

Marine Protection Rules

Part 102: Certificates of Insurance

MNZ Consolidation

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Part objective

A principal objective of Part 102 is to give effect to the following:

- New Zealand obligations and privileges under the 1992 Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969 by requiring owners of oil tankers carrying more than 2,000 tons of oil in bulk as cargo, (regulated oil tankers), to hold insurance or financial security to cover potential liability for oil pollution damage;
- New Zealand obligations and privileges under the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 by requiring owners of ships of 1,000 gross tonnage and above to hold insurance cover for potential liability for the costs of cleaning up oil pollution or oil pollution damage from bunker oil (oil used on board ships for propulsion and other on board operations);
- national requirements for owners of ships of 400 gross tonnage and less than 1,000 gross tonnage to hold insurance for potential liability for the costs of cleaning up oil pollution costs and oil pollution damage from bunker oil and oil carried as cargo;
- national requirements for owners of offshore installations in New Zealand continental waters to hold insurance for potential liability for the costs of cleaning up oil pollution and oil pollution damage.

The basis for Part 102 is found in sections 363, 363A, 385H, 386, 387, and 390 of the Maritime Transport Act 1994.

Marine protection rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Disclaimer:

This document is the current consolidated version of Marine Protection Rules Part 102 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of Part 102

Part 102 first came into force on 20 August 1998 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	30 December 2004
Amendment 2	1 October 2014
Amendment 3	1 January 2015
Amendment 4	1 April 2015
Amendment 5	1 November 2016
Amendment 6	27 May 2020

Summary of Amendments

Amendment 1

Marine Protection Rules Part 102 Amendment 2004 102.2, 102.4(2)(d), 102.7, 102.8(2)(d), 102.10, 102.11, 102.12, Appendix 3

Amendment 2

Maritime Transport Amendment Act 2013 102.2, 102.3, 102.4(2)(b), 102.4(2)(d), 102.4(2)(e), 103.4(3), 102.5, 102.6A, 102.7, 102.10, 102.11, 102.12, Appendix 1, Appendix 3, Appendix 4

Amendment 3

Marine Protection Rules Various Amendments 2014 Part objective, 102.2, 102.6(1), 102.8(2)(d), 102.8(2)(e), Appendix 1, Appendix 2, Appendix 3

Amendment 4

Marine Protection Rules Various Amendments 2015 102.2, 102.6A, Appendix 3

Amendment 5

Marine Protection Rules Various Amendments 2016 Part objective

Amendment 6

Marine Protection (Part 102 and 131) Amendment Rules 2020 102.2, 102.7, 102.8, Further rules related to transitional provisions in respect of the Marine Protection (Parts 102 and 131) Amendment Rules 2020, Appendix 5, Appendix 6

All signed rules can be found on our website:

<https://www.maritimenz.govt.nz/rules/>

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General

102.1 Entry into force

Part 102 entered into force on 20 August 1998

102.2 Definitions

In Part 102 —

Act means the Maritime Transport Act 1994:

Bunker Oil Convention has the meaning given to it in section 342 of the Act

Bunker Oil Convention State has the meaning given to it in section 342 of the Act

Civil Liability Convention means the International Convention on Civil Liability for Oil Pollution Damage, 1969; and includes any subsequent protocol or amendment to, or revision of, those conventions accepted or ratified by New Zealand:

CLC owner means, —

- (a) in the case of a registered CLC ship, the person registered as the owner of that ship; or
- (b) in the case of an unregistered CLC ship, the person who owns the ship; or
- (c) in the case of a CLC ship owned by a State and operated by a person registered as the ship's operator, the person registered as its operator:

CLC State means any State that is a party to the Civil Liability Convention:

Director means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994:

EED 8/86 means the standard form wording for energy exploration and development insurance developed by the Joint Rig Committee in 1986:

Foreign ship means any ship that is not a New Zealand ship:

In bulk means carried in the cargo or other spaces of a ship without any intermediate form of containment or packaging:

Insurance means public liability insurance:

internal waters of New Zealand has the meaning given to it in section 2(1) of the Act:

Joint Rig Committee means the committee known as the Joint Rig Committee, comprising members of the Lloyd's Market Association and the International Underwriting Association of London:

New Zealand continental waters has the meaning given to it in section 222(1) of the Act

New Zealand ship means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

offshore installation has the meaning given to it in section 222(1) of the Act

Oil means any persistent oil including crude, fuel, heavy diesel, or lubricating oil:

Oil tanker means a ship carrying oil in bulk as cargo:

Owner

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- (a) in relation to any ship includes —
- (i) any person who is the legal or equitable owner, or both, of the ship; and
 - (ii) any person in possession of the ship; and
 - (iii) any charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship;
- except that in rules 102.4(2)(b) and 102.4(2)(d) “owner” in relation to a New Zealand ship means the “CLC owner”:
- (b) in relation to an offshore installation includes —
- (i) the person having any right, privilege, or licence to explore for or exploit minerals in connection with which the installation is being, has been, or is to be used; and
 - (ii) the manager, lessee, licensee, or operator of the installation; and
 - (iii) any agent or employee of the owner, manager, lessee, or licensee, or operator of the installation, or the person in charge of any operations connected with the installation:

Part means a group of rules made under the Maritime Transport Act 1994:

Rating means an assessment, represented by a letter or a symbol or a number or by a combination of any of them, together with a word or words or an expression indicating their meaning, of an insurer’s ability to pay —

- (a) claims that the insurer is liable to pay at the time of the assessment, including an estimate of unreported claims; and
- (b) claims likely to arise in the future at the time that they arise:

Rating agency means a person or organisation rating insurers:

Regulated foreign oil tanker means a regulated oil tanker that is not a New Zealand ship:

Regulated New Zealand oil tanker means a regulated oil tanker that is a New Zealand ship:

regulated offshore installation—

- (a) means an offshore installation within internal waters of New Zealand or New Zealand continental waters; and
- (b) includes any pipeline connected to that installation

Regulated oil tanker means an oil tanker, wherever registered and of whatever nationality, carrying a quantity of oil in bulk in excess of 2,000 tonnes or such other quantity as may be fixed for the purpose from time to time by the Governor-General by Order in Council:

regulated ship means a New Zealand or foreign ship of 400 gross tonnage or more other than a regulated oil tanker

Rules includes maritime rules and marine protection rules:

Unit of account means one special drawing right as defined by the International Monetary Fund, the calculation of which, in New Zealand currency, is in accordance with section 88 of the Act.

Subpart 1—Ships

102.3 Application

- (1) This subpart applies to ships that are required by section 363 or 363A of the Act to have a certificate of insurance.
- (2) The owner of a ship may apply under rule 102.4 for the issue or recognition of a certificate of insurance in respect of the owner's liability under the Civil Liability Convention or the Bunker Oil Convention.
- (3) The owner of a CLC ship may apply under rule 102.6 for acceptance of a certificate of insurance in respect of the owner's liability under the Civil Liability Convention.
- (4) The owner of a Bunker Oil Convention ship may apply under rule 102.6A for acceptance of a certificate of insurance in respect of the owner's liability under the Bunker Oil Convention.

102.4 Application for and issue or recognition of certificate of insurance

- (1) The owner of a ship to which this rule applies must ensure that every application for the issue or recognition of a certificate of insurance for that ship is —
 - (a) submitted to the Director in accordance with section 269 of the Act; and
 - (b) accompanied by:
 - (i) such evidence of the existence of the contract of insurance or other financial security as the Director specifies; and
 - (ii) a translation into English if the language of the certificate of insurance for which recognition is sought is not English.
- (2) The Director must issue or recognise a certificate of insurance for a ship to which this rule applies where he or she is satisfied that —
 - (a) the requirements of section 270 of the Act are met; and
 - (b) the contract of insurance or other financial security in respect of the ship provides public liability coverage of a kind and scope suitable to meet the owner's potential liability under Part XXV of the Act, and is for a sum not less than the maximum liability of the owner of that ship as calculated in accordance with Part 7 or section 347 of the Act, as the case may be; and
 - (c) the contract of insurance or other financial security will be in force in respect of the ship throughout the period for which the certificate is to be issued or recognised; and
 - (d) the insurer or guarantor named in the application is financially capable of meeting the potential maximum liability of the owner of the ship as calculated in accordance with Part 7 or section 347 of the Act, as the case may be taking into account the rating, if any, of that insurer or guarantor under the Insurance (Prudential Supervision) Act 2010; and
 - (e) the insurer party to the contract of insurance complies with any provisions of the Insurance (Prudential Supervision) Act 2010 applicable to that insurer.
- (3) Every certificate of insurance issued by the Director for a ship must—
 - (a) contain the following particulars—
 - (i) the name of the ship, the ship's distinctive number or letters, and the ship's port of registry; and

- (ii) the name of the owner of the ship and the principal place of business of that owner; and
 - (iii) the ship's IMO ship identification number; and
 - (iv) the nature of the contract of insurance or other financial security; and
 - (v) the name and principal place of business of the insurer or other person giving security and the place of business where the insurance or security is established; and
 - (vi) the period of validity of the insurance or other financial security; and
 - (vii) the period of validity of the certificate, which must not exceed the period of validity of the insurance or other financial security; and
- (b) in the case of a regulated oil tanker, be in the form specified in—
- (i) Appendix 1, in respect of liability under the Civil Liability Convention:
 - (ii) Appendix 4, in respect of liability under the Bunker Oil Convention:
- (c) in the case of a regulated ship of 1 000 gross tonnage or more, be in the form specified in Appendix 4 in respect of liability under the Bunker Oil Convention:
- (d) in the case of a regulated ship of less than 1 000 gross tonnage, be in the form specified in Appendix 3 in respect of civil liability for oil pollution damage.

