

Schedule 1

(Section 50)

AMENDMENT OF THE SCHEDULE TO THE CARRIAGE OF GOODS BY SEA ACT, 1986: PROTOCOL OF 1979 TO AMEND THE INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES OF LAW RELATING TO 5 BILLS OF LADING 1924, AS AMENDED BY THE PROTOCOL OF 1968

Definition

1. In this Schedule “the Rules” means the Hague Rules as amended by the Brussels Protocol of 1968, as contained in the Schedule to the Carriage of Goods by Sea Act, 1986 (Act No. 1 of 1986). 10

Amendment of Article IV of Rules

2. Article IV of the Rules is hereby amended—

(a) by the substitution for subparagraph (a) of paragraph 5 of the following subparagraph:

“(a) Unless the nature and value of such goods have been declared by the 15 shipper before shipment and inserted in the bill of lading, neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the goods in an amount exceeding [the equivalent of 10000 francs] 666.67 units of account per package or unit or [30 francs per kilo] two units of account per kilogramme of gross weight of the goods lost or 20 damaged, whichever is the higher.”; and

(b) by the substitution for subparagraph (d) of paragraph 5 of the following subparagraph:

“(d) The unit of account mentioned in this Article is the Special Drawing 25 Right as defined by the International Monetary Fund. The amounts mentioned in sub-paragraph (a) of this paragraph shall be converted into national currency on the basis of the value of that currency on a date to be determined by the law of the Court seized of the case.”

Schedule 2 30

(Section 57)

ADDITION OF SCHEDULE 2 TO THE MARINE POLLUTION (INTERVENTION) ACT, 1987: PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF MARINE POLLUTION BY SUBSTANCES OTHER THAN OIL 1973, AS 35 AMENDED BY MEPC.49(31)

“Schedule 2

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

Note: 40

The present text incorporates the original text as amended by the following:

<i>Amendments</i>	<i>Date of entry into force</i>	
1991 (Annex) amendments (MEPC.49(31))	24 July 1992	45

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 Organization² has intensified its work, in collaboration with all interested international organizations, on all aspects of pollution by substances other than oil, 5

Have agreed as follows:—

ARTICLE I

1. Parties to the present Protocol may take such measures on the high seas as maybe 10 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— 15

(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 20 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 substances, 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 25 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 H 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 30 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. 35

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 40 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.

4. Amendments shall be adopted by a two-thirds majority of only the Parties to the 45 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 50

² The name of the Organization was changed to the 'International Maritime Organization (IMO)' by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

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. 5

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 of Marine Pollution 1973. The Protocol shall remain open for signature from 15 January 1974 until 31 December 1974 at the Headquarters of the Organization. 10

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. 15

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. 25

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.³ 30

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. 35

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. 40

3. Denunciation shall take effect one year, or such longer period as maybe 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 H 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 the Convention. 45

ARTICLE VIII

1. A conference for the purpose of revising or amending the present Protocol maybe convened by the Organization. 50

3. The Protocol entered into force on 30 March 1983

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.

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 undersigned⁴, 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.

ANNEX⁵

LIST OF SUBSTANCES

Appendix I—Oil carried in bulk as listed in Appendix I to Annex I of MARPOL 73/78 other than those covered by the 1969 Intervention Convention

<i>Asphalt solutions</i>	<i>Distillates</i>	35
Blending stocks	Straight run	
Roofers flux	Flashed feed stocks	
Straight run residue		
<i>Oils</i>	<i>Gas oil</i>	40
Clarified	Cracked	
Road oil	<i>Naphtha</i>	
Transformer oil		
Aromatic oil (excluding vegetable oil)	Solvent	45
Mineral oil	Petroleum	

4. Signatures omitted.

5. The Annex to this Protocol was adopted by the Marine Environment Protection Committee by resolution MEPC.1 (11 of 21 November 1974. The list of substances was revised by resolution MEPC.49(31) of 4 July 1991.

