



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

EXECUTIVE COMMITTEE
1st session
Agenda item 4

92FUND/EXC.1/6
18 September 1998
Original: ENGLISH

INCIDENTS INVOLVING THE 1992 FUND

INCIDENT IN THE UNITED KINGDOM

Note by the Director

| | |
|----------------------------|--|
| Summary: | Reference is made to an incident which occurred in the United Kingdom in 1997. |
| Action to be taken: | Give the Director instructions in respect of this incident. |

1 On 28 and 29 September 1997, bunker fuel oil landed on sandy beaches in Essex on the east coast of England (United Kingdom). Clean-up operations onshore were carried out by the local authority. The origin of the oil is not known.

2 The local authority has submitted a claim for compensation to the 1992 Fund for the cost of the clean-up operations, provisionally indicated at approximately £10 000.

3 In order for this spill to fall within the scope of application of the 1992 Fund Convention, the claimant must show that the oil originated from a ship as defined in Article I.1 of the 1992 Civil Liability Convention which by reference is included in the 1992 Fund Convention. This definition reads:

"Ship" means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk

as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.

4 In order for an incident to fall within the scope of the 1992 Fund Convention the claimant must show therefore that the oil originated from a laden or unladen tanker. In view of the small quantity of oil which reached the beaches, however, the Director considers it unlikely that it can be established that the oil came from a tanker, whether laden or unladen.

5 The Director believes that it is unlikely that the claim will be pursued.

Action to be taken by the Executive Committee

6 The Executive Committee is invited:

- (a) to take note of the information contained in this document; and
 - (b) give the Director such instructions as it may deem appropriate in respect of this incident.
-