

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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*(As read a first time)*

**PROTECTION OF THE SEA (POWERS OF INTERVENTION)  
BILL 1981**

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**SCHEDULE 1**

**INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE  
HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES**

**SCHEDULE 2**

**PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES  
OF POLLUTION BY SUBSTANCES OTHER THAN OIL, 1973**



1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 5 March 1981

*(Minister for Transport)*

**A BILL**

**FOR**

**An Act authorizing the Commonwealth to take measures for the  
purpose of protecting the sea from pollution by oil and  
5 other noxious substances discharged from ships,  
and for related purposes**

BE IT ENACTED by the Queen, and the Senate and the House of  
Representatives of the Commonwealth of Australia, as follows:

**Short title**

10 **1.** This Act may be cited as the *Protection of the Sea (Powers of Intervention)*  
*Act 1981.*

**Commencement**

**2. (1)** This Act shall come into operation on a date to be fixed by  
Proclamation.

15 **(2)** The date fixed under sub-section (1) shall not be a date earlier than the  
date on which the International Convention Relating to Intervention on the  
High Seas in Cases of Oil Pollution Casualties comes into force for  
Australia.

**Interpretation**

20 **3. (1)** In this Act, unless the contrary intention appears—  
“Australia” includes the external Territories;

“cargo” includes ballast and ship’s stores and fuel;

“Convention” means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (a copy of the English text of which is set forth in Schedule 1);

“direction under this Act” means a direction under paragraph 8 (2) (b), 9 (2) (b) or 10 (3) (b) or a further direction under section 15;

“master”, in relation to a ship, means the person having command or charge of the ship;

“owner”, in relation to a ship that is operated by a person (not being the owner of the ship) who has whole possession and control of the ship, means the operator of the ship;

“Protocol” means the Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973 (a copy of the English text of which is set forth in Schedule 2).

(2) It is hereby declared to be the intention of the Parliament that the provisions of this Act that relate to the Protocol shall have full force and effect whether or not the Protocol has entered into force.

**Act to bind Crown**

4. (1) This Act binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island.

(2) Nothing in this Act renders the Commonwealth or a State or Territory liable to be prosecuted for an offence.

(3) Sub-section (2) does not affect any liability of a servant or agent of the Commonwealth or a State or Territory to be prosecuted for an offence.

**Saving of other laws**

5. (1) This Act and the regulations shall be read and construed as being in addition to, and not in derogation of or in substitution for, any other law of the Commonwealth or any law of a State or Territory.

(2) Nothing in the *Historic Shipwrecks Act 1976* affects the operation of this Act.

**Operation of Act**

6. This Act applies both within and outside Australia and extends to every external Territory.

**Delegation**

7. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

5 **Taking of measures under Convention to prevent pollution of sea by oil**

8. (1) Where the Minister is satisfied that, following upon a maritime casualty or acts related to such a casualty, there is grave and imminent danger to the coastline of Australia, or to the related interests of Australia, from pollution or threat of pollution of the sea by oil which may reasonably be expected to result in major harmful consequences, the Minister may take such measures on the high seas as he considers necessary to prevent, mitigate or eliminate the danger.

15 (2) Without limiting the generality of sub-section (1), the measures that the Minister may take on the high seas under this section in relation to the ship, or any of the ships, involved in the maritime casualty include—

- (a) the taking of action, whether or not directions have been issued under paragraph (b) in relation to the ship—
- (i) to move the ship or part of the ship to another place;
  - (ii) to remove cargo from the ship;
  - 20 (iii) to salvage the ship, part of the ship or any of the ship's cargo;
  - (iv) to sink or destroy the ship or part of the ship;
  - (v) to sink, destroy or discharge into the sea any of the ship's cargo; or
  - (vi) to take over control of the ship or part of the ship; or
- 25 (b) the issuing of directions of the kind authorized by section 11—
- (i) to the owner of the ship;
  - (ii) to the master of the ship; or
  - (iii) to any salvor in possession of the ship.

30 (3) This section does not authorize the taking of measures against a warship or other ship owned or operated by a foreign State and used, for the time being, only on government non-commercial service.

(4) The Minister shall, in and in relation to the exercise of his powers under this section, act in accordance with Articles III and V of the Convention.

35 (5) This section shall not be construed as limiting or otherwise affecting any right or power that the Commonwealth may have, whether under international law, under this Act or otherwise, apart from this section.

(6) An expression that is used in this section and in the Convention (whether or not a particular meaning is assigned to it by the Convention) has, in this section, the same meaning as in the Convention.

