



Maritime Transport (Oil Pollution Levies) Amendment Order 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 17th day of June 2019

Present:

Her Excellency the Governor-General in Council

This order is made under section 333(1) of the Maritime Transport Act 1994—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport made in accordance with section 333(4) of that Act.

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Order

1 Title

This order is the Maritime Transport (Oil Pollution Levies) Amendment Order 2019.

2 Commencement

This order comes into force on 1 July 2019.

3 Principal order

This order amends the Maritime Transport (Oil Pollution Levies) Order 2016 (the **principal order**).

4 Clause 4 amended (Interpretation)

In clause 4, definition of **FPSO**, after “means”, insert “an offshore oil installation that is”.

5 New clause 4A inserted (Transitional, savings, and related provisions)

After clause 4, insert:

4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

6 Clause 6 amended (Oil pollution levies: contributing ships)

(1) In clause 6(1),—

- (a) replace “2017” with “2019”; and
- (b) replace “the first column of the Schedule” with “column 1 of Schedule 1”.

(2) In clause 6(2),—

- (a) replace “the first column of the Schedule” with “column 1 of Schedule 1”; and
- (b) replace “the second column of the Schedule” with “column 2 of that schedule”.

7 Clause 7 replaced (Oil pollution levies: contributing oil sites)

Replace clause 7 with:

7 Oil pollution levies: contributing oil sites

- (1) Oil pollution levies are imposed for each year that begins on or after 1 July 2019 with respect to every contributing oil site in a class specified in column 1 of Schedule 2.
- (2) The oil pollution levy for a year for a contributing oil site in a class specified in column 1 of Schedule 2 is the levy specified for that class of site in column 2 of that schedule.

8 Clause 8 amended (Capability levies: contributing ships)

- (1) In clause 8(1),—
 - (a) replace “2017” with “2019”; and
 - (b) replace “the first column of the Schedule” with “column 1 of Schedule 1”.
- (2) In clause 8(2),—
 - (a) replace “the first column of the Schedule” with “column 1 of Schedule 1”; and
 - (b) replace “the third column of the Schedule” with “column 3 of that schedule”.

9 Clause 9 replaced (Capability levies: contributing oil sites)

Replace clause 9 with:

9 Capability levies: contributing oil sites

- (1) Capability levies are imposed for each year in the period beginning on 1 July 2019 and ending on 30 June 2022 with respect to every contributing oil site in a class specified in column 1 of Schedule 2.
- (2) The capability levy for a year for a contributing oil site in a class specified in column 1 of Schedule 2 is the levy specified for that class of site in column 3 of that schedule.

10 New Schedule 1AA inserted

Insert the Schedule 1AA set out in Schedule 1 of this order as the first schedule to appear after the last clause of the principal order.

11 Schedule replaced (Rates of levy)

Replace the Schedule with the Schedules 1 and 2 set out in Schedule 2 of this order.

Schedule 1

New Schedule 1AA inserted

cl 10

Schedule 1AA

Transitional, savings, and related provisions

cl 4A

Part 1

Provision relating to Maritime Transport (Oil Pollution Levies) Amendment Order 2019

1 Previous levies still payable

Despite the amendments made by clauses 6 to 9 of the Maritime Transport (Oil Pollution Levies) Amendment Order 2019, this order and sections 333 to 341 of the Maritime Transport Act 1994 continue to apply on and after the commencement of that amending order to levies under any of clauses 6 to 9 of the Maritime Transport (Oil Pollution Levies) Order 2016 that became payable on or before 30 June 2019.

Schedule 2

Schedule replaced

cl 11

Schedule 1

Rates of levy for contributing ships

cls 6, 8

Column 1 Class of ship	Column 2 Oil pollution levy	Column 3 Capability levy
<i>Foreign vessels</i>		
Ship using bunker fuel	0.54 cents x number of gross tons of ship	0.30 cents x number of gross tons of ship
Oil tanker, persistent oil as cargo	36.14 cents x number of tonnes of persistent oil carried as cargo	20.13 cents x number of tonnes of persistent oil carried as cargo
Oil tanker, non-persistent oil as cargo	7.60 cents x number of tonnes of non-persistent oil carried as cargo	4.23 cents x number of tonnes of non-persistent oil carried as cargo
<i>Domestic vessels</i>		
Ship using bunker fuel (other than New Zealand fishing vessel)	414.69 cents x number of gross tons of ship	230.88 cents x number of gross tons of ship

Column 1	Column 2	Column 3
Class of ship	Oil pollution levy	Capability levy
Oil tanker, persistent oil as cargo	29.96 cents x number of tonnes of persistent oil carried as cargo in year	16.68 cents x number of tonnes of persistent oil carried as cargo in year
Oil tanker, non-persistent oil as cargo	26.76 cents x number of tonnes of non-persistent oil carried as cargo in year	14.89 cents x number of tonnes of non-persistent oil carried as cargo in year
New Zealand fishing vessel	73.56 cents x number of gross tons of vessel	40.95 cents x number of gross tons of vessel

Schedule 2

Rates of levy for contributing oil sites

cls 7, 9

Column 1	Column 2	Column 3
Class of oil site	Oil pollution levy	Capability levy
FPSO	\$858.66	\$478.07
Oil exploration well	\$0.00	\$0.00
Offshore oil installation other than FPSO or oil exploration well	\$10.73	\$5.98
Oil pipeline	\$0.00	\$0.00

Michael Webster,
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 1 July 2019, amends the Maritime Transport (Oil Pollution Levies) Order 2016 (the **principal order**) as follows:

- it replaces oil pollution levies (including capability levies) imposed on contributing ships and contributing oil sites with new levies by replacing the Schedule of the principal order with *new Schedules 1 and 2*;
- it amends or replaces those clauses of the principal order that impose levies on contributing ships and contributing oil sites by replacing references to 1 July 2017 (the start of the levy period) with references to 1 July 2019. To avoid doubt, the order also inserts *new Schedule 1AA*, which contains a transitional provision that ensures that levies payable on or before 30 June 2019 continue to be payable and enforceable.

Regulatory impact assessment

Maritime New Zealand produced a regulatory impact assessment on 5 March 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <https://www.transport.govt.nz/about/governance/ris-bccs/>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 20 June 2019.

This order is administered by the Ministry of Transport.