

BUNKER OIL POLLUTION BILL, 200X

**LEGISLATIVE DRAFTING PROJECT SUBMITTED IN PARTIAL
FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE
DEGREE OF MASTER OF LAWS (LL.M) – AT THE INTERNATIONAL
MARITIME LAW INSTITUTE (MALTA)**

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MEMORANDUM

The purpose of this Bill is to implement the provisions of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. This Convention aims at establishing an international regime for the payment of prompt and adequate compensation for victims of pollution damage caused by the escape or discharge of bunker oil from ships.

Ship source pollution has been a matter of considerable concern to the international maritime community and the IMO has over the years played a vital role not only at creating an integrated global system for ensuring the protection and preservation of the marine environment but also in establishing a regime for the payment of compensation for damage caused by oil pollution incidents from ships.

Currently there are two international regimes in place dealing with the payment of compensation for oil pollution damage. These are the International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969 and the International Convention for the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund), 1971 as amended by their various Protocols of 1992.

It should be pointed out however that these regimes only deal with pollution damage caused by ships carrying oil in bulk i.e., tankers. Thus there were no international rules in place to deal with bunker oil spills from ships other than tankers and it is this lacuna that the Bunkers Convention intends to address.

Ghana's geographical position on the main east atlantic trade route with its concomitant heavy maritime traffic makes her particularly vulnerable and the potential for a ship to cause pollution damage to her coastline in catastrophic proportions therefore need not be stressed.

In the light of the above, it is expected that Parliament will appreciate the importance of this Bill and pass it into law.

The Bill itself is made up of 30 sections which has been divided into five parts and can be summarized as follows:

Part I deals with preliminary issues such as the short title, commencement, interpretation and the scope of application of the bill.

Part II deals with the liability of the shipowner for bunker oil pollution damage. It provides for a strict liability regime and enumerates the circumstances under which the shipowner will be exonerated from liability. This part also contains provisions dealing with the limits of liability and the establishment of a limitation fund in respect of which claims could be met.

Part III deals with compulsory insurance. It requires the registered owner of any ship having a gross tonnage greater than 1000 tons operating in Ghana or entering or leaving a Ghanaian port to carry on board a certificate attesting that insurance or other financial security is in force in respect of that ship.

Part IV deals with claims for compensation and contains provisions under which third parties can bring claims directly against the insurer or other person providing financial security to cover the liability of the registered owner.

Finally Part V contains provisions dealing with time limits for claims, jurisdiction of the courts and enforcement of foreign judgments. Under this part the Minister is also given power to make regulations by legislative instrument for the purpose of giving effect to the provisions of the Bill.

THE BUNKER OIL POLLUTION ACT, 200X

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A
BILL
ENTITLED

THE BUNKER OIL POLLUTION ACT, 200X

AN ACT to establish a compensatory regime for pollution damage caused by the escape or discharge of bunker oil from ships; to implement the provisions of the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 and to provide for connected purposes.

BE IT ENACTED by Parliament as follows:

PART 1
PRELIMINARY

1. Short title

This Act shall be cited as the Bunker Oil Pollution Act 200X.

2. Commencement.

This Act shall come into force on the day that Parliament shall pass it into law.

3. Interpretation

In this Act, unless the context otherwise requires:

“Appropriate authority” in relation to any function or activity means a person or body authorized to perform that function or activity.

“Bunker oil” means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of a ship and any residues of such oil.

“Civil Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage 1969, as amended.

“Convention” means the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.

“Convention Country” means a country which is a party to the Convention.

“Exclusive Economic Zone” refers to an area beyond and adjacent to the territorial sea and extending not more than 200 nautical miles from the baselines from which the breadth of the territorial sea is measured as declared under the Maritime Zones Delimitation Law, 1986 (P.N.D.CL 159).

“Incident” means any occurrence or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.

“Minister” means the Minister responsible for Transport.

