

A REGULATION TO ESTABLISH THE PROCEDURE FOR THE SETTING OF
LEVIES UNDER THE NATIONAL MARINE POLLUTION FUND (POLFUND),
UNDER SECTION 25
OF THE MARINE POLLUTION PREVENTION ACT, 200X.

I.....acting on the advice of Cabinet (process as appropriate) hereby makes the following Regulations.

Part I – Preliminary

1 Title and (Commencement/Entry into force)

These Regulations may be cited as the Marine Pollution (Levies) Regulations and shall come into force 30days after publication in the Gazette.

2 Definitions

In this Part –

“Act” means the Marine Pollution Prevention Act, 200X;

“contributing oil site” means any oil transfer site in (*Pasifika*) or (*Pasifikan*) waters;

“contributing vessel” means a vessel in excess of 100 gross tons, whose principal means of propulsion is mechanical;

"Minister" means the Minister of State with responsibility for maritime transport;

“owner” has the same meaning as in the Act;

"Secretary" means the head of the Administration;

3. Basis of Levy

This Regulation is to give effect to the imposition of levies for the purposes of funding the POLFUND pursuant to section 25 of the Act.

4. The owners of contributing vessels

- (i) The owners of vessels that are not carrying oil or noxious liquid substance in bulk as cargo shall pay a levy based on the gross tonnage of the vessel.
- (ii) The owners of vessels that are carrying oil or noxious liquid substances in bulk as cargo shall pay a levy based on the deadweight tonnage of the vessel (*on the quantity of the oil or noxious liquid substances on board the vessel*).

- (iii) The owners of foreign registered fishing vessels of less than 100 gross tons shall pay a levy based on 100 gross tons.

5. The owners of contributing oil sites

A levy on contributing oil sites will be a flat rate per ton of oil transferred in and out of the facility (*on the oil storage capacity of the facility*).

6. Annual payment of levy

Any vessel intending to visit (Pasifikan) ports four times a year or more shall pay the levy on an annual basis.

7. Annual basis

The period for which the levy is assessed shall be the calendar year (*twelve months from the date of the first entry of the vessel into a port in Pasifika*).

8. Setting of Rates

(1) The (*Minister/Secretary*) shall, after consultation with the National Marine Pollution Committee established under section 16 of the Act, set the rate by publication in the Gazette.

(2) The rate shall come into effect three months after the date of publication.