



Maritime Transport (Maximum Amounts of Liability for Pollution Damage) Order 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 15th day of September 2003

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 347(2) and 373(1) of the Maritime Transport Act 1994, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

- Title**

This order is the Maritime Transport (Maximum Amounts of Liability for Pollution Damage) Order 2003.
- Commencement**

This order comes into force on 1 November 2003.

3 Interpretation

In this order, **Act** means the Maritime Transport Act 1994.

4 Maximum amount of liability of shipowners for pollution damage

The maximum amount that an owner of a ship is liable for in the circumstances specified in section 347 of the Act is,—

- (a) for a ship not exceeding 5 000 units of tonnage, 4.51 million units of account;
- (b) for a ship exceeding 5 000 units of tonnage, 4.51 million units of account plus 631 units of account for each additional unit of tonnage, up to a maximum aggregate of 89.77 million units of account.

5 Maximum amount of liability of International Oil Pollution Fund

(1) The maximum amount for which the International Oil Pollution Fund is liable for pollution damage under section 372 of the Act is,—

- (a) where the pollution damage resulted from a natural phenomenon of an exceptional, inevitable, and irresistible character, the amount of—
 - (i) 203 million units of account; or
 - (ii) if subclause (2) applies, 300.74 million units of account;
- (b) where no liability arises because of the provisions of section 348 of the Act giving effect to the Civil Liability Convention, the amount of—
 - (i) 203 million units of account; or
 - (ii) if subclause (2) applies, 300.74 million units of account;
- (c) where liability has been incurred under section 345 of the Act by the owner of a CLC ship,—
 - (i) 203 million units of account; or
 - (ii) if subclause (2) applies, 300.74 million units of account—

less the amount of compensation actually paid by the owner, or the owner's insurer, or by both pursuant to a direction of the court under section 351 of the Act.

- (2) This subclause applies if, when the liability arises, there are 3 States that are parties to the Fund Convention in respect of which the aggregate quantity of contributing oil (within the meaning of the Fund Convention) received by persons in the territories of those States during the calendar year immediately preceding the calendar year in which the liability arises equals or exceeds 600 million tonnes.

Diane Morcom,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 November 2003, increases the maximum amounts of liability for pollution damage set in sections 347 and 373 of the Maritime Transport Act 1994.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 18 September 2003.
This order is administered in the Ministry of Transport.