“Person” means any individual or partnership or any public or private body, whether corporate or not, including a State or any its constituent subdivisions.

“Pollution damage” means:

- (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the

environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and

(b) the costs of preventive measures and further loss or damage caused by preventive measures.

“Preventive measures” means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

“Ship” means any seagoing vessel and seaborne craft, of any type whatsoever.

“Shipowner” means the owner, including the registered owner, bareboat Charterer, manager and operator of the ship.

“Territory” includes the territorial sea.

“Unit of Account” means the special drawing rights as defined in section 2 of Article XXI of the Articles of Agreement of the International Monetary Fund.

4. Scope of Application

(1) This Act shall apply exclusively:

(a) to pollution damage caused :

(i) in the territory; and

(ii) in the exclusive economic zone;

(b) to preventive measures, wherever taken, to prevent or minimize such damage.

PART II

LIABILITY OF A SHIPOWNER

5. (1) Except as provided in sections 6 and 7, a shipowner at the time of an incident shall be liable for pollution damage caused by any bunker oil on board or originating from a ship, provided that, if an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences.

(2) Where more than one person is liable for pollution damage in accordance with subsection 1 above, their liability shall be joint and several.
6. No liability for pollution damage shall attach to a shipowner if he proves that:
 - (a) the damage resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or
 - (b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or
 - (c) the damage was wholly caused by the negligence or other wrongful act of the Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.
7. If a shipowner proves that pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the shipowner may be exonerated wholly or partially from liability to such person.

8. (1) No claim for compensation for pollution damage shall be made against the shipowner otherwise than in accordance with the provisions of this Act.

(2) Nothing in this Act shall prejudice any right of recourse of the shipowner which exists independently of this Act.

9. Where an incident involving two or more ships occurs and pollution damage results therefrom, the shipowners of all the ships concerned, unless exonerated under sections 6 and 7 of this Act, shall be jointly and severally liable for all such damage which is not reasonably separable.

10. (1) The liability of the shipowner and the person providing insurance or other financial security under this Act shall be limited as follows:
 - (a) in respect of claims for loss of life or personal injury;
 - (i) 2 million units of account for a ship with a tonnage not exceeding 2,000 tons;

 - (b) for a ship with a tonnage in excess of 2,000 tons the following amount in addition to that mentioned in subsection 1 (a) (i) above;
 - (i) for each ton from 2001 to 30,000 tons, 800 units of account;

 - (ii) for each ton from 30,001 to 70,000 tons, 600 units of account; and

 - (iii) for each ton in excess of 70, 000 tons, 400 units of account.

 - (c) in respect of other claims;
 - (i) 1 million units of account for a ship with a tonnage not exceeding 2,000 tons;

(d) for a ship with a tonnage in excess of 2000 tons the following amount in addition to that mentioned in subsection 1 (c) (i) above;

(i) for each ton from 2001 to 30,000 tons, 400 units of account;

(ii) for each ton from 30,001 to 70, 000 tons, 300 units of account; and

(iii) for each ton in excess of 70,000 tons 200 units of account

(2) For the purposes of this section the tonnage of a ship shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969 and set forth as schedule I to this Act.

(3) The Minister may by legislative instrument make such amendments to subsection 1 above, as appears to him to be appropriate for the purpose of giving effect to the provisions of this Act.

11 (1) The shipowner in order to avail himself of the benefit of limitation provided for under section 10 (1) of this Act, shall constitute a fund for the total sum representing the limit of his liability.

(2) The insurer or the person providing financial security to cover the shipowner liability shall be entitled to constitute a fund in accordance with this section and such a fund will have the same effect as if it was constituted by the shipowner.

(3) The fund shall be in a form of a sum deposited with the bank or by the production a bank guarantee or other guarantee acceptable under the laws of Ghana and considered to be adequate by the court.

(4) The fund shall be constituted with the High Court which shall determine the procedure for the presentation of claims and the distribution of the fund.

