	<b>MARITIME AUTHORITY OF JAMAICA</b>  <b>INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE 2001</b>	Circular No.	08 -10 - 12	R
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**ATTENTION:**

- (I) SHIP OWNERS AND MANAGERS
- (II) RECOGNIZED ORGANIZATIONS;
- (III) NON-EXCLUSIVE SURVEYORS (APPROVED SURVEYOR)
- (IV) DEPUTY REGISTRARS
- (V) JAMAICAN EMBASSIES AND CONSULATES

**The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 comes into effect November 21, 2008. All Jamaican ships are required to be fully compliant.**

**Background**


This Circular serves to advise that Jamaica has ratified The International Convention On Civil Liability for Bunker Oil Pollution Damage 2001 (Bunker Convention) which will enter into force on November 21, 2008 .

The Bunker Convention provides a legal regime which enables adequate, prompt and effective compensation to be provided to persons who suffer loss or damage arising from the escape or discharge of bunker oil as defined under the Convention.

The Scope of the Bunker Convention extends to all seagoing vessels of any type whatsoever and to pollution damage caused by bunker oil including measures taken to prevent or minimize such pollution damage. Bunker oil is defined under the Convention as *any hydrocarbon mineral oil, including lubricating oil used or intended to be used for the operation or propulsion of the ship and residues of such oil.*

The Bunker Convention applies exclusively to pollution damage caused in the territory, including the territorial sea and the Exclusive Economic Zone of a State Party and therefore Jamaican vessels which call at the ports or operate in the waters of State parties will be subject to the provisions of the Convention. The list of State parties can be found on the IMO website ([www.imo.org](http://www.imo.org)).

The provisions of the Bunker Convention are modeled on the International Convention on Civil Liability for Oil Pollution Damage, 1992 and thus provides for strict liability on the part of the ship owner for bunker oil pollution damage, save where the owner can prove that the incident falls within the exceptions listed under Article 3(3).

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The Bunker Convention also provides for compulsory insurance and direct action, the latter allowing a claimant to file their claim directly with the insurers. Of note the definition of ship owners includes *the registered owner, bareboat charterer, manager and operator of the ship.*

Shipowners are entitled to limit their liability for pollution damage claims arising under the Convention to under any applicable national or international regime which in the case of Jamaica is the Convention on the Limitation of Liability for Maritime Claims 1976 as amended by the Protocol of 1996 which is incorporated in Part XIII of the Shipping Act, 1998.

Article 7.1 of the Bunker Convention states that:

*“The registered owner of a ship having a gross tonnage greater than 1 000 registered in a State Party shall be required to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover the liability of the registered owner for pollution damage in an amount equal to the limits of liability under the applicable national or international limitation regime..”*

It is important therefore that Registered owners of Jamaican ships which exceed 1000 gross tonnage have in place and carry on board at all times, a certificate issued by the Maritime Authority of Jamaica or any organization recognized by it.


It should also be noted that all foreign ships with a gross tonnage exceeding 1,000 which call at Jamaican ports or that operate in Jamaican territorial waters or Exclusive Economic Zone are required to carry a certificate issued by Jamaica or another State party to the Bunker Convention.

### **Application form**

The application for a Certificate of insurance or other financial security in respect of civil liability for bunker oil pollution damage may be made by the registered owner using the prescribed application form. A cover note or declaration from the insurance company (Blue Card) confirming that the ship is covered by insurance in case of damage by bunker oil must be attached to the application. **Copies of Blue Cards issued from the members of the International Group of P&I Clubs Association and other approved P&I Clubs will be accepted.**

The insurance policy or other financial security **must** confirm the following:

1. Name of Ship, IMO Ship Identification Number Distinctive Numbers/Letters and Port of Registry.
2. Name and Principal Place of Business of Registered Owner

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3. Name and Principal Place of Business of Insurer or Guarantor
4. Type and **Duration** of Security
5. A statement of Certification as follows:

*“This is to certify that there is in force in respect of the above-named ship while in above-named ownership a policy of insurance satisfying the requirement of Article 7 of the International Convention for Civil Liability for Bunker Oil Pollution Damage, 2001.”*

### **Certification**

A Bunker Certificate of Insurance will be issued by Maritime Authority of Jamaica to confirm each vessel is in compliance with the Convention. The Certificate will be valid for the period of the insurance coverage.

### **Miscellaneous**

Vessels found without a valid original Bunker Certificate of Insurance on board on or after November 21, 2008 could be subject to detention.

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