Motor oil	Heartcut distillate oil	
Penetrating oil		
Spindle oil	<i>Gasolines blending stocks</i>	
Turbine oil		
Polymer-fuel	Alkylates-fuel	
	Reformats	
	Fuel oil No. 2	
	Fuel oil No. 2-D	
<i>Gasolines</i>		
Cashinghead (natural)	<i>Jet fuels</i>	
Automotive		10
Aviation	JP- 1 (Kerosene)	
Straight run	JP-3	
Fuel oil No. 1 (Kerosene)	JP-5 (Kerosene, heavy)	
Fuel oil No. 1-D	Turbo fuel	
	Kerosene	15
	Mineral spirit	
Appendix 2--Noxious liquid substances carried in bulk		
Acetone cyanohydrin		
Acetic anhydride		
Acrylonitrile		20
Alcohol (C12-C15) poly (1-3) ethoxylates		
Alcohol (C12-C15) poly (3-11) ethoxylates		
Alcohol (C6-C17)(secondary) poly (3-6) ethoxylates		
Alcohol (C6-C17)(secondary) poly (7-12) ethoxylates		
Allyl alcohol		25
Allyl chloride		
Ammonium sulphide solution (45% or less)		
Aniline		
Benzene and mixtures having 10% benzene or more		
Benzyl chloride		30
Butene oligomer		
n-Butyl acrylate		
Butylbenzenes (all isomers)		
Butyl benzyl phthalate		
n-Butyraldehyde		35
Calcium hypochlorite solution (more than 15%)		
Calcium naphthenate in mineral oil		
Camphor oil		
Carbolic oil		
Carbon disulphide		40
Carbon tetrachloride		
Chlorinated paraffins (C 10-C13)		
Chlorobenzene		
Chloroform		
o-Chloronitrobenzene		45
m-Chlorotoluene		
o-Chlorotoluene		
p-Chlorotoluene		
Chlorotoluene (mixed isomers)		
Coal tar		50
Coal tar naphtha solvent		
Cobalt naphthenate in solvent naphtha		
Creosote (coal tar)		
Creosote (wood)		
Cresols (all isomers)		55
Cresylic acid. sodium salt solution		
Crotonaldehyde		
Cyclohexyl acetate		
1,3-Cyclopentadiene dimer (molten)		
Cyclopentene		60
Decene		
Decyl acrylate		

Decyl alcohol (all isomers)	
Dibutyl phthalate	
Dichlorobenzenes (all isomers)	
1,1 -Dichloroethane	
Dichloroethyl ether	5
1,6-Dichlorohexene	
2,4-Dichlorophenol	
2,4-Dichlorophenoxyacetic acid, diethanolamine salt solution	
2,4-Dichlorophenoxy acetic acid, dimethylamine salt solution (70% or less)	
2,4-Dichlorophenoxy acetic acid, triisopropanolamine salt solution	10
1,1 -Dichloropropane	
1,2-Dichloropropane	
1,3-Dichloropropane	
1,3-Dichloropropene	
Dichloropropene/Dichloropropane mixtures	15
Diethyl sulphate	
Diglycidyl ether of bisphenol A	
Diglycidyl ether of bisphenol F	
Di-n-hexyl adipate	
Diisobutylene	20
Diisobutyl phthalate	
Diisopropylbenzene (all isomers)	
Dimethyl adipate	
Dimethylamine solution (45% or less)	
Dimethylamine solution (greater than 45% but not greater than 55%-)	25
Dimethylamine solution (greater than 55% but not greater than 65%-)	
Dinitrotoluene (molten)	
Diphenyl	
Diphenyl/Diphenyl ether mixtures	
Diphenyl ether	30
Diphenyl ether/Diphenyl phenyl ether mixture	
Diphenylmethane diisocyanate	
Diphenylol propane-epichlorohydrin resins	
Dodecene (all isomers)	
Dodecyl alcohol	35
Dodecyl diphenyl ether disulphonate solution	
Dodecyl phenol	
Drilling brines, containing Zinc salts	
Epichlorohydrin	
Ethyl acrylate	40
Ethylene chlorohydrin	
Ethylene dibromide	
Ethylene dichloride	
2-Ethylhexyl acrylate	
2-Ethylhexylamine	45
Ethylidene norbornene	
o-Ethylphenol	
2-Ethyl-3-propylacrolein	
Ethyltoluene	
Fluorosilicic acid	50
Fumaric adduct of rosin, water dispersion	
Glycidyl ester of C 10 trialkylacetic acid	
Heptyl acetate	
Hexyl acetate	
2-Hydroxyethyl acrylate	55
Isobutyl acrylate	
Isophorone diisocyanate	
Isopropylbenzene	
Lactonitrile solution (80% or less)	
Lauric acid	60
Mercaptobenzothiazol, sodium salt solution	
Metam sodium solution	
Methacrylic resin in 1,2-Dichloroethane solution	