12. The shipowner shall not be entitled to limit his liability under this Act if it is proved that the pollution damage, resulted from his personal act or omission, committed with the intent to cause such damage or recklessly and with knowledge that such damage would probably result.

PART III

COMPULSORY INSURANCE OR FINANCIAL SECURITY

13 The registered owner of a ship having a gross tonnage greater than 1000 shall be required to maintain insurance or other financial security, to cover his liability for pollution damage in an amount equal to the limits of liability calculated in accordance with section 10 (1) of this Act.

14 (1) A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Act shall be issued to each ship after an application has been made to the Minister, who shall determine that the requirements of Section 13 of this Act have been duly complied with.

(2) Where -

(a) a ship registered in Ghana such certificate shall be issued or certified by the Minister ;

(b) a ship registered in a Convention Country other than Ghana, such certificate shall be issued or certified by or under the authority of the Government of that country; and

(c) a ship registered in a country that is not a Convention Country such certificate may be issued or certified by the Minister or the appropriate authority of a Convention Country.

(3) The Minister shall send a copy of any certificate issued by him to the Registrar of Ships who shall make same available for public inspection.

15. Any certificate issued or certified by the Government or appropriate authority of a Convention Country shall for the purposes of this Act be accepted as having the same force as a certificate issued or certified by the Minister

16. The certificate referred to in section 14 (1) shall be in a form set out in schedule II to this Act and shall contain the following particulars:

(a) the name of the ship;

(b) the port of registry;

(c) the IMO ship identification number;

(d) the name and principal place of business of the registered owner;

(e) the type and duration of security provided;

(f) the name and principal place of business of the insurer or other person giving security and where appropriate, the place of business where the insurance or security is established;

(g) the period of validity of the certificate which shall not be longer than the period of validity of the insurance or other security.

17. (1) The Minister may cancel a certificate in circumstances where:

- (a) the person to whom it was issued ceases to own the ship to which the certificate relates, or
- (b) the insurance or other financial security in relation to the certificate is declared invalid in any legal proceedings, or
- (c) it is doubtful whether the person providing insurance or other security can meet the obligations for which the certificate was issued.

(2) A certificate which is cancelled in accordance with subsection 1, above shall be delivered up to the Minister and any person who fails to comply with any directive of the Minister in this regard commits an offence.

18. (1) The certificate referred to in Section 14 shall be carried on board the ship and shall on demand be produced by the Master to any officer of Customs, Excise and Preventive Services or of the Ministry of Transport or any other appropriate officer for inspection.

(2) If a ship fails to carry, or a master fails to produce a certificate as required by subsection 1 above, the master commits an offence and shall be liable on summary conviction to a fine not exceeding xxxxx or to a term of imprisonment not exceeding xxxx years or both.

(3) Any ship that attempts to leave a Ghanaian port in contravention of subsection 1 above, may be detained.

19. No ship registered in Ghana shall operate at any time, unless a certificate attesting that insurance or other financial security in force has been issued in accordance with

section 14 of this Act.

20. Subject to the provisions of this Part, any ship having a gross tonnage greater than 1000, wherever registered entering or leaving a port in Ghana or arriving or leaving an offshore facility in Ghana shall have in force an insurance or other security to the extent specified under Section 13 of this Act.
21. Where an insurance or other financial security is not maintained in respect of a ship owned by a Convention Country, the provisions of this Part relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authority of that country stating that the ship's liability is covered within the limit prescribed in accordance with Section 13.
22. Any person who contravenes or fails to comply with the provisions of this Part commits an offence and shall be liable on summary conviction to a fine not exceeding xxxxxx or to imprisonment for a term not exceeding xxxxx years or both.

