



**THE OIL POLLUTION LEVIES ORDER 1978, AMENDMENT  
NO. 4**

---

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of June 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 482 of the Maritime Transport Act 1994, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and on the recommendation of the Minister of Transport whose recommendation has been made at the request and with the concurrence of the Maritime Safety Authority and who is satisfied that—

- (a) The planned expenditure from the New Zealand Oil Pollution Fund is reasonable and the levies recommended will enable that expenditure to be met without reducing the level of reserves referred to in section 332 (6) of the Maritime Transport Act 1994; and
  - (b) The Maritime Safety Authority has consulted the Oil Pollution Advisory Committee as required by section 334 of that Act,—
- hereby makes the following order.
-

## ANALYSIS

- |  |   |
|--|---|
| 1. Title and commencement<br>2. Interpretation<br>3. Oil pollution levies on home-trade ships and New Zealand fishing boats<br>4. Oil pollution levies on offshore oil installations and oil pipelines<br>5. Adjustments after 1 July<br>6. Credits where higher rate becomes payable<br>7. Oil pollution levies on other contributing ships | 8. Goods and services tax<br>9. Elections to pay annual levies<br>10. Refunds for certain offshore oil installations and oil pipelines<br>11. Right to deduct other levies from refunds<br>12. Transitional provision in respect of annual oil pollution levies |
|--|---|

## ORDER

**1. Title and commencement**—(1) This order may be cited as the Oil Pollution Levies Order 1978, Amendment No. 4, 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 28th day after the date of its notification in the *Gazette*.

**2. Interpretation**—Clause 2(1) of the principal order is hereby amended by omitting the words “31st day of March”, and substituting the words “30th day of June”.

**3. Oil pollution levies on home-trade ships and New Zealand fishing boats**—(1) The principal order is hereby amended by revoking the cross-heading “*Home-Trade Ships and New Zealand Fishing Boats*” and clause 3 (as amended by clause 2 of the Oil Pollution Levies Order 1978, Amendment No. 3), and substituting the following cross-heading and clause:

*“Home-Trade Ships, New Zealand Fishing Boats, Offshore Oil Installations,  
and Oil Pipelines*

“3. (1) There is hereby imposed, on the owner and master of every contributing ship that is a home-trade ship or a New Zealand fishing boat, an oil pollution levy for every year calculated at the following rate:

“(a) In the case of a contributing ship that is a home-trade ship,—

“(i) 111 cents per gross ton of the contributing ship; and

“(ii) Either—

“(A) 837 cents per gross ton of the contributing ship that is a carrier of persistent oil as cargo; or

“(B) 419 cents per gross ton of the contributing ship that is a carrier of oil (other than persistent oil) as cargo:

“(b) In the case of a contributing ship that is a New Zealand fishing boat, 70 cents per gross ton of the contributing ship.

“(2) Every oil pollution levy that is imposed in respect of a contributing ship under this clause shall be due and payable in advance on the day on which the liability to pay the levy arises.”

\*S.R. 1978/85

Amendment No. 1: (Revoked by S.R. 1980/47)

Amendment No. 2: (Revoked by S.R. 1986/239)

Amendment No. 3: S.R. 1986/239

(2) Paragraphs (a) and (b) of clause 2 of the Oil Pollution Levies Order 1978, Amendment No. 3 are hereby consequentially revoked.

**4. Oil pollution levies on offshore oil installations and oil pipelines**—The principal order is hereby amended by inserting, after clause 3 (as substituted by clause 3 of this order), the following clause:

“3A. (1) There is hereby imposed, on the owner of each of the following classes of contributing oil sites, an oil pollution levy for every year as follows:

“(a) In the case of an offshore oil installation that is producing, processing, storing, or transferring oil, \$8,889:

“(b) In the case of an oil pipeline, \$8,889:

“(c) In the case of an offshore oil installation used or constructed for the purposes of exploring for oil, \$8,889 for each oil well drilled by that installation.

“(2) Every oil pollution levy that is imposed under this clause shall be due and payable in advance on the 1st day of July in the year for which it is payable.”