Methacrylonitrile	
Methyl acrylate	
Methylcyclopentadiene dimer	
2-Methyl-5-ethyl pyridine	5
Methyl heptyl ketone	
Methylnaphthalene	
2-Methylpyridine	
4-Methylpyridine	
N-Methyl 2-pyrrolidone	10
Methyl salicylate	
alpha-Methylstyrene	
Motor fuel anti-knock compounds	
Naphthalene (molten)	
Naphthenic acids	15
Nitrobenzene	
o-Nitrophenol (molten)	
Nonene	
Nonylphenol	
Nonylphenol poly (4- 12) ethoxylates	20
Octane (all isomers)	
Octene (all isomers)	
Octyl aldehydes	
Octyl nitrates (all isomers)	
Olefin mixtures (C5-C15)	25
Oleum	
alpha- Olefins(C6-C 18) mixtures	
Pentachloroethane	
Perchloroethylene	
Phenol	
Phosphorus. yellow or white	30
Pinene	
n-Propyl chloride	
Propylene tetramer	
Propylene trimer	
Rosin	35
Rosin soap (disproportionate) solution	
Sodium hydrosulphide/Ammonium sulphide solution	
Sodium hydrosulphide solution (45%- or less)	
Sodium sulphide solution	
Sodium nitrite solution	40
Sodium thiocyanate solution (56% or less)	
Styrene monomer	
Tall oil (crude and distilled)	
Tall oil soap (disproportionate) solution	45
Tetrachloroethane	
Toluene	
Toluene diisocyanate	
Tributyl phosphate	
1,2,4-Trichlorobenzene	
1,1,1 -Trichloroethane	50
1,1,2-Trichloroethane	
Trichloroethylene	
1,2,3-Trichloropropane	
Tricresyl phosphate (containing less than 1% ortho-isomer)	
Tricresyl phosphate (containing 1% or more ortho-isomer)	55
Triethylbenzene	
Trimethyl benzenes (all isomers)	
Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4-isomers)	
Trixylyl phosphate	
Turpentine	60
1-Undecene	
Undecyl alcohol	
Vinylidene chloride	

Vinyl neodecanoate	
Vinyltoluene	
White spirit, low (15-20%) aromatic	
Xylenol	
Appendix 3—Harmful substances carried in packaged form	5
Binapacryl	
Cadmium compounds, except Cadmium selenide and Cadmium sulphide	
Chlorined paraffins (C 10-C 13)	
Chlorophenates	
Copper cyanide	10
Coumarin derivative pesticides as follows:	
Brodifacoum	
Coumaphos	
Cresyl diphenyl phosphate	
Cypermethrin	15
Diphenylamine chloroarsine	
Diphenylchloroarsine	
Dodecylphenol	
Ethylchloroarsine	
Fenprothrin	20
Hexachlorobutadiene	
Mercuric arsenate	
Mercuric chloride	
Mercuric nitrate	
Mercuric potassium cyanide	25
Mercurous nitrate	
Mercury acetates	
Mercury ammonium chloride	
Mercury based pesticides	
Mercury benzoate	30
Mercury bromides	
Mercury compounds, except Mercuric sulphide and Mercury iodide	
Mercury cyanide	
Mercury gluconate	
Mercury nucleate	35
Mercury oleate	
Mercury oxide	
Mercury oxycyanide desensitized	
Mercury potassium iodide	
Mercury salicylate	40
Mercury sulphates	
Mercury thiocyanate	
Nickel cyanide	
Nickel carbonyl	
Organochlorine pesticides as follows:	45
Aldrin	
Camphechlor	
Chlordane	
DDT	
Dieldrin	50
Endosulfan	
Endrin	
Heptachlor	
Lindane (gamma-BCH)	
Organophosphorus pesticides as follows:	55
Azinphos-methyl	
Azinphos-ethyl	
Bromophos-ethyl	
Carbophenothion	
Chlorpyrifos	60
Chlorthiophos	

Dialifos	
Diazinon	
Dichlofenthion	
Dichlorvos	
Dimethoate	5
EPN	
Ethion	
Fenitrothion	
Fenthion	
Fonofos	10
Isoxathion	
Mevinphos	
Parathion	
Parathion-methyl	
Pirimiphos ethyl	15
Phenthoate	
Phorate	
Phosalone	
Phosphamidon	
Pyrazophos	20
Sulprophos	
Terbufos	
Organotin compounds	
Organotin pesticides	
Osmium tetroxide	25
Pentachlorophenol	
Phenylmercuric acetate	
Phenylmercuric compounds	
Phenylmercuric nitrate	
Phosphorus, white or yellow	30
Polychlorinated biphenyls or terphenyls	
Polyhalogenated biphenyls or terphenyls	
Potassium cuprocyanide	
Silver arsenite	
Sodium cuprocyanide	35
Sodium pentachlorophenate	
Triaryl phosphates	
Tricresyl phosphates, more than 1 % ortho-isomer	
Zinc cyanide	
Appendix 4—Radioactive materials	40
Radioactive materials which are transported in type B packages, or as fissile materials, or under special arrangement, as covered by the provisions of Schedules 10 to 13 of Class 7 of the International Maritime Dangerous Goods Code.	
Appendix 5—Liquefied gases carried in bulk	
Acetaldehyde	45
Anhydrous Ammonia	
Chlorine	
Dimethylamine	
Ethyl chloride	
Ethylene oxide	50
Hydrogen chloride, anhydrous	
Hydrogen fluoride, anhydrous	
Methyl bromide	
Methyl chloride	
Sulphur dioxide	55
Vinyl chloride monomer, "	