



ANALYSIS

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1977, No. 12

An Act to amend the Marine Pollution Act 1974

[29 July 1977]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Marine Pollution Amendment Act 1977, and shall be read together with and deemed part of the Marine Pollution Act 1974 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “continental shelf”, the following definition:

“‘Court’ means the Supreme Court or, as the case may require, a Magistrate’s Court.”.

(2) Section 2 (1) of the principal Act is hereby further amended by inserting in the definition of the term “harbour-master”, after the words “in relation to the harbour”, the words “; and includes his deputy;”.

(3) Section 2 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) In this Act, the term ‘Court’ means—

“(a) For the purposes of original criminal jurisdiction exercisable under this Act, a Magistrate’s Court:

“(b) For the purposes of original civil jurisdiction exercisable under this Act, the Supreme Court; and includes, subject to the monetary limit for the time being fixed by section 29 of the Magistrates’ Courts Act 1947, any Magistrate’s Court;—

and for the purposes of this subsection the term ‘original civil jurisdiction’, in relation to the Supreme Court, includes admiralty jurisdiction specified in section 4 (2) of the Admiralty Act 1973.”

3. Equipment for pipelines and offshore installations—Section 9 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Without prejudice to the generality of subsection (1) of this section, any regulations made pursuant to that subsection may also require the owner of a pipeline in New Zealand waters or on the continental shelf or of an offshore installation to install or carry on any ship supplying or servicing any such pipeline or offshore installation such equipment as may be prescribed.”

4. Compulsory insurance for ships—Section 37 (2) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) In the case of a ship registered in any other country—

“(i) By the Minister; or

“(ii) By or under the authority of the government of any other country, provided any such certificate is recognised for the purposes of this subsection by regulations made under section 68 of this Act, as extended by subsection (7) of this section.”

5. Admiralty jurisdiction—Section 43 (1) of the principal Act is hereby amended by adding the words “, and section 4 (1) (d) of the Admiralty Act 1973 (which relates to claims

for damage done by a ship) shall be construed as extending to any claim to which this subsection applies, together with all the incidents of such a claim”.

6. Determination of amounts—(1) Section 59 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Without limiting the general power to make regulations conferred by section 68 of this Act, regulations may be made under that section prescribing the method of calculating the amounts in New Zealand currency that are equivalent to the amounts in francs specified in sections 31, 32, 37 (4), 49, 51 (1), and 52 (1) of this Act or in any Order in Council made under section 49 (8) of this Act.”

(2) The Marine Pollution (New Zealand Currency Equivalents) Order 1977 (S.R. 1977/48) shall continue in force and have effect after the passing of this Act as if it were a regulation made under section 68 of the principal Act (as extended by subsection (1) of this section).

7. Agents' contracts of indemnity—The principal Act is hereby further amended by inserting, after section 65, the following section:

“65A. (1) Where any person enters into an agreement to act as the agent in New Zealand of the owner, charterer, manager, or operator of a ship, he shall be entitled to enter into a contract of indemnity whereby the owner, charterer, manager, or operator agrees to indemnify the agent for any sum for which the agent may become liable as a result of any proceedings (whether civil or criminal) against the agent, in his capacity as such agent, in any Court under any provision of this Act.

“(2) Where any proceedings are brought in a New Zealand Court by an agent seeking to enforce a contract of indemnity entered into between himself and the owner, charterer, manager, or operator of a ship, the Court may enforce the contract of indemnity except where the proceedings have resulted from the wilful act or neglect or default of the agent.”

8. Other Acts not affected—Section 69 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Except in cases where a special permit to dump waste or other matter is required pursuant to section 22 (2) of this Act, nothing in this Act shall apply with respect to the discharge of any substance into the sea pursuant to a right granted or authorised under the Water and Soil Conservation Act 1967.”

This Act is administered in the Ministry of Transport.