**Taking of measures under Protocol to prevent pollution of sea by substances other than oil**

9. (1) Where the Minister is satisfied that, following upon a maritime casualty or acts related to such a casualty, there is grave and imminent danger to the coastline of Australia, or to the related interests of Australia, from pollution or threat of pollution of the sea by substances other than oil which may reasonably be expected to result in major harmful consequences, the Minister may take such measures on the high seas as he considers necessary to prevent, mitigate or eliminate the danger. 5

(2) Without limiting the generality of sub-section (1), the measures that the Minister may take on the high seas under this section in relation to the ship, or any of the ships, involved in the maritime casualty include— 10

(a) the taking of action, whether or not directions have been issued under paragraph (b) in relation to the ship— 15

(i) to move the ship or part of the ship to another place;

(ii) to remove cargo from the ship;

(iii) to salvage the ship, part of the ship or any of the ship's cargo;

(iv) to sink or destroy the ship or part of the ship;

(v) to sink, destroy or discharge into the sea any of the ship's cargo; or 20

(vi) to take over control of the ship or part of the ship; or

(b) the issuing of directions of the kind authorized by section 11—

(i) to the owner of the ship;

(ii) to the master of the ship; or

(iii) to any salvor in possession of the ship. 25

(3) This section does not authorize the taking of measures against a warship or other ship owned or operated by a foreign State and used, for the time being, only on government non-commercial service.

(4) The Minister shall, in and in relation to the exercise of his powers under this section, act in accordance with Articles III and V of the Convention as applying by virtue of Article II of the Protocol or, if the Protocol has not entered into force, in accordance with those Articles of the Convention as they would apply by virtue of that Article of the Protocol if the Protocol had entered into force. 30

(5) This section shall not be construed as limiting or otherwise affecting any right or power that the Commonwealth may have, whether under international law, under this Act or otherwise, apart from this section. 35

(6) Where an expression is used in this section—

(a) if the expression is also used in the Protocol (whether or not a particular meaning is assigned to it by the Protocol)—the expression has, in this section, the same meaning as in the Protocol; or 40

(b) subject to paragraph (a), if the expression is also used in the provisions of the Convention referred to in paragraph 1 of Article II of the

Protocol (whether or not a particular meaning is assigned to it by the Convention)—the expression has, in this section, the same meaning as in the Convention.

**Taking of measures otherwise than under Convention or Protocol to prevent pollution of sea by oil or noxious substances**

10. (1) This section applies in relation to—

- (a) any ship (other than a ship as defined by sub-section (6)) in internal waters;
- (b) any ship in the Australian coastal sea; and
- (c) any Australian ship on the high seas.

(2) Where oil or a noxious substance is escaping, or has escaped, from a ship in relation to which this section applies, or the Minister is satisfied that oil or a noxious substance is likely to escape from such a ship, the Minister may, subject to sub-section (4), take such measures as he considers necessary—

- (a) to prevent, or reduce the extent of, the pollution or likely pollution, by the oil or noxious substance, of any Australian waters, any part of the Australian coast or any Australian reef;
- (b) to prevent damage, or reduce the extent, or likely extent, of damage, to any of the related interests of Australia by reason of the pollution, or likely pollution, of the sea by the oil or noxious substance;
- (c) to protect any Australian waters, any part of the Australian coast or any Australian reef from pollution or likely pollution by the oil or noxious substance;
- (d) to protect any other related interests of Australia from damage by reason of the pollution, or likely pollution, of the sea by the oil or noxious substance; or
- (e) in a case where the oil or noxious substance has escaped—to remove or reduce the effects, or likely effects, of pollution or likely pollution, by the oil or noxious substance, on any Australian waters, any part of the Australian coast, any Australian reef or any of the related interests of Australia.

(3) Without limiting the generality of sub-section (2), the measures that the Minister may take under this section in relation to the ship include—

- (a) the taking of action, whether or not directions have been issued under paragraph (b) in relation to the ship—
  - (i) to move the ship or part of the ship to another place;
  - (ii) to remove cargo from the ship;
  - (iii) to salvage the ship, part of the ship or any of the ship's cargo;
  - (iv) to sink or destroy the ship or part of the ship;
  - (v) to sink, destroy or discharge into the sea any of the ship's cargo; or
  - (vi) to take over control of the ship or part of the ship; or

- (b) the issuing of directions of the kind authorized by section 11—
  - (i) to the owner of the ship;
  - (ii) to the master of the ship; or
  - (iii) to any salvor in possession of the ship.

