

Marine Pollution Rules 1998

TOKELAU

MARINE POLLUTION RULES 1998

1 Title and commencement

- (1) These Rules may be cited as the Marine Pollution Rules 1998.
- (2) These Rules shall come into force on 20 August 1998.

2 Interpretation and purpose

- (1) In these Rules, "the Act" means the Maritime Transport Act 1994 of the New Zealand Parliament.
- (2) The purpose of these Rules is to provide for the operation of prescribed principles of the Act in Tokelau in order to comply with New Zealand's treaty obligations in respect of Tokelau under the Convention for the Protection of Natural Resources and Environment of the South Pacific Region 1986 and the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978.

3 Provisions relating to marine pollution

- (1) Subject to these Rules, to the amendments listed in the Schedule to these Rules and to all modifications necessary for their application to Tokelau, sections 2(1), 222, 225-228, 232(1), 233, 237-239, 242-244, 246-248, 250-253, 256-266, 281, 299, 305, 315-317, 327, 342, 344, 355-360, 368(1), 409, 424-426 and 428 of the Act are Tokelau law.
- (2) In the application of the prescribed sections of the Act to Tokelau—
 - (i) "New Zealand", in the references to "Exclusive Economic Zone of New Zealand", "internal waters of New Zealand", "territorial sea of New Zealand", "New Zealand marine waters", "port in New Zealand" and in sections 258(a) and 261(2), is to be read as "Tokelau";
 - (ii) "Director" is to be read as "Council for the Ongoing Government";
 - (iii) "regional council" is to be read as "Council for the Ongoing Government";
 - (iv) "District Court" is to be read as "High Court";
 - (v) references to the Resource Management Act 1991 are deleted;
 - (vi) references to "continental shelf", "continental shelf of New Zealand" and "New Zealand continental waters" are deleted;
 - (vii) "National On-Scene Commander" and "Regional on-scene commander" are to be read as "On-scene commander"; and
 - (viii) "Convention Area" has the meaning given to it by Article 2 of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region.

4 Implementation

In carrying out their functions under these Rules, the Council for the Ongoing Government shall act after consultation with and in accordance with the advice of the Director of the Maritime Safety Authority appointed under section 439 of the Act.

5 Jurisdiction

The prosecution of any offence against these Rules shall be by the Council for the Ongoing Government, for Tokelau before the High Court of New Zealand in the exercise of its jurisdiction under section 3 of the Tokelau Amendment Act 1986.

6 Repeal [Spent]

SCHEDULE

Sections affected Amendments

2 The definitions of "internal waters of New Zealand" and "territorial sea of New Zealand" are deleted and in their places respectively are read:

“internal waters of Tokelau" has the same meaning as in the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977”; and

“territorial sea of Tokelau" has the same meaning as in the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977’.

222 The definition of "Exclusive Economic Zone of New Zealand" is deleted and in its place is read:

“Exclusive Economic Zone of Tokelau" has the same meaning as in the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977’.

226 The words "marine protection rules" are replaced by "a permit" and paragraph (b) is deleted.

226(d)(i) The words "or beyond the outer limits of that exclusive economic zone but over the continental shelf of New Zealand" are deleted.

227 and 228 The words "in accordance with the requirements of the marine protection rules" are deleted.

228(b) and (c) "New Zealand continental waters" is replaced by "the Convention Area".

244 Subsection (2) is deleted.

244(1) "Subject to subsection (2) of this section," is deleted.

244(1)(a) The words "imprisonment for a term not exceeding 2 years or" are deleted.

246(2) The words "; 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" are deleted.

246(3) "Notwithstanding anything in the District Courts Act 1947" is deleted.

251(1), 252, The words "or section 249" are deleted.

253(1)(a) and 256(a)

253 Subsection (5) is deleted.

253(4) The words "imprisonment for a term not exceeding 2 years or" are deleted.

257 In the definition of "Controlled offshore installation", the words "(b) In the waters beyond the outer limits of the exclusive economic zone of New Zealand, but over the continental shelf of New Zealand" are deleted.

258(c), 261(1)(a) and 261(5) The words "or onto or into the continental shelf of New Zealand beyond the outer limits of that exclusive economic zone or the sea above that continental shelf" are deleted.

258(e) "New Zealand continental waters" is deleted and in its place is read "the Convention Area".

259 and 260 The words "or in the continental shelf of New Zealand beyond the outer limits of that exclusive economic zone or the sea above that continental shelf" are deleted.

262 The words "in accordance with section 270 of this Act and the marine protection rules" are deleted.

281 The definition of "On-scene commander" is deleted and in its place is read "'On-scene commander" means the Faipule'.

299 Subsection (2) is deleted.

305(1)(g) "Subject to the provisions of section 306 of this Act" is deleted.

317 The words "section 314 or" are deleted.

327 "Except as provided for in sections 307 and 308 of this Act," is deleted.

344 Subsections (1)(b) and (2) are deleted.

355 Subsection (1)(b) is deleted.

368(1) The words "this Act" are deleted and in their place is read "these Rules".

425 Subsection (4) is deleted.

425(5) The words "section 427" are deleted and in their place is read "section 428".

428 The words "section 427" are deleted and in their place is read "section 424".
