

A comparative analysis of the civil liability and fund conventions, Tovalop and Cristal, the U.S. Federal Oil Pollution Act and U.S. state legislation, as legal mechanisms regulating compensation for tanker-source oil pollution damage as of February, 1994.

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Hunt, John Edward Vere.

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Abstract

The purpose of this thesis is to explain and evaluate the law concerning compensation for tanker-source oil pollution damage under three different liability regimes: (a) the International Convention on Civil Liability for Oil Pollution Damage, 1969 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 including the Protocols of 1976, 1984 and 1992 to these Conventions. (b) the Tanker Owners Voluntary Agreement concerning Liability for Oil Pollution (TOVALOP) and the Contract Regarding a Supplement to Tanker Liability for Oil Pollution (CRISTAL) as at the 20th February, 1994. (c) the United States Oil Pollution Act of 1990 and U.S. State Legislation. In this context the thesis explains inter alia the evolution of law from fault to no-fault liability and from limited to increasingly limitless liability. The thesis examines the notion of damage eligible for compensation, for example, ecological and pure economic damage. Conclusions are reached as to the role increasingly stringent liability provisions may have on the quality of the tanker-process. The impact that the U. S. Oil Pollution Act 1990, and associated U.S. state legislation may have on the international pollution regimes covered by the various international Conventions and associated voluntary agreements is also discussed.

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Oil Pollution Damage. CLC/IOPC system (International Convention on Civil Liability for Oil Pollution Damage + International Oil Pollution Compensation Fund) covers pollution damage occurred in consequence of carriage of oil (persistent hydrocarbon mineral oil) by the vessel. Pollution damage includes also preventive measures which are defined as "any reasonable measures taken by the person after an incident has occurred to prevent or minimise pollution damage." It is a two-tier system of liability. After the Erika tanker accident in 1999, EU Member States identified the need to increase their involvement at EU level in this area. The Prestige tanker accident in 2002 reinforced the need for such involvement. Liability & compensation for pollution damage. 1 Dealing with marine pollution, whether at sea or on the shore, can be a protracted and expensive business. Initially, the costs of clean up operations fall on the bodies incurring them. However, its purpose is not to provide definitive legal advice. 3 The route by which compensation is available for a pollution incident inside the UK Pollution Control Zone and the UK sector of the continental shelf (UKCS) is dependent upon the source and the type of the pollutant involved. The paragraphs below and table provided at the end of this Appendix seek to identify the relevant legislation for most pollution incidents. 4.1 For a pollution incident involving persistent oil 2 carried as cargo, compensation up to a SOPEP - Shipboard Oil Pollution Emergency Plan In our world of ever-increasing demand for power oil is continuously feedings the powerhouse ocean tankers are the most economical and convenient mode of transport of oil and very more than 75 percent of the world's oil requirement move tankers are efficiently run with the ships gas well aware of their duties and responsibilities not. oil pollution incidents occur or is likely to occur the shipboard pollution emergency plan or software was developed sub M is compiled in accordance with regulation 23 of annex one of the International Convention for the Prevention of pollution dropships generally referred to as the Marple 7378 convention and it's made in the working language of the master and the vessel through. Legal damages for oil pollution harms to aquatic natural resources are emphasized. The article offers suggestions on courses of action that the U.S. government should follow to deal with oil pollution liability. During the last decade, legislation of these discharges has been revisited and updated several times. The polluters may be imposed by an administrative penalty fee. International Convention on Civil

Liability for Bunker Oil Pollution Damage, 2001 (Bunker Convention) adopted at IMO Diplomatic Conference held in London from 19 to 23 March 2001, with an aim to ensure that adequate, prompt and effective compensation is available to persons who suffer damage caused by spills of oil when carried as fuel in ship's bunkers, will enter into force on. The Oil Pollution Act of 1990 (OPA) (101 H.R.1465, P.L. 101-380) was passed by the 101st United States Congress and signed by President George H. W. Bush. It works to avoid oil spills from vessels and facilities by enforcing removal of spilled oil and assigning liability for the cost of cleanup and damage; requires specific operating procedures; defines responsible parties and financial liability; implements processes for measuring damages; specifies damages for which violators are liable; and