(4) The Minister shall, in the exercise of his powers under this section, act in accordance with the following principles: 5

- (a) measures taken under this section shall be in proportion to the damage, whether actual or threatened, in relation to which the measures are taken;
- (b) in determining whether measures are in proportion to the damage in relation to which the measures are taken, regard shall be had to—
  - (i) the extent and probability of imminent damage if the measures are not taken;
  - (ii) the likelihood of those measures being effective; and
  - (iii) the extent of the damage which may be caused by the measures; 15
- (c) measures taken under this section shall not exceed those reasonably necessary to achieve the end sought to be achieved by the measures and shall cease as soon as that end has been achieved;
- (d) measures taken under this section shall not unnecessarily interfere with the rights and interests of other countries, and of any persons, likely to be affected by the measures; 20
- (e) in taking measures under this section, any risk to human life shall, as far as possible, be avoided.

(5) Where oil or a noxious substance is being, has been or is likely to be, discharged, intentionally or otherwise, from a ship, the discharge or likely discharge of the oil or noxious substance from the ship shall, for the purposes of this section, be deemed to be an escape or likely escape of the oil or noxious substance, as the case may be, from the ship. 25

(6) In sub-section (1), a reference to a ship as defined by this sub-section shall be construed as a reference to a ship that is— 30

- (a) a trading ship proceeding on a voyage other than an overseas voyage or an inter-State voyage;
- (b) an Australian fishing vessel proceeding on a voyage other than an overseas voyage; or
- (c) a pleasure craft. 35

(7) For the purposes of sub-section (6)—

- (a) “trading ship”, “inter-State voyage”, “Australian fishing vessel” and “pleasure craft” have the same respective meanings as they have in the *Navigation Act* 1912;



5 (b) "overseas voyage" has the same meaning as it has in the *Navigation Act* 1912 except that a voyage of an Australian fishing vessel, being a ship that is regularly engaged in making voyages from a port or ports in Queensland, commencing at a port in that State and ending at the same port or another port in that State shall not be taken to be an overseas voyage by reason only that, as an incidental part of its fishing operations on that voyage, the ship calls at a port or ports in Papua New Guinea; and

10 (c) a ship shall be deemed to be proceeding on a voyage from the time when it has got under way for the purpose of proceeding on the voyage until the time when it has got under way for the purpose of proceeding on another voyage.

(8) In this section—

15 "Australian coast" includes the coast and the shores of any island forming part of Australia and the shores of any internal waters;

"Australian coastal sea" means—

(a) the territorial sea of Australia; and

(b) the sea on the landward side of the territorial sea of Australia and not within the limits of a State or the Northern Territory;

20 "Australian reef" means a reef in Australian waters or a reef outside Australian waters but forming part of the continental shelf of Australia;

"Australian ship" means—

(a) a ship registered in Australia; or

25 (b) an unregistered ship having Australian nationality;

"Australian waters" means the Australian coastal sea and internal waters;

"internal waters" means waters of the sea within the limits of a State or the Northern Territory;

"noxious substance" means—

30 (a) a substance that is specified or referred to in item 1, 2, 3 or 4 of the Annex to the Protocol; or

35 (b) a substance that is declared by the regulations to be a noxious substance for the purposes of this section, or that is included in a class of substances that are declared by the regulations to be a class of noxious substances for the purposes of this section, and includes a mixture containing such a substance in a concentration exceeding the concentration prescribed by the regulations in relation to that substance or a class of substances in which that substance is included;

40 "oil" means crude oil, fuel oil, diesel oil and lubricating oil;

“related interests of Australia”, in relation to an escape or likely escape of oil or a noxious substance from a ship, means the interests of Australia directly affected or threatened by the escape or likely escape and, without limiting the generality of the foregoing, includes any of the following interests of Australia:

5

- (a) maritime coastal, port or estuarine activities, including fisheries activities, in or connected with Australia, being activities constituting an essential means of livelihood of persons;
- (b) the tourist attractions of any part of Australia; and
- (c) the health of the coastal population of, and the well-being of, any area of Australia, including the conservation of living marine resources and of wildlife in or connected with any area of Australia;

10

“sea” includes any waters within the ebb and flow of the tide;

“ship” has the same meaning as in the *Navigation Act 1912*.

