

## Resource Management Amendment Act 1994

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An Act to amend the Resource Management Act 1991

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement---(1) This Act may be cited as the Resource Management Amendment Act 1994, and shall be read together with and deemed part of the Resource Management Act 1991 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council; and different dates may be so appointed for different provisions and different purposes.

2. Interpretation---(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term "owner", and substituting the following definition:

" 'Owner',---

"(a) In relation to any land, means the person who is for the time being entitled to the rack rent of the land or who would be

so entitled if the land were let to a tenant at a rack rent; and includes---

- “(i) The owner of the fee simple of the land; and
- “(ii) Any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force; and
- “(b) In relation to any ship or offshore installation or oil transfer site, has the same meaning as in section 222 (2) of the Maritime Transport Act 1994:”.

(2) Section 2 (1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

- “ ‘Agent’ or ‘agent of the ship’, in relation to a ship, means---
- “(a) Any agent in New Zealand of the owner of the ship; or
- “(b) Any agent of the ship:
- “ ‘Director of Maritime Safety’ or ‘Director’ has the same meaning as in section 2 (1) of the Maritime Transport Act 1994:
- “ ‘Dumping’ means,---
- “(a) In relation to waste or other matter, its deliberate disposal; and
- “(b) In relation to a ship, an aircraft, or an offshore installation, its deliberate disposal or abandonment;--- but does not include the disposal of waste or other matter incidental to, or derived from, the normal operations of a ship, aircraft, or offshore installation, if the purpose of those operations does not include the disposal, or the treatment or transportation for disposal, of that waste or other matter; and ‘to dump’ and ‘dumped’ have corresponding meanings:
- “ ‘Harmful substance’ means any substance prescribed by regulations as a harmful substance for the purposes of this definition:
- “ ‘Incineration’, in relation to waste or other matter, means its deliberate combustion for the purpose of its thermal destruction; and ‘to incinerate’ and ‘incinerated’ have corresponding meanings:
- “ ‘Marine incineration facility’ has the same meaning as in section 257 of the Maritime Transport Act 1994:
- “ ‘Maritime Safety Authority of New Zealand’ means the Maritime Safety Authority of New Zealand continued by section 429 of the Maritime Transport Act 1994:
- “ ‘Master’ in relation to any ship, has the same meaning as in section 2 (1) of the Maritime Transport Act 1994:
- “ ‘Offshore installation’ has the same meaning as in section 222 (1) of the Maritime Transport Act 1994:
- “ ‘Oil transfer site’ has the same meaning as in section 281 of the Maritime Transport Act 1994:
- “ ‘On-scene commander’ has the same meaning as in section 281 of the Maritime Transport Act 1994:
- “ ‘Ship’ has the same meaning as in section 2 (1) of the Maritime Transport Act 1994:
- “ ‘Waste or other matter’ means materials and substances of any kind, form, or description:”.

3. Application of this Act to ships and aircraft of foreign States---The principal Act is hereby amended by inserting, after section 4, the following section:

``4A. Except as otherwise expressly provided in any regulations made under this Act, this Act does not apply to any of the following:

- ``(a) Warships of any State other than New Zealand:
- ``(b) Aircraft of the defence forces of any State other than New Zealand:
- ``(c) Any ship owned or operated by any State other than New Zealand, if the ship is being used by that State for wholly governmental (but not including commercial) purposes:
- ``(d) The master or crew of any warship, aircraft, or ship referred to in paragraphs (a) to (c)."

4. Restrictions on use of coastal marine area---Section 12 of the principal Act (as amended by section 10 of the Resource Management Amendment Act 1993) is hereby amended by adding the following subsection:

``(6) This section shall not apply to anything to which section 15A applies."

5. Discharge of contaminants into environment---Section 15 of the principal Act is hereby amended by adding the following subsection:

``(3) This section shall not apply to anything to which section 15A or section 15B applies."

6. New sections inserted---The principal Act is hereby amended by inserting, after section 15, the following sections:

``15A. Restrictions on dumping and incineration of waste or other matter in coastal marine area---(1) No person may, in the coastal marine area,---

- ``(a) Dump any waste or other matter from any ship, aircraft, or offshore installation; or
- ``(b) Incinerate any waste or other matter in any marine incineration facility---

unless the dumping or incineration is expressly allowed by a resource consent.