PART IV

CLAIMS FOR COMPENSATION

- 23 Any claim for compensation for pollution damage under this Act may be brought directly against the insurer or the person providing financial security to cover the liability of the registered owner for pollution damage.
- 24 (1) In any proceedings for claims for compensation a defendant may invoke the defences which the shipowner would have been entitled to invoke, other than bankruptcy or winding up, including limitation pursuant to section 10 (1) of this Act

- (2) If the shipowner is not entitled to limitation of liability under section 10 (1), the insurer or other person providing financial security may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained in accordance with the provisions of section 13 of this Act.
- (3) In any proceedings brought against the insurer or other person providing financial security by virtue of this Act it shall be a valid defence to prove that the pollution damage resulted from the willful misconduct of the shipowner
- (4) The insurer or other person providing financial security to cover liability under this Act shall in any event have the right to require a shipowner to be joined in any such proceedings brought in respect of claims for compensation for pollution damage.

PART V

FINAL PROVISIONS

- 25 (1) Any right to compensation under this Act shall be extinguished unless an action is brought within three years from the date when the damage occurred. However, in no case shall an action be brought more than six years from the date of the incident which caused the damage.
- (2) Where the incident consists of a series of occurrences, the six years referred to in subsection 1 above, shall run from the date of the first such occurrence.
- 26 (1) Where an incident has caused pollution damage in-
- (a) Ghanaian territory; or

(b) in the exclusive economic zones of Ghana and any other State; or

(c) preventive measures have been taken to prevent or minimize such pollution damage,

actions for compensation against the shipowner, insurer or other person providing security for the shipowner's liability may be brought only in the courts of Ghana or the courts of that State, provided such State is a Party to the Convention.

(2) The High Court is given jurisdiction to entertain any claim in respect of liability incurred under this Act.

27 (1) Any judgment given by a Court of competent jurisdiction in accordance with section 24 (1) which is enforceable in a State of origin shall be recognized in Ghana for the purposes of any proceedings brought to enforce a claim under this Act provided the judgment is final and binding and has the official seal of that Convention Country, except

(a) where the judgment was obtained by fraud; or

(b) where the defendant was not given reasonable notice and a fair opportunity to present his case.

(2) A judgment recognized under subsection 1 of this section shall be enforceable as soon as formalities required in Ghana have been complied with. The formalities shall however not permit the merits of the case to be re-opened.

28 Any person who contravenes or fails to comply with any requirements of this Act or any regulations made thereunder in respect of which no penalty is expressly provided shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding xxxxxx or to a term of imprisonment not exceeding xxxx years or both.

29 (1) This Act shall not apply to:

(a) pollution damage as defined in the Civil Liability Convention, whether or not compensation is payable in respect of it under that Convention; and

(b) warships, naval auxiliaries or other ships owned or operated by a state and used, for the time being, only on governmental non-commercial service.

30 The Minister may by legislative instrument make regulations for the purpose of carrying out the provisions of this Act.

SCHEDULE - I

ANNEX 1

REGULATIONS FOR DETERMINING GROSS AND NET TONNAGES OF SHIPS

Regulation 1

General

- (1) The tonnage of a ship shall consist of gross tonnage and net tonnage.
- (2) The gross tonnage and the net tonnage shall be determined in accordance with the provisions of these Regulations.
- (3) The gross tonnage and the net tonnage of novel types of craft whose constructional features are such as to render the application of the provisions of these Regulations unreasonable or impracticable shall be as determined by the Administration. Where the tonnage is so determined, the Administration shall communicate to the Organization details of the method used for that purpose, for circulation to the Contracting Governments for their information.

Regulation 2

Definition of terms used in the Annexes

(1) Upper Deck

The upper deck is the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of all openings in the weather part thereof, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing. In a ship having a stepped upper deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the upper deck.

(2) Moulded Depth

(a) The moulded depth is the vertical distance measured from the top of the keel to the underside of the upper deck at side. In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(b) In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design.

(c) Where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(3) Breadth

The breadth is the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

(4) Enclosed spaces

Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed space.