15

#### **Directions under Act may require taking of action, &c.**

**11. (1)** A direction under this Act issued in relation to a ship may require the doing of any act or thing with respect to the ship or the ship’s cargo, or prohibit the doing of any such act or thing, and, without limiting the generality of the foregoing, may require or prohibit—

20

- (a) the movement of the ship or part of the ship, its movement to a place or area or its removal from a place or area;
- (b) the removal of cargo from the ship;
- (c) the taking of salvage measures in relation to the ship, part of the ship or any of the ship’s cargo;
- (d) the sinking or destruction of the ship or part of the ship;
- (e) the sinking, destruction or discharging into the sea of any of the ship’s cargo; or
- (f) the handing over of control of the ship or part of the ship.

25

**(2)** Without limiting the generality of sub-section (1), a direction under this Act may—

30

- (a) require that an act or thing be done in accordance with the direction, or with the approval, or in accordance with the instructions, of a specified person; or
- (b) prohibit the doing of an act or thing except in accordance with the direction, or with the approval, or in accordance with the instructions, of a specified person.

35

#### **Addressing of directions under Act, &c.**

**12.** A direction under this Act—

- (a) in the case of a direction to the owner of a ship—may be addressed to the owner of the ship without specifying the name of the owner or any of the owners of the ship;

40

- (b) in the case of a direction to the master of a ship—may be addressed to the master of the ship without specifying him by name; or
- (c) in the case of a direction to the salvor in possession of a ship—may be addressed to the salvor in possession of the ship without specifying him by name.

**Issuing of more than one direction in relation to a ship**

13. Nothing in this Act shall be taken to prevent the issuing (whether to the same person or to different persons) of more than one direction under this Act, or under a provision of this Act, in relation to a ship.

**Directions under Act to ship with more than one owner, &c.**

14. Where there is more than one owner of a ship or more than one salvor in possession of a ship, a direction under this Act issued to the owner of the ship or to the salvor in possession of the ship has effect, for the purposes of this Act, as a direction issued to each of the owners of the ship or each salvor in possession of the ship, as the case requires.

**Revocation and variation of directions under Act**

15. Where the Minister has issued a direction under this Act to a person or to 2 or more persons, the Minister may, by a further direction issued to that person or those persons, revoke or vary the earlier direction.

**Directions under Act to be in writing**

16. A direction under this Act shall be in writing.

**Service of directions under Act**

17. (1) A direction under this Act to a person shall be served on the person in accordance with this section and shall, for the purposes of section 19, be deemed to have been issued to the person at the time when it is served on the person in accordance with this section.

(2) Service of a direction under this Act on the owner or the owners of a ship may be effected—

- (a) by serving it personally on the owner or on all or any of the owners, as the case may be, of the ship or, if an owner who is to be served is a body corporate, on a director, secretary or other officer of the body corporate;
- (b) by serving it personally on any agent of the ship or, if an agent who is to be served is a body corporate, on a director, secretary or other officer of the body corporate; or
- (c) by serving it on the master of the ship.

(3) Where there is more than one owner of a ship, a direction under this Act that is served on any of the owners of the ship shall be deemed, for the purposes of this Act, to be served on all those owners.

(4) Service of a direction under this Act on the master of a ship may be effected by serving it personally on the master of the ship or, if for any reason (including the absence of the master from the ship) it is not practicable to serve the notice on the master, by delivering it to any person on board the ship who appears to be an officer of the ship. 5

(5) Service of a direction under this Act on a salvor in possession of a ship may be effected by serving it personally on the person who appears to be in charge of salvage operations.

(6) Where it is not reasonably practicable to serve a direction under this Act in accordance with the preceding provisions of this section, the direction shall be deemed to have been served on the person or persons to whom it is issued if the contents are transmitted to the ship concerned by any means and receipt of the transmission is acknowledged by a person on board the ship. 10

(7) A person authorized in writing by the Minister for the purposes of this section may go on board a ship for the purpose of serving a direction under this Act on a person on board the ship. 15

#### **Change in ownership or master of ship**

18. (1) Where a direction under this Act issued to the owner of a ship is served in accordance with section 17 and a change in the ownership of the ship subsequently occurs while the direction is in force, the person who was the owner at the time the notice was served— 20

(a) shall forthwith notify any new owner of the ship of the existence and contents of the direction; and

(b) shall forthwith notify the Minister, in accordance with the regulations, of the change in the ownership of the ship and furnish the Minister with such particulars of the change as are prescribed for the purposes of this sub-section. 25

(2) Where a direction under this Act issued to the master of a ship is served in accordance with section 17 and the person who is the master of the ship subsequently ceases to be the master of the ship while the direction is in force, the person who ceases to be the master of the ship— 30

(a) shall forthwith notify the new master (if any) of the existence and contents of the direction; and

(b) shall forthwith notify the Minister, in accordance with the regulations, of his ceasing to be the master of the ship and furnish the Minister with such particulars as are prescribed for the purposes of this sub-section. 35

Penalty: \$2,000.