``(2) No person may dump, in the coastal marine area, any ship, aircraft, or offshore installation unless expressly allowed to do so by a resource consent.

``(3) Nothing in this section permits the dumping of radioactive waste or radioactive matter (to which section 15C applies) or any discharge of a harmful substance that would contravene section 15B.

``15B. Discharges of harmful substances from ships or offshore installations---(1) No person may, in the coastal marine area, discharge from any ship or offshore installation any harmful substance or

contaminant---

“(a) Into water; or

“(b) Onto or into land; or

“(c) Into air---

unless the discharge is expressly allowed by regulations.

“(2) No person may discharge from any ship or offshore installation any water into water in the coastal marine area unless the discharge is expressly allowed by regulations.

“15C. Prohibitions in relation to radioactive waste or other radioactive matter and other waste in coastal marine area---(1)  
Notwithstanding anything to the contrary in this Act, no person may, in the coastal marine area,---

“(a) Dump from any ship, aircraft, or offshore installation any radioactive waste or other radioactive matter; or

“(b) Store any radioactive waste or other radioactive matter or toxic or hazardous waste on or in any land or water.

“(2) In this section,---

“ ‘Radioactive waste or other radioactive matter’ has the same meaning as in section 257 of the Maritime Transport Act 1994:

“ ‘Toxic or hazardous waste’ means any waste or other matter prescribed as toxic or hazardous waste by regulations.”

7. Duty to avoid unreasonable noise---Section 16 (2) of the principal Act is hereby amended by omitting the expression “or 15”, and substituting the expression “15, and 15A”.

8. Possible defence in cases of unforeseen emergencies---Section 18 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Any person who is prosecuted under section 338 for an offence arising from any contravention of any of sections 9, 11, 12, 13, 14, 15, 15A, and 15B may raise any applicable defence that is referred to in section 341 or section 341A or section 341B.”

9. Functions of regional councils under this Act---Section 30 (1) (d) of the principal Act is hereby amended by inserting, after subparagraph (iv), the following subparagraph:

“(iva) The dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations.”.

10. Regional rules---Section 68 of the principal Act (as amended by section 37 of the Resource Management Amendment Act 1993) is hereby amended by adding the following subsections:

“(8) Where regulations have been made under section 360 (1) (ha) deeming rules to be included in a regional coastal plan or proposed regional coastal plan, the relevant regional council shall, as soon as

reasonably practicable after the date on which the regulations are made, revoked, or cease to apply to its region,---

- “(a) Give public notice of the fact that such regulations have been made or revoked or have ceased to apply, as the case may be, and in such detail as the council considers appropriate, generally describe the nature of any rules deemed to be included in the plan or proposed plan by those regulations; and
- “(b) Ensure that a copy of any regulations deeming rules to be included in the plan or proposed plan is annexed to, and appropriate annotations are made in, every copy of that plan or proposed plan that is under the regional council's control.

“(9) Notwithstanding anything to the contrary in this section, no rule of a regional coastal plan shall authorise as a permitted activity any of the following activities to which section 15A applies:

- “(a) The dumping in the coastal marine area of any waste or other matter from any ship, aircraft, or offshore installation:
- “(b) The dumping in the coastal marine area of any ship, aircraft, or offshore installation:
- “(c) The incineration in the coastal marine area of any waste or other matter in any marine incineration facility.

“(10) Subject to subsection (9), sections 69 and 70 (2) shall, with all necessary modifications, apply to the inclusion of rules in regional coastal plans about the dumping of waste or other matter as if every reference in those provisions to a discharge of a contaminant included a reference to a dumping of waste or other matter.”

11. Types of resource consents---Section 87 (c) of the principal Act is hereby amended by omitting the expression “and 15”, and substituting the expression “15, and 15A”.

12. Distribution of application to other authorities---Section 90 of the principal Act is hereby amended by adding the following subsection:

“(3) Without limiting subsections (1) and (2), a copy of every application for a resource consent shall be forwarded by the relevant regional council or territorial authority to any other person prescribed by regulations.”