(5) Excluded Spaces

Notwithstanding the provisions of paragraph (4) of this Regulation, the spaces referred to in sub-paragraphs (a) to (e) inclusive of this paragraph shall be called excluded spaces and shall not be included in the volume of enclosed spaces, except that any such space which fulfils at least one of the following three conditions shall be treated as an enclosed space:

- the space is fitted with shelves or other means for securing cargo or stores;
- the openings are fitted with any means of closure;
- the construction provides any possibility of such openings being closed:

(a) (i) A space within an erection opposite an end opening extending from deck to deck except for a curtain plate of a depth not exceeding by more than 25 millimetres (one inch) the depth of the adjoining deck beams, such opening having a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening of the space. This provision shall be applied so as to exclude from the enclosed spaces only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a

distance from the opening equal to one half of the width of the deck at the line of the opening (Figure 1 in Appendix 1).

(a) (ii) Should the width of the space because of any arrangement except by convergence of the outside plating, become less than 90 per cent of the breadth of the deck, only the space between the line of the opening and a parallel line drawn through the point where the athwartships width of the space becomes equal to, or less than, 90 per cent of the breadth of the deck shall be excluded from the volume of enclosed spaces (Figures 2, 3 and 4 in Appendix 1).

(a) (iii) Where an interval which is completely open except for bulwarks or open rails separates any two spaces, the exclusion of one or both of which is permitted under sub-paragraphs (a)(i) and/or (a)(ii), such exclusion shall not apply if the separation between the two spaces is less than the least half breadth of the deck in way of the separation (Figures 5 and 6 in Appendix 1).

(b) A space under an overhead deck covering open to the sea and weather, having no other connexion on the exposed sides with the body of the ship than the stanchions necessary for its support. In such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, provided that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres (2.5 feet) or one-third of the height of the space, whichever is the greater (Figure 7 in Appendix 1).

(c) A space in a side-to-side erection directly in way of opposite side openings not less in height than 0.75 metres (2.5 feet) or one-third of the height of the erection, whichever is the greater. If the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces shall be limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening (Figure 8 in Appendix 1).

(d) A space in erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening (Figure 9 in Appendix 1).

(e) A recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, provided that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance (Figure 10 in Appendix 1).

(6) Passenger

A passenger is every person other than:

(a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and

(b) a child under one year of age.

(7) Cargo Spaces

Cargo spaces to be included in the computation of net tonnage are enclosed spaces appropriated for the transport of cargo which is to be discharged from the ship, provided that such spaces have been included in the computation of gross tonnage. Such cargo spaces shall be certified by permanent marking with the letters CC (cargo compartment) to be so positioned that they are readily visible and not to be less than 100 millimetres (4 inches) in height.

(8) Weathertight

Weathertight means that in any sea conditions water will not penetrate into the ship.

Regulation 3

Gross tonnage

The gross tonnage (GT) of a ship shall be determined by the following formula:

$$GT = K_1V$$

where: V = Total volume of all enclosed spaces of the ship in cubic metres,

$K_1 = 0.2 + 0.02\log_{10}V$ (or as tabulated in Appendix 2).

Regulation 4

Net Tonnage

(1) The net tonnage (NT) of a ship shall be determined by the following formula:

$$NT = K_2V_c \underline{4d^2} + K_3 (N_1 + \underline{N_2}),$$

3D 10

in which formula:

(a) the factor $4d^2$ shall not be taken as greater than unity;

3D

(b) the term $K_2V_c 4d^2$ shall not be taken as less than 0.25 GT; and

3D

(c) NT shall not be taken as less than 0.30 GT, and in which:

V_c = total volume of cargo spaces in cubic metres,

$K_2 = 0.2 + 0.02 \log_{10}V_c$ (or as tabulated in Appendix 2),

$K_3 = 1.25 (GT + 10,000)/10,000$

D = moulded depth amidships in metres as defined in Regulation 2(2),

d = moulded draught amidships in metres as defined in paragraph (2) of this Regulation,

N_1 = number of passengers in cabins with not more than 8 berths,

N_2 = number of other passengers,

$N_1 + N_2$ = total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate; when $N_1 + N_2$ is less than 13, N_1 and N_2 shall be taken as zero,

GT = gross tonnage of the ship as determined in accordance with the provisions of Regulation 3.

