



## THE TOKELAU MARINE POLLUTION REGULATIONS 1990

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THOMAS EICHELBAUM  
Administrator of the Government

### ORDER IN COUNCIL

At Wellington this 30th day of April 1990

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL  
PURSUANT to the Tokelau Act 1948, His Excellency the Administrator of  
the Government, acting by and with the advice and consent of the  
Executive Council, hereby makes the following regulations.

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### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Tokelau Marine Pollution Regulations 1990.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Certain provisions of Marine Pollution Act 1974 to apply in Tokelau**—Subject to regulation 4 of these regulations, sections 1 and 2 of the Marine Pollution Act 1974, Parts I, II, and III of that Act, section 60, sections 62 to 66, section 67 (except paragraphs (b) to (d) of subsection (1)), and sections 68 to 70 of that Act shall be in force in Tokelau.

**3. Marine Pollution (Dumping and Incineration) Regulations 1982 to apply in Tokelau**—Subject to regulation 4 of these regulations, the Marine Pollution (Dumping and Incineration) Regulations 1982 shall be in force in Tokelau.

**4. Manner in which marine pollution provisions to apply in Tokelau**—(1) In the application to Tokelau of the provisions of the Marine Pollution Act 1974 referred to in regulation 2 of these regulations and the Marine Pollution (Dumping and Incineration) Regulations 1982—

(a) The term “New Zealand”, as used in those provisions, shall both in New Zealand and in Tokelau be read as including Tokelau; and

(b) The term “New Zealand waters”, as used in those provisions, shall both in New Zealand and in Tokelau be read as including—

(i) The internal waters of Tokelau (as defined in section 4 of the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977); and

(ii) The territorial sea of Tokelau (as defined in section 3 of that Act); and

(iii) The waters of the exclusive economic zone of Tokelau (as defined in section 7 of that Act).

(2) In the application to Tokelau of the provisions of the Marine Pollution Act 1974 referred to in regulation 2 of these regulations—

(a) Every reference in Part II of that Act to the Minister shall be read as if it were a reference to the Administrator of Tokelau; and

(b) Every reference in any other provisions of that Act to the Minister shall have the same meaning as in that Act.

(3) In the application to Tokelau of the Marine Pollution (Dumping and Incineration) Regulations 1982, every reference in those regulations to the Director shall be read as a reference to the Administrator of Tokelau.

**5. Amendment to Tokelau (New Zealand Laws) Regulations 1975**—The Tokelau (New Zealand Laws) Regulations 1975 are hereby consequentially amended by revoking regulation 5.

MARIE SHROFF,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force 28 days after the date of their notification in the *Gazette*, declare that certain provisions of the Marine Pollution Act 1974 and all provisions of the Marine Pollution (Dumping and Incineration) Regulations 1982 shall be in force in Tokelau.

The regulations replace regulation 5 of the Tokelau (New Zealand Laws) Regulations 1975 and their main effect is to implement in Tokelau the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, which was concluded in 1986 and is implemented in New Zealand by the Marine Pollution Amendment Act 1990.

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

Date of notification in *Gazette*: 3 May 1990.

These regulations are administered in the Ministry of External Relations and Trade.