13. Applications not requiring notification---Section 94 (3) of the principal Act is hereby amended by omitting the expression “or 15 (1)”, and substituting the expression “15 (1), and 15A”.

14. Restrictions on grant of certain discharge permits---(1) Section 107 (1) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraphs:

- “(b) A discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
- “(ba) The dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,---”.

(2) Section 107 of the principal Act is hereby amended by inserting in subsection (1), and also in subsection (2), after the expression ``section 15" (as inserted by section 57 of the Resource Management Amendment Act 1993), the expression ``or section 15A".

15. Special provisions relating to coastal permits for dumping and incineration---The principal Act is hereby amended by inserting, after section 138, the following section:

``138A. (1) Without limiting section 104, when considering an application for a coastal permit to do something that would otherwise contravene section 15A (1), the consent authority shall, in having regard to the actual and potential effects of allowing the activity, have regard to---

``(a) The nature of any discharge of any contaminant which the dumping or incineration may involve and the sensitivity of the receiving environment to adverse effects and the applicant's reasons for making the proposed choice; and

``(b) Any possible alternative methods of disposal or combustion including any involving discharge into any other receiving environment,---

and, without limiting the powers of the consent authority under section 92, it may, at any reasonable time before the hearing (or, if there is no hearing, the determination) of the application, by written notice to the applicant, require the applicant to provide, by way of further information, an explanation of those matters.

``(2) Without limiting section 108, but subject to subsection (5), a coastal permit to which subsection (1) applies may include a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of any contaminant which may occur in the exercise of the permit; provided that before a consent authority decides to grant a coastal permit subject to such a condition, it shall be satisfied that, in the particular circumstances, and having regard to---

``(a) The nature of any discharge of a contaminant and the receiving environment; and

``(b) Other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment,---

the inclusion of the condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.

``(3) In respect of a coastal permit to do something that would otherwise contravene section 15A (1), a consent authority may, at any time specified for that purpose in the permit, in accordance with section 129, serve notice on the holder of the permit of its intention to review the conditions of the permit for the purpose of requiring the holder to adopt the best practicable option to remove or reduce any adverse effect on the environment.

``(4) Subject to subsection (5), sections 129 to 133 shall apply to

any review of a coastal permit under subsection (3) and the powers conferred on a consent authority by that subsection are in addition to the powers conferred by section 128.

“(5) Before deciding to grant a coastal permit subject to a condition described in subsection (2) and before deciding to change the conditions of a coastal permit pursuant to subsections (3) and (4), the consent authority shall be satisfied, in the particular circumstances, and having regard to---

- “(a) The nature of any discharge of a contaminant and the receiving environment; and
- “(b) The financial implications for the holder of including that condition; and
- “(c) Other alternatives, including a condition requiring the observance of minimum standards of quality of the receiving environment---

that including a condition in the permit requiring the holder to adopt the best practicable option to remove or reduce any adverse effect on the environment is the most efficient and effective means of removing or reducing that adverse effect.

“(6) In every coastal permit to do something that would otherwise contravene section 15A (1), there shall be implied a condition that the holder shall, in the prescribed form and at the cost of the holder in all respects, keep such records and furnish to the Director of Maritime Safety such information and returns as may from time to time be required by regulations.”

16. Application of Order in Council---Section 153 (b) (i) of the principal Act is hereby amended by inserting, after the expression “section 15”, the expression “or section 15A”.

17. Restrictions on certain applications for enforcement orders and abatement notices---The principal Act is hereby amended by inserting, after section 325A (as inserted by section 148 of the Resource Management Amendment Act 1993), the following section:

“325B. (1) No person may apply to the Planning Tribunal for an enforcement order of a kind specified in any of paragraphs (a) to (d) of section 314 (1), and no abatement notice shall be served on any person, in respect of anything done or to be done,---

- “(a) By or on behalf of the Director of Maritime Safety under section 248 or section 249 of the Maritime Transport Act 1994; or
- “(b) By or on behalf of any person in accordance with any instructions issued under either of those sections of that Act; or
- “(c) By or on behalf of any on-scene commander under section 305 or section 311 of that Act or in accordance with a direction given under section 310 of that Act; or
- “(d) By or on behalf of the master or owner of any ship, or the owner or operator of any oil transfer site or offshore installation, or any other person, in accordance with a direction given under section 305 or section 311 of that Act.