#### **Contravention of direction under Act, &c.**

19. (1) Where a direction under this Act issued to a person, or to 2 or more persons, is contravened or not complied with, the person, or each of those persons, as the case may be, is guilty of an indictable offence against this sub-section punishable, upon conviction, by a fine not exceeding— 40

(a) in the case of a person, not being a body corporate—\$20,000; and

(b) in the case of a person, being a body corporate—\$50,000.

5 (2) Notwithstanding that an offence against sub-section (1) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against sub-section (1), the penalty that the court may impose is a fine not exceeding—

10 (a) in the case of a person, not being a body corporate—\$2,000; and

(b) in the case of a person, being a body corporate—\$5,000.

(4) Subject to sub-section (5), it is a defence to a prosecution for an offence against sub-section (1) if it is proved—

15 (a) that the contravention of, or non-compliance with, the direction resulted from the need to save life at sea;

(b) that compliance with the direction was not possible; or

(c) if the direction requires an act or thing to be done before a particular time—that compliance with the direction was not possible before that time and the direction was complied with as soon as possible after that time.

20 (5) A reference in this section to the contravention of, or non-compliance with, a direction under this Act shall, in the case of a direction that has been varied by a further direction issued under section 15, be construed as a reference to the direction as so varied by that further direction.

### **No time limit for prosecution**

25 20. A prosecution for an offence against this Act may be brought at any time.

### **Evidence**

30 21. (1) In proceedings for an offence against a provision of this Act, a ship shall, unless the contrary is proved, be deemed not to be a ship as defined by sub-section 10 (6).

(2) Where in proceedings for an offence against a provision of this Act it is established—

(a) that a direction under this Act has been served on the owner of a ship by serving it on a person or body corporate as the agent of the ship; and

35 (b) that the person or body corporate had, at any time before the direction was so served, acted as an agent of the ship,

the person or body corporate shall be deemed, unless the contrary is proved, to have been an agent of the ship at the time when the direction was served.

**Transitional provision**

**22. Where—**

- (a) before the commencement of this Act, the Minister was satisfied that oil was likely to escape from a ship and had caused a notice under sub-section 329E (1) of the *Navigation Act* 1912 to be served on the owner of the ship in accordance with section 329F of that Act; and
- (b) oil had not escaped from the ship before the commencement of this Act,

the notice shall, after the commencement of this Act, be deemed, for the purposes of this Act, to be a direction issued by the Minister under paragraph 10 (3) (b) of this Act to the owner of the ship and to have been served on the owner of the ship in accordance with section 17 of this Act at the commencement of this Act.

**Regulations**

**23.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, exempting, either absolutely or subject to conditions, a prescribed ship, or ships included in a prescribed class of ships, from all or any of the provisions of this Act and, without limiting the generality of the foregoing, empowering the Minister to make orders with respect to any matter for or in relation to which provision may be made by the regulations by virtue of the definition of “noxious substance” in sub-section 10 (8).

**Orders**

**24. (1)** Sections 48, 49 and 50 of the *Acts Interpretation Act* 1901 apply in relation to orders made in pursuance of the regulations as if references in those sections to regulations were references to such orders and references in those sections to an Act included a reference to regulations.

**(2)** An order made in pursuance of the regulations shall not be deemed to be a statutory rule within the meaning of the *Statutory Rules Publication Act* 1903, but sub-sections 5 (3) to (3C) (inclusive) of that Act apply in relation to such orders in like manner as they apply in relation to statutory rules.

**(3)** Unless the contrary intention appears, expressions used in orders made in pursuance of the regulations have the same meanings as in this Act.

**(4)** Orders made in pursuance of the regulations shall be read subject to this Act and the regulations and so as not to exceed the power conferred by this Act and the regulations to the intent that, where such orders would, but for this sub-section, have been construed as being in excess of the power conferred by this Act and the regulations, they shall be deemed to be valid orders to the extent to which they are not in excess of that power.

**(5)** Where an order made in pursuance of the regulations is inconsistent with a provision of this Act or the regulations, the latter shall prevail and the former shall, to the extent of the inconsistency, be of no force or effect.

(6) Section 49A of the *Acts Interpretation Act* 1901 applies in relation to the making of orders in pursuance of the regulations in like manner as it applies in relation to the making of regulations.

