Maritime Transport Amendment Act 1999

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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 1999, and is part of the Maritime Transport Act 1994 (**the principal Act**).

(2) Sections 11(1), 12, 13(2), and 20(1)(k) and (l), and (2) come into force on the commencement of Part 17 of the Maritime Transport Act 1994.

(3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

2 Interpretation

Section 2(1) of the principal Act is amended by repealing the definition of the term **harbour**.

Maritime rules

3 Maritime rules relating to maritime documents

(a) This paragraph amended s 34(1)(b) of the principal Act.

(b) This paragraph amended s 34(1)(j) of the principal Act.

4 Maritime rules relating to other matters

(1) This subsection substituted s 36(i) of the principal Act.

(2) This subsection substituted s 36(m) of the principal Act.

(3) This subsection substituted s 36(t), and inserted s 36(ta) and (tb) of the principal Act.

(4) This subsection substituted s 36(2) of the principal Act.

Maritime documents

5 Suspension of maritime documents or imposition of conditions

This section substituted s 43(3) to (5) and inserted s 43(5A) of the principal Act.

Investigations

6 Revocation of maritime documents

This section amended s 44(1) of the principal Act.

7 Powers of investigation of Director

This section substituted section 58 of the principal Act.

Pilots

8 New heading and sections inserted

This section inserted sections 60A and 60B, and the preceding heading of the principal Act.

9 Proceeding without pilot contrary to maritime rules or direction given under section 60A

This section inserted s 65A of the principal Act.

Offences concerning maritime documents

10 Acting without necessary maritime document

This section inserted s 68(4) of the principal Act.

Liability where 2 or more ships involved

11 Limitation of actions

(1) Section 97 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

(1) Subject to subsections (3) and (4), no action may be brought to enforce any claim or lien against a ship (**the defendant ship**) or the owners of the ship, if the action concerns—

(a) Any damage or loss to another ship, or to cargo or freight of another ship, or to any other property on board another ship, that was caused wholly or partly by the fault of the defendant ship; or

(b) Damages for loss of life or personal injuries suffered by any person on board another ship, that were caused wholly or partly by the fault of the defendant ship,—

unless proceedings are commenced within 2 years after the date when the damage or loss or injury was caused.

(2) This subsection amended s 97(7) of the principal Act.

Wreck and salvage

12 Part heading amended

The heading to Part 9 of the principal Act is amended by omitting the words ", AND SALVAGE".

13 Interpretation

(1) This subsection repealed the definition of the term **Receiver** in s 98 of the principal Act.

(2) Section 98 of the principal Act is amended by repealing the definition the terms **salvage**, **salvage services**, and **salvor**.

(3) This subsection substituted the definition of the term **wreck** in s 98 of the principal Act.

14 Powers and duties of Director where ship or aircraft in distress

(1) This subsection substituted s 100(1) and repealed s 100(2) of the principal Act.

(2) This subsection amended s 100(3) and (4) of the principal Act.

(3) This subsection substituted s 100(5)(h) and repealed s 100(5)(i) of the principal Act.

(4) This subsection inserted s 100(6) of the principal Act.

15 Responsibility of owner of ship or aircraft in distress

This section inserted s 100A of the principal Act.

16 Right of passage over adjoining lands

This section amended s 101(2) of the principal Act.

17 Rules to be observed by persons finding wreck

(1) This subsection substituted s 105(1) and inserted s 105(1A) of the principal Act.

(2) Section 105(2) of the principal Act is repealed.

18 Removal of hazards to navigation

This section substituted section 110 of the principal Act.

19 Penalties

(1) This subsection amended s 127(1) of the principal Act.

(2) This subsection amended s 127(2) of the principal Act.

20 Repeals

(1) The following provisions of the principal Act are repealed:

- (a) Section 99 (which relates to the appointment of Receivers):
- (b) Section 102 (which relates to the suppression of plunder and disorder):
- (c) Section 103 (which relates to who may act in the absence of a Receiver):
- (d) Section 104 (which relates to inquiries made by a Receiver):
- (e) Section 106 (which relates to the custody of articles washed ashore):
- (f) Section 107 (which relates to claims to wreck):
- (g) Section 108 (which relates to the sale of wreck):
- (h) Section 109 (which relates to claims to wreck):
- (i) Section 111 (which relates to offences involving wreck):
- (j) Section 112 (which relates to the seizure of wreck):
- (k) Section 113 (which relates to salvage for saving life):
- (l) Section 114 (which relates to salvage of cargo or wreck):
- (m) Section 125 (which relates to fees of Receivers) and the heading above that section.

(2) Sections 115 to 124 (which relate to salvage), and the heading above section 115, are repealed.

21 Navigational aids

This section substituted s 200 of the principal Act.

22 Expiry of section 204

This section amended s 205(a) of the principal Act.

Salvage for saving life

23 Salvage for saving life

This section inserted s 219A of the principal Act.

Marine protection

24 Interpretation

This section amended s 222(1) of the principal Act.

25 New sections substituted

This section substituted s 235 of the principal Act.

26 Instructions under this Part that conflict with other instructions

(1) This subsection substituted s 254(1) of the principal Act.

(2) This section amended s 254(2) of the principal Act.

27 Interpretation

This section substituted the definition of the term **dumping**, inserted the definition of the term **incinerated at sea** and repealed the definition of the term **incineration** in s 257 of the principal Act.

28 Dumping and incineration of waste or other matter

(1) This subsection substituted s 261(1) to (3) of the principal Act.

(2) This subsection inserted s 261(6A) of the principal Act.

29 Power of Director to issue permits for dumping of waste or other matter

This section substituted s 262 of the principal Act.

30 Offences in respect of dumping and incineration of waste and other matter

This section substituted s 264 of the principal Act.

31 Acting without necessary marine protection document

This section inserted s 277(3) of the principal Act.

32 Acting in breach of marine protection document

This section amended s 278 of the principal Act.

33 Application of money in New Zealand Oil Pollution Fund

(1) This subsection substituted s 331(c) and inserted s 331(ca) of the principal Act.

(2) This subsection substituted s 331(e) of the principal Act.

(3) This subsection inserted s 331(2) of the principal Act.

34 Certain ships to have certificates of insurance

This section amended s 363(1) and (2) of the principal Act.

35 Procedure for making rules by Minister

This section amended s 446(c) of the principal Act.

36 Further general provisions in respect of rules

(1) This subsection amended s 451(4) of the principal Act.

(2) This section amended s 451(5) of the principal Act.

37 Savings relating to Shipping and Seamen Act 1952

This section substituted s 468(9)(b) of the principal Act.

38 Schedule 6 amended

(1) This subsection amended paragraph 2 of Article 23 of Schedule 6 of the principal Act.

(2) This subsection inserted attachments 1 to 3 of Schedule 6 of the principal Act

39 Admiralty Act 1973 consequentially amended

This section amended s 4(1)(i) of the Admiralty Act 1973.