(2) The moulded draught (d) referred to in paragraph (1) of this Regulation shall be one of the following draughts:

(a) for ships to which the International Convention on Load Lines in force applies, the draught corresponding to the Summer Load Line (other than timber load lines) assigned in accordance with that Convention;

(b) for passenger ships, the draught corresponding to the deepest subdivision load line assigned in accordance with the International Convention for the Safety of Life at Sea in force or other international agreement where applicable;

(c) for ships to which the International Convention on Load Lines does not apply but which have been assigned a load line in compliance with national requirements, the draught corresponding to the summer load line so assigned;

(d) for ships to which no load line has been assigned but the draught of which is restricted in compliance with national requirements, the maximum permitted draught;

(e) for other ships, 75 per cent of the moulded depth amidships as defined in Regulation 2(2).

Regulation 5

Change of net tonnage

(1) When the characteristics of a ship, such as V , V_c , d , N_1 or N_2 as defined in Regulations 3 and 4, are altered and where such an alteration results in an increase in its net tonnage as determined in accordance with the provisions of Regulation 4, the net tonnage of the ship corresponding to the new characteristics shall be determined and shall be applied without delay.

(2) A ship to which load lines referred to in sub-paragraphs (2)(a) and (2)(b) of Regulation 4 are concurrently assigned shall be given only one net tonnage as determined in accordance with the provisions of Regulation 4 and that tonnage shall be the tonnage applicable to the appropriate assigned load line for the trade in which the ship is engaged.

(3) When the characteristics of a ship such as V , V_c , d , N_1 or N_2 as defined in Regulations 3 and 4 are altered or when the appropriate assigned load line referred to in paragraph (2) of this Regulation is altered due to the change of the trade in which the ship is engaged, and where such an alteration results in a decrease in its net tonnage as determined in accordance with the provisions of Regulation 4, a new International Tonnage Certificate (1969) incorporating the net tonnage so determined shall not be issued until twelve months have elapsed from the date on which the current Certificate was issued; provided that this requirement shall not apply:

(a) if the ship is transferred to the flag of another State, or

(b) if the ship undergoes alterations or modifications which are deemed by the Administration to be of a major character, such as the removal of a superstructure which requires an alteration of the assigned load line, or

(c) to passenger ships which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade.

Regulation 6

Calculation of volumes

- (1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of structural boundary surfaces in ships constructed of any other material.
- (2) Volumes of appendages shall be included in the total volume.
- (3) Volumes of spaces open to the sea may be excluded from the total volume.

Regulation 7

Measurement and calculation

- (1) All measurement used in the calculation of volumes shall be taken to the nearest centimetre or one-twentieth of a foot.
- (2) The volumes shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Administration.
- (3) The calculation shall be sufficiently detailed to permit easy checking.

SCHEDULE II

REPUBLIC OF GHANA

CERTIFICATE ATTESTING INSURANCE OR OTHER FINANCIAL SECURITY

issued under the authority of the Ghana Government by the Ministry of Roads and Transport in accordance with the provisions of section 14 (1) of the Bunker Oil Pollution Act 200X.

Name of the ship	IMO ship Identification number	Port of Registry	Name and full address of the principal place of business of the registered owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of section 13 of the Bunker oil Pollution Act, 200X.

Type of security

Duration of security

Name and address of the insurer(s) and /or guarantor(s)

Name

Address

.....

This certificate is valid until

Name and title of authorizing officer.....

Signature

Date.....