5 (7) Notwithstanding section 49A of the *Acts Interpretation Act* 1901, the regulations may make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in orders made in pursuance of the regulations as existing from time to time.

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**SCHEDULE 1**

Sub-section 3 (1)

**INTERNATIONAL CONVENTION RELATING TO  
INTERVENTION ON THE HIGH SEAS IN  
CASES OF OIL POLLUTION CASUALTIES**

The States Parties to the present Convention,

CONSCIOUS of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

CONVINCED that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

HAVE AGREED as follows:

**ARTICLE I**

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.
2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

**ARTICLE II**

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;
2. "ship" means:
  - (a) any sea-going vessel of any type whatsoever, and
  - (b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;
3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;
4. "related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:
  - (a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;
  - (b) tourist attractions of the area concerned;
  - (c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;
5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

**ARTICLE III**

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

- (a) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;
- (b) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;
- (c) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;



**SCHEDULE 1—continued**

- (e) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;
- (f) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

**ARTICLE IV**

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.
2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

**ARTICLE V**

1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.
2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.
3. In considering whether the measures are proportionate to the damage, account shall be taken of:
  - (a) the extent and probability of imminent damage if those measures are not taken; and
  - (b) the likelihood of those measures being effective; and
  - (c) the extent of the damage which may be caused by such measures.

**ARTICLE VI**

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

**ARTICLE VII**

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

**ARTICLE VIII**

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.
2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own courts have not been exhausted.

**ARTICLE IX**

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.
2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:
  - (a) signature without reservation as to ratification, acceptance or approval;

**SCHEDULE 1—*continued***

- (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
- (c) accession.

**ARTICLE X**

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

**ARTICLE XI**

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.
2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

**ARTICLE XII**

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

**ARTICLE XIII**

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.
2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.
3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.
4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

**ARTICLE XIV**

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.
2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

**ARTICLE XV**

1. The present Convention shall be deposited with the Secretary-General of the Organization.

**SCHEDULE 1—continued**

2. The Secretary-General of the Organization shall:
  - (a) inform all States which have signed or acceded to the Convention of:
    - (i) each new signature or deposit of instrument together with the date thereof;
    - (ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;
    - (iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;
  - (b) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

**ARTICLE XVI**

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

**ARTICLE XVII**

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

**ANNEX**

**CHAPTER I**

**CONCILIATION**

**ARTICLE 1**

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this Chapter.

**ARTICLE 2**

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of Article VIII of the Convention.
2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.
3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

**ARTICLE 3**

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.
2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.
3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties,

**SCHEDULE 1—continued**

the first two Conciliators have not been able to designate by common agreement the Chairmen of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

**ARTICLE 4**

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

**ARTICLE 5**

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

**ARTICLE 6**

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

**ARTICLE 7**

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) provide the Commission with the necessary documents and information;
- (b) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

**ARTICLE 8**

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

**ARTICLE 9**

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

**SCHEDULE 1—continued**

**ARTICLE 10**

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Article 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

**ARTICLE 11**

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.
2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

**ARTICLE 12**

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

**CHAPTER II**

**ARBITRATION**

**ARTICLE 13**

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.
2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

**ARTICLE 14**

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

**ARTICLE 15**

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.
2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.
3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.
4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

**SCHEDULE 1—continued**

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

**ARTICLE 16**

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

**ARTICLE 17**

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

**ARTICLE 18**

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) provide the Tribunal with the necessary documents and information;
- (b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

**ARTICLE 19**

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

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**SCHEDULE 2**

Sub-section 3 (1)

**PROTOCOL RELATING TO INTERVENTION ON THE  
HIGH SEAS IN CASES OF POLLUTION  
BY SUBSTANCES OTHER THAN OIL, 1973**

**THE PARTIES TO THE PRESENT PROTOCOL,**

BEING PARTIES to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, done at Brussels on 29 November 1969,

TAKING INTO ACCOUNT the Resolution on International Co-operation Concerning Pollutants other than Oil adopted by the International Legal Conference on Marine Pollution Damage, 1969,

FURTHER TAKING INTO ACCOUNT that pursuant to the Resolution, the Inter-Governmental Maritime Consultative Organization has intensified its work, in collaboration with all interested international organizations, on all aspects of pollution by substances other than oil,

HAVE AGREED as follows:

**ARTICLE I**

1. Parties to the present Protocol may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution by substances other than oil following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.
2. "Substances other than oil" as referred to in paragraph 1 shall be:
  - (a) those substances enumerated in a list which shall be established by an appropriate body designated by the Organization and which shall be annexed to the present Protocol, and
  - (b) those other substances which are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.
3. Whenever an intervening Party takes action with regard to a substance referred to in paragraph 2 (b) above that Party shall have the burden of establishing that the substance, under the circumstances present at the time of the intervention, could reasonably pose a grave and imminent danger analogous to that posed by any of the substances enumerated in the list referred to in paragraph 2 (a) above.