“(2) No person (other than the Minister, the Director of Maritime Safety, a local authority, or a consent authority) may apply to the Planning Tribunal for an enforcement order to require any person to comply with or cease contravening section 15B (which imposes restrictions on discharges of harmful substances, contaminants, and water from ships and offshore installations).

“(3) No person may apply for an enforcement order of a kind specified in paragraph (d) of section 314 (1) in respect of any actual or reasonable costs and expenses (as defined in section 314 (2)) where the costs and expenses which a person has incurred or is likely to incur---

“(a) Are costs and expenses for which that person has received or could receive payment or reimbursement, in accordance with sections 331 and section 332 of the Maritime Transport Act 1994; or

“(b) Are costs and expenses which that person is, in accordance with section 344 of that Act, entitled to recover from the owner of a ship; or

“(c) Constitute pollution damage within the meaning of section 342 of that Act in respect of which the owner of a ship is liable in damages under Part XXV of that Act,---

and no such order may be made by the Planning Tribunal or any Court in any proceedings (including prosecutions for offences) under this Act."

18. Emergency works and powers to take preventive or remedial action---Section 330 of the principal Act is hereby amended by adding the following subsection:

“(4) Nothing in this section shall authorise any person to do anything in relation to an emergency involving a marine oil spill or suspected marine oil spill within the meaning of section 281 of the Maritime Transport Act 1994."

19. Offences against this Act---Section 338 of the principal Act is hereby amended by inserting, after subsection (1), the following subsections:

“(1A) Every person commits an offence against this Act who contravenes or permits a contravention of section 15A or section 15C (which impose restrictions in relation to waste or other matter).

“(1B) Where any harmful substance or contaminant or water is discharged in the coastal marine area in breach of section 15B, the following persons each commit an offence:

“(a) If the discharge is from a ship, the master and the owner of the ship:

“(b) If the discharge is from an offshore installation, the owner of the installation."

20. Penalties---Section 339 (1) of the principal Act is hereby amended by inserting, after the expression “section 338 (1)", the expression “or (1A) or (1B)".

21. New sections inserted---The principal Act is hereby amended by



inserting, after section 339, the following sections:

``339A. Protection against imprisonment for dumping and discharge offences involving foreign ships---(1) No person shall be imprisoned for any offence of contravening or permitting a contravention of section 15A or section 15B involving a foreign ship unless the Court is satisfied that---

``(a) Either---

``(i) The person intended to commit the offence; or

``(ii) The offence occurred as a consequence of any reckless act or omission by that person with the knowledge that that act or omission would or would be likely to cause a significant or irreversible adverse effect on the coastal marine area; and

``(b) The commission of the offence has had or is likely to have a significant or irreversible adverse effect on the coastal marine area.

``(2) In this section, 'foreign ship' has the same meaning as in section 2 (1) of the Maritime Transport Act 1994.

``339B. Additional penalty for certain offences for commercial gain---(1) Where a person is convicted of an offence against section 338 (1A) or (1B), the Court may, in addition to any penalty which the Court may impose under section 339, order that person to pay an amount not exceeding 3 times the value of any commercial gain resulting from the commission of the offence if the Court is satisfied that the offence was committed in the course of producing a commercial gain.

``(2) For the purposes of subsection (1), the value of any gain shall be assessed by the Court, and any amount ordered to be paid shall be recoverable in the same manner as a fine.

``339C. Amount of fine or other monetary penalty recoverable by distress and sale of ship or from agent---(1) Where---

``(a) The master or owner of a ship is convicted of an offence against section 338 in respect of any contravention of section 15A or section 15B or section 15C; and

``(b) Any fine or other monetary penalty imposed by a Court under section 339 or section 339B in respect of that offence is not paid on time,---

the Court may order that the amount of the fine so unpaid be levied by distress and sale of the ship and its equipment.

