caused pollution damage in the territory of one or more other States parties to the Oil Pollution Liability Convention.
- (2) References in these Regulations to the provisions of the Oil Pollution Liability Convention given effect by these Regulations include references to the corresponding provisions of the law of the other States parties giving effect to that Convention.

28. Recognition and enforcement of 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 falling on either Fund under these Regulations.
- (2) Where in accordance with the provisions of these Regulations, either Fund has been given notice of proceedings brought against an owner or guarantor in respect of liability under the **Protection of the Seas (Civil Liability for Oil Pollution Damage) Regulations 2026**, any judgment given in the proceedings shall, after it has become final and enforceable, become binding upon the relevant Fund in the sense that the facts and evidence in the judgment may not be disputed by the Funds even if the Funds have not intervened in the proceedings.
- (3) Where a person incurs a liability under the law of a Compensation Fund State or a Supplementary Fund Protocol State corresponding to the **Protection of the Seas (Civil Liability for Oil Pollution Damage) Regulations 2026** for damage which is partly in Montserrat or Montserrat waters,

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subregulation (2) shall, for the purpose of proceedings under these Regulations, apply with any necessary modifications to a judgment in proceedings under that law of that State.

- (4) Subject to subregulation (5), the Reciprocal Enforcement of Judgements Act (Cap 2.15) shall apply, whether or not it would so apply apart from this subregulation, to any judgment given by a court in a Compensation Fund State or a Supplementary Fund Protocol State to enforce a claim in respect of liability incurred under any provision corresponding to regulations 12 or 17.
- (5) No steps shall be taken to enforce such a judgment unless and until the court in which it is registered under the Reciprocal Enforcement of Judgements Act gives leave to enforce it; and—
 - (a) that leave shall not be given unless and until the relevant Fund notifies the court either that the amount of the claim is not to be reduced in accordance with the provisions of the Compensation Fund Convention or the Supplementary Convention or that it is to be reduced to a specified amount, and
 - (b) in the latter case, the judgment shall be enforceable only for the reduced amount.

29. Subrogation

- (1) In respect of any sum paid by either Fund as compensation for pollution damage the Fund acquires by subrogation any rights in respect of the damage which the recipient has (or but for the payment would have) against any other person.
- (2) In respect of any sum paid by a public authority in Montserrat as compensation for pollution damage, that authority acquires by subrogation any rights which the recipient has (or but for the payment would have) against either Fund by virtue of these Regulations.

30. Information

- (1) The Maritime Administration shall maintain a list of persons who receive contributing oil in Montserrat in such quantities that the person is liable to pay contributions to a Fund under these Regulations (**“the list of contributors”**).
- (2) The list of contributors shall contain—
 - (a) the names and addresses of persons liable to make contributions to the Fund in accordance with these Regulations, and
 - (b) the quantity of contributing oil in respect of which they are so liable.

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- (3) The Maritime Administration shall make arrangements for the list of contributors to be submitted to—

 - (a) the Compensation Fund in accordance with Article 29 of the Compensation Fund Convention;
 - (b) the Supplementary Fund in accordance with Article 20 of the Supplementary Fund Protocol.
- (4) For the purposes of maintaining the list of contributors, the Maritime Administration may by notice require a person in the oil industry to provide such information as may be specified in the notice.
- (5) A notice may require a person to give information required to ascertain whether the person has liability under these Regulations.
- (6) A notice under this regulation may specify the time within which, and the manner in which, it is to be complied with.
- (7) In proceedings by either Fund to recover an amount due under these Regulations, information in the list of contributors sent by the Maritime Administration to either Fund—

 - (a) so far as based on information obtained under this regulation, is admissible as evidence of the facts stated in the list, and
 - (b) so far as based on information given by the person against whom proceedings are brought, is presumed to be accurate unless the contrary is proved.
- (8) It is an offence for a person to disclose information provided to or obtained by the person under or in connection with this regulation unless the disclosure is made—

 - (a) with the consent of the person from whom the information was obtained,
 - (b) in connection with the application of this regulation,
 - (c) for the purpose of legal proceedings in connection with this regulation, or
 - (d) for the purpose of a report of legal proceedings in connection with this regulation.
- (9) It is an offence for a person, without reasonable excuse, to—

 - (a) fail to comply with a notice under this regulation, or
 - (b) provide false information in purported compliance with a notice under this regulation.
- (10) A person who is guilty of an offence under subregulation (8) or (9) is liable to a fine not exceeding \$ 20,000.

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- (11) In this regulation “person in the oil industry” means a person engaged in producing, treating, importing, exporting, distributing or transporting contributing oil.

Supplementary provision

31. Convention certificates etc

- (1) Any provision in these Regulations that requires that a notice or document shall be in writing, is satisfied where the text of the notice or document complies with the requirements of subregulation (2).
- (2) The requirements are that the notice or document—
- (a) is transmitted by electronic means,
 - (b) is received in legible form, and
 - (c) is capable of being used for subsequent reference.

32. Savings

Except as provided expressly, nothing in these Regulations affects any claim, or the enforcement of any claim, or any liability, in relation to an event or incident which occurred on a date before these Regulations come into force.

33. 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 26th day of October, 2026.

(Sgd.) Alasdair Bain
Cabinet Secretary