**5. Adjustments after 1 July**—The principal order is hereby amended by revoking clause 4, and substituting the following clause:

“4. Notwithstanding clause 3 or clause 3A of this order, where an oil pollution levy is incurred under either of those clauses in respect of a contributing ship or offshore oil installation or oil pipeline, as the case may be, after the 1st day of July in the year for which it is payable, the amount of the levy shall be calculated in accordance with the following formula, namely—

$$\frac{a \times b}{365}$$

where—

“a is the amount of the levy that would be payable under clause 3 or clause 3A of this order if it were incurred on the 1st day of July in that year; and

“b is the number of days remaining in that year, from and including the day on which the levy is incurred in respect of the contributing ship or offshore oil installation or oil pipeline.”

**6. Credits where higher rate becomes payable**—The principal order is hereby amended by revoking clause 5.

**7. Oil pollution levies on other contributing ships**—(1) Clause 7 of the principal order is hereby amended by revoking subclause (1) (as amended by clause 2 of the Oil Pollution Levies Order 1978, Amendment No. 3), and substituting the following subclauses:

“(1) Subject to subclause (1A) of this clause, in the case of each entry of a contributing ship (that is not a home-trade ship or a New Zealand fishing boat) into a New Zealand port from outside the harbour limits of that port, there is hereby imposed, on the owner and master of every such contributing ship, an oil pollution levy calculated at the rate of—

“(a) 1.11 cents per gross ton of the contributing ship; and

“(b) Either—

“(i) 9.78 cents per tonne of persistent oil that is carried or loaded as cargo; or

“(ii) 4.44 cents per tonne of oil (other than persistent oil) that is carried or loaded as cargo.

“(1A) If, in the case of a contributing ship’s entry into a New Zealand port, oil (whether or not it is persistent oil) is both carried and loaded as cargo, the owner and master of every such contributing ship shall (in addition to the amount of oil pollution levy calculated at the rate specified in subclause (1) (a) of this clause) be required only to pay the higher of the following amounts:

“(a) The amount of oil pollution levy calculated at the appropriate rate specified in subclause (1) (b) of this clause in respect of oil that is carried as cargo:

“(b) The amount of oil pollution levy calculated at the appropriate rate specified in subclause (1) (b) of this clause in respect of oil that is loaded as cargo.”

(2) Paragraphs (c) to (f) of clause 2 of the Oil Pollution Levies Order 1978, Amendment No. 3 are hereby consequentially revoked.

**8. Goods and services tax**—The principal order is hereby amended by inserting, after clause 7, the following clause:

“7A. The amounts payable as oil pollution levies under this order are exclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.”

**9. Elections to pay annual levies**—(1) Clause 8 of the principal order is hereby amended—

(a) By omitting from subclause (1) (b) the words “persistent oil”, and substituting the words “oil (whether or not it is persistent oil)”:

(b) By omitting from subclause (3) the expression “35.2 cents”, and substituting the expression “111 cents”.

(2) Paragraph (g) of clause 2 of the Oil Pollution Levies Order 1978, Amendment No. 3 is hereby consequentially revoked.

**10. Refunds for certain offshore oil installations and oil pipelines**—The principal order is hereby amended by inserting, after clause 10, the following clause:

“10A. Notwithstanding clause 3A of this order, where an oil pollution levy has been paid under that clause in respect of an offshore oil installation or oil pipeline for a year, and on the application of the owner of the offshore oil installation or oil pipeline, as the case may be, the Director of Maritime Safety is satisfied that for a period of not less than 30 consecutive days during that year the offshore oil installation or oil pipeline has not been operating, the Director of Maritime Safety may refund to the applicant an amount calculated in accordance with the following formula, namely—

$$\frac{“a \times b}{365}$$

where—

“a is the amount of the levy that has been paid; and

“b is the number of days for which the offshore oil installation or oil pipeline, as the case may be, has not been operating.”

**11. Right to deduct other levies from refunds**—The principal order is hereby amended by revoking clause 11, and substituting the following clause:

“11. Without prejudice to any other method of recovery, the Director of Maritime Safety may deduct, from any refund under clause 6 or clause 9 or clause 10 or clause 10A of this order in respect of a contributing ship, offshore oil installation, or oil pipeline, as the case may be, the amount of any other oil pollution levies owing and unpaid in respect of the contributing ship, offshore oil installation or oil pipeline on or after the date of the application for the refund.”

