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Statutory Rules 1996 No. *h*¹

221/

Protection of the Sea (Oil Pollution Compensation Fund) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, make the following Regulations under the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993*.

Dated *h* 1996.

9 October /

h WILLIAM DEBONE /
 Governor-General

By His Excellency's Command,

h
 Minister for Transport and Regional Development

JOHN SHARP /

1. Commencement

1.1 These Regulations commence on 9 October 1996.

2. Amendment

2.1 The Protection of the Sea (Oil Pollution Compensation Fund) Regulations are amended as set out in these Regulations.

3. Regulation 3 (Interpretation)

3.1 Subregulation 3 (1) (definition of “compensation for pollution damage”):

Omit the definition, substitute:

“**compensation for pollution damage**’ means:

- (a) in relation to the 1971 Fund—compensation for which provision is made under Article 4 of the 1971 Convention; and
- (b) in relation to the 1992 Fund—compensation for which provision is made under Article 4 of the 1992 Convention.”.

3.2 Subregulation 3 (1) (definition of “Convention”):

Omit the definition.

3.3 Subregulation 3 (1) (definition of “court”):

After “section 13”, insert “or 34”.

3.4 Subregulation 3 (1) (definition of “Fund”):

Omit the definition.

3.5 Subregulation 3 (1) (definition of “judgment”):

Omit the definition, substitute:

“**judgment**’ means:

- (a) in relation to the 1971 Fund—a judgment or order given or made by a court against that Fund for compensation for pollution damage in a foreign country to which the 1971 Convention applies; and
- (b) in relation to the 1992 Fund—a judgment or order given or made by a court against that Fund for compensation for pollution damage in a foreign country to which the 1992 Convention applies.”.

3.6 Subregulation 3 (2):

Omit the subregulation, substitute:

“(2) Unless the contrary intention appears:

- (a) an expression used in these Regulations and in the 1971 Convention has the same meaning in these Regulations, as they relate to the 1971 Convention, as in the 1971 Convention; and
- (b) an expression used in these Regulations and in the 1992 Convention has the same meaning in these Regulations, as they relate to the 1992 Convention, as in the 1992 Convention.”.

[Note: The following note should be inserted at the end of regulation 3:

“[Note: Words and expressions used in these Regulations that are defined in the Act have the same meaning in these Regulations as they have in the Act (see *Acts Interpretation Act 1901*, s. 46 (1) (a)). For example, section 3 of the Act contains definitions of ‘**the 1971 Convention**’, ‘**the 1971 Fund**’, ‘**the 1992 Convention**’ and ‘**the 1992 Fund**’.]”.

4. Regulation 4 (Jurisdiction of courts)

4.1 Omit “section 13”, substitute “sections 13 and 34”.

5. Regulation 5 (Court fees)

5.1 Omit “section 13”, substitute “sections 13 and 34”.

6. Regulation 6 (Application for registration of foreign judgment)

6.1 Paragraph 6 (3) (a):

Omit “the Convention;”, substitute “the 1971 Convention or the 1992 Convention, as the case requires;”.

7. Regulation 10 (Evidence in support of application to register judgment)

7.1 Subparagraph 10 (1) (b) (v):

Omit “the Convention;”, substitute “the 1971 Convention or the 1992 Convention, as the case requires;”.

8. Regulation 20 (Issue of certificates of judgments obtained under the Act in a State or Territory)

8.1 Omit “the Convention” (first occurring), substitute “the 1971 Convention or the 1992 Convention”.

8.2 Omit “the Convention” (second occurring), substitute “the relevant Convention”.

9. Regulation 21 (Method of paying subscriptions and late payments)

9.1 Omit “section 21”, substitute “sections 21 and 42”.

9.2 Subparagraph 21 (a) (ii):

Omit “the Fund”, substitute “the 1971 Fund or the 1992 Fund, as the case requires;”.

9.3 Subparagraph 21 (b) (ii):

Omit “the Fund”, substitute “the 1971 Fund or the 1992 Fund, as the case requires;”.

10. Regulation 22 (Records to be kept)

10.1 Subregulation 22 (1):

Omit “the Convention”, substitute “the 1971 Convention or the 1992 Convention”.

11. Regulation 24 (Documents may be required to be given to Authority)

11.1 Subregulation 24 (1):

Omit “the Fund.”, substitute “the 1971 Fund or the 1992 Fund.”.

12. Schedule

12.1 Directions for completing Returns:

Direction 7:

Omit the direction, substitute:

“7. ‘Contracting State’ means a State for which the 1971 Convention or the 1992 Convention is in force. When completing the report, States for which the relevant Convention enters into force after 31 March of the year when the report is submitted are taken to be non-Contracting States.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1994 No. 126.

h 1996. 9 October/