**ARTICLE II**

1. The provisions of paragraph 2 of Article I and of Articles II to VIII of the Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, and the Annex thereto as they relate to oil, shall be applicable with regard to the substances referred to in Article I of the present Protocol.
2. For the purpose of the present Protocol the list of experts referred to in Articles III (c) and IV of the Convention shall be extended to include experts qualified to give advice in relation to substances other than oil. Nominations to the list may be made by Member States of the Organization and by Parties to the present Protocol.

**ARTICLE III**

1. The list referred to in paragraph 2 (a) of Article I shall be maintained by the appropriate body designated by the Organization.
2. Any amendment to the list proposed by a Party to the present Protocol shall be submitted to the Organization and circulated by it to all Members of the Organization and all Parties to the present Protocol at least three months prior to its consideration by the appropriate body.
3. Parties to the present Protocol whether or not Members of the Organization shall be entitled to participate in the proceedings of the appropriate body.

**SCHEDULE 2—continued**

4. Amendments shall be adopted by a two-thirds majority of only the Parties to the present Protocol present and voting.
5. If adopted in accordance with paragraph 4 above, the amendment shall be communicated by the Organization to all Parties to the present Protocol for acceptance.
6. The amendment shall be deemed to have been accepted at the end of a period of six months after it has been communicated, unless within that period an objection to the amendment has been communicated to the Organization by not less than one-third of the Parties to the present Protocol.
7. An amendment deemed to have been accepted in accordance with paragraph 6 above shall enter into force three months after its acceptance for all Parties to the present Protocol, with the exception of those which before that date have made a declaration of non-acceptance of the said amendment.

**ARTICLE IV**

1. The present Protocol shall be open for signature by the States which have signed the Convention referred to in Article II or acceded thereto, and by any State invited to be represented at the International Conference on Marine Pollution 1973. The Protocol shall remain open for signature from 15 January 1974 until 31 December 1974 at the Headquarters of the Organization.
2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.
3. Subject to paragraph 4, this Protocol shall be open for accession by States which did not sign it.
4. The present Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the Convention referred to in Article II.

**ARTICLE V**

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment.

**ARTICLE VI**

1. The present Protocol shall enter into force on the ninetieth day following the date on which fifteen States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, provided however that the present Protocol shall not enter into force before the Convention referred to in Article II has entered into force.
2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument.

**ARTICLE VII**

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.
3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.
4. Denunciation of the Convention referred to in Article II by a Party shall be deemed to be a denunciation of the present Protocol by that Party. Such denunciation shall take effect on the same day as the denunciation of the Convention takes effect in accordance with paragraph 3 of Article XII of that Convention.

**ARTICLE VIII**

1. A conference for the purpose of revising or amending the present Protocol may be convened by the Organization.
2. The Organization shall convene a conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.



SCHEDULE 2—continued

ARTICLE IX

1. The present Protocol shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
  - (a) inform all States which have signed the present Protocol or acceded thereto of:
    - (i) each new signature or deposit of an instrument together with the date thereof;
    - (ii) the date of entry into force of the present Protocol;
    - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;
    - (iv) any amendments to the present Protocol or its Annex and any objection or declaration of non-acceptance of the said amendment;
  - (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

ARTICLE X

As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XI

The present Protocol is established in a single original in the English, French, Russian and Spanish languages, all four texts being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed the present Protocol.

DONE AT LONDON this second day of November one thousand nine hundred and seventy-three.

