



Statutory Rules 1998 No. 1

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

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993*.

Dated 14 MAY 1998 1998.

WILLIAM DEANE

Governor-General

By His Excellency's Command,

PETER REITH

Minister for Workplace Relations and Small Business

1. Commencement

1.1 These Regulations commence on 15 May 1998.

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 compensation for which provision is made under Article 4 of the 1992 convention.”.

3.2 Subregulation 3 (1), definition of court:

Omit “13 or”.

3.3 Subregulation 3 (1), definition of judgment:

Omit the definition, substitute:

“judgment means a judgment or order given or made by a court against the Fund for compensation for pollution damage in a foreign country to which the 1992 Convention applies.”.

3.4 Subregulation 3 (2):

Omit the subregulation, substitute:

“(2) Unless the contrary intention appears, 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 Note following subregulation 3 (2) should be altered by omitting ***“the 1971 Convention”, “the 1971 Fund”, “.”***

4. Regulation 4 (Jurisdiction of courts)

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

5. Regulation 5 (Court fees)

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

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

6.1 Paragraph 6 (3) (a):

Omit the paragraph, substitute:

“(a) was given by a court having jurisdiction of the kind referred to in Article 7 of the 1992 Convention; and”.

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

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

Omit the paragraph, substitute:

“(v) that the judgment was given by a court having jurisdiction of the kind referred to in Article 7 of the 1992 Convention; and”.

8. Regulation 20 (Issue of certificates of judgments)

8.1 Omit “the 1971 Convention or”.

8.2 Omit “relevant”, substitute “1992”.

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

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

9.2 Subparagraph 21 (a) (ii):

Omit the subparagraph, substitute:

“(ii) the currency of the place where the 1992 Fund is kept; or”.

9.3 Subparagraph 21 (b) (ii):

Omit the subparagraph, substitute:

“(ii) the currency of the place where the 1992 Fund is kept.”.

10. Regulation 22 (Records to be kept)

10.1 Subregulation 22 (1):

Omit “the 1971 Convention or”.

11. Regulation 24 (Authority may require documents)

11.1 Subregulation 24 (1):

Omit “the 1971 Fund or”.

12. Schedule (Return form)

12.1 Direction 7 of Directions for completing Returns:

Omit the Direction, substitute:

“7. ‘Contracting State’ means a State for which the 1992 Convention is in force. When completing the report, States for which the 1992 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 *h* 1998.
2. Statutory Rules 1994 No. 126 as amended by 1996 No. 221.

15 May