



THE OIL POLLUTION LEVIES ORDER 1978, AMENDMENT NO. 3

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of September 1986

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 29B of the Marine Pollution Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Oil Pollution Levies Order 1978, Amendment No. 3, and shall be read together with and deemed part of the Oil Pollution Levies Order 1978* (hereinafter referred to as the principal order).

(2) This order shall come into force on the 1st day of October 1986.

2. Various levies reduced—The principal order (as amended by clause 2 of the Oil Pollution Levies Order 1978, Amendment No. 2) is hereby amended—

(a) By omitting from clause 3 (1) (a) the expression “207 cents”, and substituting the expression “176 cents”:

*S.R. 1978/35
Amendment No. 1: (Revoked by S.R. 1980/47)
Amendment No. 2: S.R. 1980/47

- (b) By omitting from clause 3 (1) (b) the expression "41.4 cents", and substituting the expression "35.2 cents":
- (c) By omitting from clause 7 (1) (a) (i) the expression "6.9 cents", and substituting the expression "5.86 cents":
- (d) By omitting from clause 7 (1) (a) (ii) the expression "3.45 cents", and substituting the expression "2.93 cents":
- (e) By omitting from clause 7 (1) (b) (i) the expression "1.38 cents", and substituting the expression "1.17 cents":
- (f) By omitting from clause 7 (1) (b) (ii) the expression "0.69 cents", and substituting the expression "0.59 cents":
- (g) By omitting from clause 8 (3) the expression "41.4 cents", and substituting the expression "35.2 cents".

3. Refunds in respect of annual levies paid for year that commenced on 1 April 1986—(1) The Secretary for Transport shall, subject to subclause (2) of this clause, on the application of the owner or master of a contributing ship in respect of which an annual levy has, before the commencement of this order, been paid or incurred for the year that commenced on the 1st day of April 1986, refund or credit to the applicant,—

- (a) In the case of a levy paid or incurred under clause 3 (1) (a) of the principal order, a sum calculated at the rate of 15.5 cents per gross ton of the contributing ship:
- (b) In the case of a levy paid or incurred under clause 3 (1) (b) of the principal order, a sum calculated at the rate of 3.1 cents per gross ton of the contributing ship:
- (c) In the case of a levy paid or incurred under clause 8 of the principal order, a sum calculated at the rate of 3.1 cents per gross ton of the contributing ship.

(2) Any refund payable or to be credited in respect of a contributing ship under subclause (1) of this clause shall, where appropriate, be reduced by the relevant amount attributable to any period of non-use of the contributing ship, occurring before the 1st day of October 1986, in respect of which an adjustment in levy has been or is to be made under clause 4 of the principal order, or in respect of which a refund has been or is to be made under clause 6 or clause 9 of the principal order.

4. Transitional provisions relating to refunds and adjustments in levy for year that commenced on 1 April 1986—Notwithstanding anything in clause 4 or clause 6 or clause 9 of the principal order, where, in relation to the year that commenced on the 1st day of April 1986, any adjustment in levy is to be made under clause 4 of the principal order, or any refund is applied for under clause 6 or clause 9 of the principal order, the amount of any such adjusted levy or refund shall be calculated,—

- (a) Where that adjustment or refund relates to any period of non-use of the contributing ship occurring before the 1st day of October 1986, on the basis of the rates of levy specified in the principal order (as amended by the Oil Pollution Levies Order 1978, Amendment No. 2) as if this order had not been made and as if those rates applied, and the relevant levy had been paid, for the full year:

- (b) Where that adjustment or refund relates to any such period occurring on or after the 1st day of October 1986, on the basis of the rates of levy specified in the principal order, as substituted by clause 2 of this order, as if those rates applied, and the relevant levy had been paid, for the full year.

5. Revocation—The Oil Pollution Levies Order 1978, Amendment No. 2* is hereby revoked.

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1980/47

EXPLANATORY NOTE

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

This order reduces, from 1 October 1986, the rate at which levies are payable under the Oil Pollution Levies Order 1978.

Clause 2 effects the reduction in levies.

Clause 3 provides for the appropriate refunds in respect of annual levies that have been paid in advance for the 1986-87 year.

Clause 4 relates to refunds and levy adjustments occurring during the 1986-87 year. Basically, any refund or adjustment relating to a period of non-use of a contributing ship that occurs before 1 October 1986 will be calculated on the basis of the old higher rates of levy, and refunds and adjustments for periods occurring after that date will be calculated at the new lower rates.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 September 1986.

This order is administered in the Ministry of Transport.