

# Maritime Transport Amendment Act 1998

Public Act 1998 No 53  
Date of assent 3 June 1998

## Contents

	Page
Title	2
1 Short Title and commencement	2
2 Transitional provision relating to application of this Act	2
3 Interpretation	2
4 Maximum amount of liability of shipowners for pollution damage	3
5 Liability of shipowners for damages for pollution damage only under this Act	3
6 Ships owned by CLC State	3
7 Application of admiralty jurisdiction	3
8 Interpretation	3
9 Compensation from International Oil Pollution Fund for certain pollution damage	3
10 Maximum amount of liability of International Oil Pollution Fund	4
11 International Oil Pollution Fund no longer to indemnify certain shipowners	4
12 Time for bringing proceedings against International Oil Pollution Fund	4
13 Jurisdiction of Court in respect of claims against International Oil Pollution Fund	4
14 Notice of proceedings against International Oil Pollution Fund	4

15	Notice to and joining of International Oil Pollution Fund in certain proceedings	4
16	Rights of subrogation of International Oil Pollution Fund	4
17	International Oil Pollution Fund no longer to act as insurer	4

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## An Act to amend the Maritime Transport Act 1994

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

### **1 Short Title and commencement**

- (1) This Act may be cited as the Maritime Transport Amendment Act 1998, and is part of the Maritime Transport Act 1994 (**the principal Act**).
- (2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.

### **2 Transitional provision relating to application of this Act**

Despite the commencement of this Act, if any event giving rise to liability under Part 25 of the principal Act or to a claim for compensation under Part 26 of the principal Act—

- (a) Began before the date on which this Act came into force and ended on or after the date on which this Act came into force; or
- (b) Consisted of a series of occurrences and the first of the occurrences took place before the date on which this Act came into force and the last of the occurrences took place on or after the date on which this Act came into force,—

the provisions of Parts 25 and 26 of the principal Act apply to that event as if this Act had not come into force.

### **3 Interpretation**

- (1) This subsection substituted the definition of the term **CLC ship** in s 342 of the principal Act.
- (2) This subsection inserted the definition of the term **harmful substance** in s 342 of the principal Act.

- (3) This subsection inserted the definition of the term **oil** in section 342 of the principal Act.
- (4) This subsection substituted the definition of the term **pollution damage** in s 342 of the principal Act.
- (5) This subsection substituted paragraph (b) of the definition of the term **tonnage** in section 342 of the principal Act.

#### **4 Maximum amount of liability of shipowners for pollution damage**

- (1) This subsection substituted s 347(1) and (2) of the principal Act.
- (2) This subsection substituted s 347(5) of the principal Act.

#### **5 Liability of shipowners for damages for pollution damage only under this Act**

This section substituted s 352 of the principal Act.

#### **6 Ships owned by CLC State**

This section amended s 354 of the principal Act.

#### **7 Application of admiralty jurisdiction**

This section amended s 368(2) of the principal Act.

#### **8 Interpretation**

- (1) This subsection substituted the definition of the term **oil** in s 370 of the principal Act.
- (2) This subsection inserted the definition of the term **owner** in s 370 of the principal Act.
- (3) This section inserted the definition of the term **pollution damage** in s 370 of the principal Act.

#### **9 Compensation from International Oil Pollution Fund for certain pollution damage**

This section amended s 372 of the principal Act.

**10 Maximum amount of liability of International Oil Pollution Fund**

- (1) This subsection amended s 373(1) of the principal Act.
- (2) This subsection substituted s 373(1)(c) of the principal Act.

**11 International Oil Pollution Fund no longer to indemnify certain shipowners**

The principal Act is amended by repealing sections 376 and 377.

**12 Time for bringing proceedings against International Oil Pollution Fund**

- (1) This subsection amended s 378(1) of the principal Act.
- (2) Section 378 of the principal Act is amended by repealing subsection (2).

**13 Jurisdiction of Court in respect of claims against International Oil Pollution Fund**

- (1) This subsection substituted s 379(1) of the principal Act.
- (2) This subsection amended s 379(2) of the principal Act.

**14 Notice of proceedings against International Oil Pollution Fund**

This section amended s 380 of the principal Act.

**15 Notice to and joining of International Oil Pollution Fund in certain proceedings**

This section amended s 381(1) of the principal Act.

**16 Rights of subrogation of International Oil Pollution Fund**

This section amended s 383(a) of the principal Act.

**17 International Oil Pollution Fund no longer to act as insurer**

The principal Act is amended by repealing section 384.