``(2) Without limiting subsection (1), where any master or owner of a ship---

``(a) Is convicted of an offence against section 338 in respect of any contravention of section 15A or section 15B or section 15C; and

``(b) Fails to pay the full amount of any fine or other monetary penalty imposed by the Court under section 339 or section 339B,---

the agent of the ship shall be civilly liable to pay to the Crown or, where a local authority caused the information in respect of that offence to be laid, to that local authority, such amount of that fine or monetary penalty as remains unpaid and the Crown or that local authority

may recover that amount from that agent as a debt.

“(3) Every agent of a ship who, under this section, pays the whole or part of any fine or other monetary penalty imposed on the master or owner of the ship shall be entitled to recover the amount so paid from that master or owner as a debt or deduct that amount out of or from any money which is or becomes payable by that agent to that master or owner; and any amount so paid by the agent shall, for the purposes of section 4 (1) (p) of the Admiralty Act 1973, be deemed to be a disbursement made on account of the ship.

“(4) Any District Court shall have jurisdiction to hear and determine proceedings for the recovery, in accordance with this section, of any money from any agent or master or owner of a ship whatever the amount of money involved.

“(5) This section shall apply notwithstanding any enactment or rule of law.”

22. Liability of principal for acts of agents---Section 340 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where an offence is committed against this Act---

“(a) By any person acting as the agent or employee of another person, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if he, she, or it had personally committed the offence; or

“(b) By any person while in charge of a ship, the owner of the ship shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if he, she, or it had personally committed the offence.”

23. New sections inserted---The principal Act is hereby amended by inserting, after section 341, the following sections:

“341A. Liability and defences for dumping and storage of waste or other matter---It is a defence to prosecution for an offence of contravening or permitting a contravention of section 15A if the defendant proves that the act or omission which is alleged to constitute the offence---

“(a) Was necessary---

“(i) To save or prevent danger to human life; or

“(ii) To avert a serious threat to any ship, aircraft, or offshore installation; or

“(iii) In the case of force majeure caused by stress of weather, to secure the safety of any ship, aircraft, or offshore installation; and

“(b) Was a reasonable step to take in all the circumstances; and

“(c) Was likely to result in less damage than would otherwise have occurred; and

“(d) Was taken or omitted in such a way that the likelihood of damage

to human or marine life was minimised.

“341B. Liability and defences for discharging harmful substances---(1) In any prosecution for an offence against section 338 (1B) (which relates to the discharge of harmful substances, contaminants, or water, in breach of section 15B) it is not necessary to prove that the defendant intended to commit the offence.

“(2) It is a defence to prosecution for an offence against section 338 (1B) if the defendant proves that---

- “(a) The harmful substance or contaminant or water was discharged for the purpose of securing the safety of a ship or an offshore installation, or for the purpose of saving life and that the discharge was a reasonable step to effect that purpose; or
- “(b) The harmful substance or contaminant or water escaped as a consequence of damage to a ship or its equipment or to an offshore installation or its equipment; and---
  - “(i) Such damage occurred without the negligence or deliberate act of the defendant; and
  - “(ii) As soon as practicable after that damage occurred, all reasonable steps were taken to prevent the escape of the harmful substance or contaminant or water or, if any such escape could not be prevented, to minimise any escape.”

24. Repeal---The principal Act is hereby amended by repealing section 343.

25. Mode of service of summons on master or owner of ship---The principal Act is hereby amended by inserting, after section 352, the following section:

“352A. (1) Subject to subsection (2), where the master or owner of a ship is a defendant in any prosecution for an offence against section 338 in respect of any contravention of section 15A or section 15B or section 15C then, notwithstanding anything in the Summary Proceedings Act 1957, service on the defendant of any summons or other document shall be deemed to be effected for the purposes of that Act---

- “(a) By being delivered personally to the agent of the ship on behalf of the defendant or being brought to the notice of that agent if that agent refuses to accept it on behalf of the defendant; or
- “(b) By being sent to the agent of the ship, by registered letter addressed to that agent on behalf of the defendant at the agent's last known or usual place of residence or the agent's place of business.