ANNEX

LIST OF SUBSTANCES ESTABLISHED BY THE  
MARINE ENVIRONMENT PROTECTION COMMITTEE OF THE  
ORGANIZATION IN ACCORDANCE WITH PARAGRAPH 2 (a) OF ARTICLE I

1. Oil (when carried in bulk)
  - Asphalt Solutions*
  - Blending Stocks
  - Roofers Flux
  - Straight Run Residue
  - Oil
  - Clarified
  - Mixtures containing Crude Oil
  - Road Oil
  - Aromatic Oil (excluding vegetable oil)
  - Blending Stocks
  - Mineral Oil
  - Penetrating Oil
  - Spindle Oil
  - Turbine Oil
  - Distillates
  - Straight Run
  - Flashed Feed Stocks
  - Gas Oil
  - Cracked
  - Gasoline Blending Stocks
  - Alkylates—fuel
  - Reformats
  - Polymer—fuel

SCHEDULE 2—*continued*Gasolines

Casinghead (natural)

Automotive

Aviation

Straight Run

Jet Fuels

JP-1 (Kerosene)

JP-3

JP-4

JP-5 (Kerosene, heavy)

Turbo Fuel

Mineral Spirit

Naphtha

Solvent

Petroleum

Heartcut Distillate Oil

2. Noxious Substances

Acetic anhydride

Acetone

Acetone cyanohydrin

Acrolein

Acrylonitrile

Aldrin

Allyl isothiocyanate

Aluminium phosphide

Ammonia (28% aqueous)

Ammonium phosphate

Amyl mercaptan

Aniline

Aniline hydrochloride

Antimony compounds

Arsenic compounds

Atrazine

Azinphos methyl (Guthion)

Barium azide

Barium cyanide

Barium oxide

Benzene

Benzenehexachloride isomers (Lindane)

Benzidine

Beryllium powder

Bromine

Bromobenzyl cyanide

n-Butyl acrylate

Butyric acid

Cacodylic acid

Cadmium compounds

Carbaryl (Sevin)

Carbon disulphide

Carbontetrachloride

Chlorodane

Chloroacetone

Chloroacetophenone

Chlorodinitrobenzene

Chloroform

Chlorohydrins (crude)

Chloropicrin

Chromic acid (Chromium trioxide)

Cocculus (solid)

## SCHEDULE 2—continued

- Copper compounds
  - Cresols
  - Cupriethylene diamine
  - Cyanide compounds
  - Cyanogen bromide
  - Cyanogen chloride
  - DDT
  - Dichloroanilines
  - Dichlorobenzenes
  - Dieldrin
  - Dimethoate (Cygon)
  - Dimethyl amine (40% aqueous)
  - Dinitroanilines
  - 4, 6-Dinitroorthocresol
  - Dinitrophenols
  - Endosulphan (Thiodan)
  - Endrin
  - Epichlorohydrin
  - Ethyl bromoacetate
  - Ethylene chlorohydrin (2-Chloro-ethanol)
  - Ethylene dichloride
  - Ethyl parathion
  - Fentin acetate (dry)
  - Fluosilicic acid
  - Heptachlor
  - Hexachlorobenzene
  - Hexaethyl tetraphosphate
  - Hydrocyanic acid
  - Hydrofluoric acid (40% aqueous)
  - Isoprene
  - Lead compounds
  - Lindane (Gammexane, BHC)
  - Malathion
  - Mercuric compounds
  - Methyl alcohol
  - Methylene chloride
  - Molasses
  - Naphthalene (molten)
  - Naphthylthiourea
  - Nitric acid (90%)
  - Oleum
  - Parathion
  - Paraquat
  - Phenol
  - Phosphoric acid
  - Phosphorus (elemental)
  - Polyhalogenated biphenyls
  - Sodium pentachlorophenate (solution)
  - Styrene monomer
  - Toluene
  - Toluene diisocyanate
  - Toxaphene
  - Tritolyl phosphate (Tricresyl phosphate)
  - 2, 4, 5-T
3. Liquefied Gases (when carried in bulk)
- Acetaldehyde
  - Anhydrous Ammonia
  - Butadiene
  - Butane
  - Butane/Propane Mixtures
  - Butylenes

**SCHEDULE 2—continued**

Chlorine  
Dimethylamine  
Ethyl Chloride  
Ethane  
Ethylene  
Ethylene Oxide  
Methane (LNG)  
Methyl Acetylene Propadiene mixture  
Methyl Bromide  
Methyl Chloride  
Propane  
Propylene  
Vinyl Chloride Monomer  
Anhydrous Hydrogen Chloride  
Anhydrous Hydrogen Fluoride  
Sulphur Dioxide

**4. Radioactive Substances**

Radioactive substances, including, but not limited to, elements and compounds the isotopes of which are subject to the requirements of Section 835 of the Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition, published by the International Atomic Energy Agency, and which may be found to be stored or transported as substances and/or materials in Type A packages, Type B packages, as fissile materials or materials transported under special arrangements, such as

 $^{60}\text{Co}$ , $^{137}\text{Cs}$ , $^{226}\text{Ra}$ , $^{239}\text{Pu}$ , $^{235}\text{U}$ .