**12. Transitional provision in respect of annual oil pollution levies**—Notwithstanding anything in this order or the principal order, the following provisions shall have effect in respect of the period beginning on the commencement of this order and ending with the close of the 30th day of June 1997 as if—

- (a) Oil pollution levies are payable in respect of the 15 month period commencing on the 1st day of April 1996 and ending with the close of the 30th day of June 1997; and
- (b) The amount of such levies is required to be calculated in accordance with the following formula:

$$\frac{(a \times b) + (c \times d)}{365}$$

where—

- a is the amount of levy payable at the appropriate rate, specified in clause 3 (1) or clause 8 (3) of the principal order, that applied before the commencement of this order for the year commencing on the 1st day of April 1996 and ending with the close of the 31st day of March 1997; and
  - b is the number of days in the period commencing on the 1st day of April 1996 and ending with the close of the day before the commencement of this order; and
  - c is the amount of levy payable at the appropriate rate, specified in clause 3 (1) or clause 8 (3) of the principal order, that applies from the 1st day of July 1996 for the year ending with the close of the 30th day of June 1997; and
  - d is the number of days in the period beginning on the commencement of this order and ending with the close of the 30th day of June 1997; and
- (c) An oil pollution levy incurred in respect of a contributing ship under clause 3 or clause 8 of the principal order after the 1st day of April 1996 is required to be calculated in accordance with the following formula:

$$\frac{(a \times b) + (c \times d)}{365}$$

where—

- a is the amount of levy payable under clause 3 or clause 8 of the principal order for the year commencing on the 1st day of April 1996 and ending with the close of the 31st day of March 1997; and

- b is the number of days remaining before the commencement of this order, from and including the day on which the levy is incurred in respect of the contributing ship; and
  - c is the amount of levy payable under clause 3 or clause 8 of the principal order for the year commencing on the 1st day of July 1996 and ending with the close of the 30th day of June 1997; and
  - d is the number of days remaining before the 1st day of July 1997, from and including the day on which the levy is incurred in respect of the contributing ship; and
- (d) The amount of any refund payable under clause 6 of the principal order is required to be calculated in accordance with the following formula:

$$\left(\frac{a}{b} \times c\right) + \left(\frac{d}{e} \times f\right)$$

where—

- a is the amount of levy that has been paid under clause 3 of the principal order in respect of a contributing ship for the period commencing on the 1st day of April 1996 and ending with the close of the day before the commencement of this order; and
  - b is the number of days in the period commencing on the 1st day of April 1996 and ending with the close of the day before the commencement of this order; and
  - c is the number of days remaining before the commencement of this order, from and including the date of the application; and
  - d is the amount of levy that has been paid under clause 3 of the principal order in respect of a contributing ship for the period beginning on the commencement of this order and ending with the close of the 30th day of June 1997; and
  - e is the number of days in the period beginning on the commencement of this order and ending with the close of the 30th day of June 1997; and
  - f is the number of days remaining before the 1st day of July 1997, from and including the date of the application; and
- (e) The amount of any refund payable under clause 9 of the principal order is required to be calculated in accordance with the following formula:

$$\left(\frac{a}{b} \times c\right) + \left(\frac{d}{e} \times f\right)$$

where—

- a is the amount of levy that has been paid under clause 3 or clause 8 of the principal order in respect of a contributing ship for the period commencing on the 1st day of April 1996 and ending with the close of the day before the commencement of this order; and
- b is the number of days in the period commencing on the 1st day of April 1996 and ending with the close of the day before the commencement of this order; and
- c is the number of days for which the contributing ship has been out of commission, or laid up, or prevented from putting to sea; and
- d is the amount of levy that has been paid under clause 3 or clause 8 of the principal order in respect of a contributing ship for the period beginning on the commencement of this order and ending with the close of the 30th day of June 1997; and
- e is the number of days in the period beginning on the commencement of this order and ending with the close of the 30th day of June 1997; and
- f is the number of days for which the contributing ship has been out of commission, or laid up, or prevented from putting to sea.

MARIE SHROFF,  
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 the 28th day after its notification in the *Gazette*, amends the Oil Pollution Levies Order 1978.

In particular, the order—

- (a) Alters from 1 April to 1 July the commencement date of the charging year for levies; and
- (b) Alters the rates of oil pollution levies for home-trade ships, fishing boats, and contributing ships (other than home-trade ships and fishing boats); and
- (c) Imposes new oil pollution levies in respect of offshore oil installations and oil pipelines; and
- (d) Provides that in certain circumstances, the Director of Maritime Safety may refund oil pollution levies to the owners of offshore oil installations or oil pipelines.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 13 June 1996.

This order is administered in the Ministry of Transport.