“(2) A District Court Judge or Justice or the Registrar may direct that the summons or other document shall be served on the defendant in accordance with section 24 of the Summary Proceedings Act 1957, where he or she is satisfied that it would not be impracticable to do so in the particular circumstances.

“(3) Unless the contrary is shown, the time at which service shall be deemed to have been effected on the defendant shall be,---

- “(a) Where service is effected in accordance with subsection (1) (a), the time when the summons or other document is personally delivered to the agent of the ship or brought to that agent's attention, as the case may be; or
- “(b) Where service is effected in accordance with subsection (1) (b), the time when the letter would have been delivered to the agent of the ship in the ordinary course of post.

“(4) In this section, ‘District Court Judge’, ‘Justice’ and ‘Registrar’ have the same meanings as in the Summary Proceedings Act 1957.”

26. Regulations---(1) Section 360 (1) of the principal Act is hereby amended by inserting, after paragraph (aa) (as inserted by section 163 (1) of the Resource Management Amendment Act 1993), the following paragraph:

- “(ab) Prescribing any person or class of person to whom any regional council or territorial authority shall, in accordance with section 90 (3), forward a copy of any application for a resource consent:”.

(2) Section 360 (1) of the principal Act is hereby amended by inserting, after paragraph (h), the following paragraphs:

- “(ha) Deeming to be included in any regional coastal plan or proposed regional coastal plan rules that may apply generally or specifically and that may do all or any of the following:
  - “(i) Specify as controlled activities, discretionary activities, non-complying activities, or prohibited activities, any activities to which section 15A applies:
  - “(ii) Specify criteria to be considered in considering any application under section 88 for a coastal permit to do something that otherwise would contravene section 15A or any application under section 127 to change or cancel any condition of such a coastal permit or on a review of conditions of such a coastal permit under section 128:
- “(hb) Prescribing any substance to be a harmful substance for the purposes of section 2 (1):
- “(hc) Prescribing any waste or other matter to be toxic or hazardous waste for the purposes of section 15C:
- “(hd) Prescribing exemptions from any provision of section 15B either generally or specifically and either absolutely or subject to prescribed conditions, and, without limiting the generality of the foregoing, including conditions prescribing the circumstances or quantities in which and sources from which any harmful substance or contaminant or water or class of harmful substances or contaminants may be discharged:
- “(he) Without limiting paragraph (d), in relation to any coastal permit to do something that otherwise would contravene section 15A, requiring the holder of the coastal permit to keep records and furnish to the Director of Maritime Safety information and returns as to any matters in relation to any activity carried out under the coastal permit, and prescribing the nature of the records, information, and returns, and the form, manner, and times in or at which they shall be kept or furnished:”.

(3) Section 360 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

“(2A) No regulation shall be made under any of paragraphs (ha) to (he) of subsection (1) except on the recommendation of the Minister after consultation with the Minister of Transport and the Minister of Conservation.

“(2B) The Minister shall not recommend the making of any regulation under any of paragraphs (ha) to (hd) of subsection (1) unless, after having consulted with the Minister of Transport and the Minister of Conservation, the Minister is of the opinion that---

“(a) It is necessary or desirable to do so for all or any of the following purposes:

“(i) To implement New Zealand's obligations under any international convention, protocol, or agreement, relating to the protection of the marine environment and to which New Zealand is a party:

“(ii) To enable New Zealand to become a party to any international convention, protocol, or agreement, relating to the protection of the marine environment:

“(iii) To implement such international practices or standards relating to the protection of the marine environment as may, from time to time, be recommended by the International Maritime Organization; or

“(b) It is not inconsistent with any such purpose to do so.”

27. First Schedule amended---Clause 3 (3) (b) of the First Schedule to the principal Act is hereby amended by omitting the words “the Marine Pollution Act 1974”, and substituting the words “Parts XVIII to XXVII of the Maritime Transport Act 1994”.

28. Second Schedule amended---Clause 2 of Part I of the Second Schedule to the principal Act is hereby amended by inserting, after paragraph (e), the following paragraph:

“(ea) Dumping of waste or other matter from any ship, aircraft, or offshore installation and incineration of waste or other matter in any marine incineration facility and dumping of ships, aircraft, and offshore installations:”.