102.5 Conditions on certificate of insurance

Every certificate of insurance issued or recognised by the Director under section 270 of the Act for a ship to which this rule applies is subject to the following conditions —

- (a) any modification of or variation to the contract of insurance or other financial security must be notified to the Director as soon as possible; and
- (b) the owner must obtain additional financial security to the satisfaction of the Director in the event of:
 - (i) any modification of or variation to the contract of insurance or other financial security; or
 - (ii) any change in circumstances affecting the financial capability of the insurer or guarantor;

which the Director considers likely to result in the owner being unable to meet the potential maximum liability calculated in accordance with Part 7 or section 347 of the Act, as the case may be.

Foreign ships registered in CLC states

102.6 Acceptance of certificate of insurance

For the purpose of sections 271 and 363A of the Act, a certificate of insurance for a regulated foreign oil tanker registered in a CLC state means —

- (a) a valid certificate evidencing a contract of insurance or other financial security issued by or under the authority of the government of that state in compliance with the Civil Liability Convention; or
- (b) in the case of a state-owned ship used for a commercial purpose for which insurance or other financial security is not maintained, a valid certificate issued by or under the authority of the government of that state in compliance with the Civil Liability Convention requirements for such ships.

Foreign ships registered in Bunker Oil Convention States

102.6A Acceptance of certificates of insurance

For the purpose of sections 271 and 363 of the Act, a certificate of insurance for a foreign ship registered in a Bunker Oil Convention State means—

- (a) a valid certificate evidencing a contract of insurance or other financial security issued, or recognised, by or under the authority of the Bunker Oil Convention State in accordance with the Bunker Oil Convention; or
- (b) in the case of a State-owned ship used for a commercial purpose for which insurance or other financial security is not maintained, a valid certificate issued by or under the authority of the government of that State stating liability for pollution damage within the meaning of Article 1 of the Bunker Oil Convention is covered up to the limits determined in accordance with Part 7 of the Act.

Subpart 2—Offshore installations

102.7 Application

Rules 102.8 to 102.9 apply to every regulated offshore installation that is required by section 385H of the Act to have a current certificate of insurance in force issued or recognised by the Director under section 270 of the Act.

102.8 Application for issue or recognition of certificate of insurance

The owner of a regulated offshore installation to which this rule applies must ensure that every application for the issue or recognition of a certificate of insurance for that regulated offshore installation is—

- (a) submitted to the Director in accordance with section 269 of the Act; and
- (b) accompanied by such evidence of the existence of the contract of insurance or other financial security as the Director specifies; and
- (c) accompanied by such information as may be reasonably required by the Director to determine whether the requirements of rule 102.8A(1)(a) are met in respect of each offshore installation for which a certificate of insurance is applied for including, but not limited to:
 - (i) the applicant's planned work programme during the period to which the certificate of insurance will apply;
 - (ii) the location of the installation to be covered by a certificate of insurance;
 - (iii) the nature of the hydrocarbon being explored or mined;
 - (iv) if the owner has, for the purpose of consideration under rule 102.8A, provided with its application a contract or contracts of insurance or other financial security for an amount that is less than \$1.2 billion—
 - (A) the total volume of hydrocarbon likely to be released in the event of a discharge of hydrocarbons; and
 - (B) the potential impact of hydrocarbon on the shoreline in the event of a discharge of hydrocarbons;
 - (v) the applicant's oil spill contingency plan under Marine Protection Rules Part 131.

102.8A Decision on application for issue or recognition of certificate of insurance

- (1) The Director must issue or recognise a certificate of insurance for a regulated offshore installation to which this rule applies where he or she is satisfied that—

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- (a) the contract or contracts of insurance or other financial security in respect of the regulated offshore installation (or if more than one installation, for each installation) will provide insurance or other financial security—
 - (i) for an amount—
 - (A) of \$1.2 billion or more; or
 - (B) not less than the amount determined according to Appendix 5 where the scores for the installation are calculated on the basis of a credible worst case scenario; and
 - (ii) that is of a kind and scope suitable to meet at least the following types of the owner's potential liability under Part 26A of the Act:
 - (A) liability, in relation to the discharge or escape of a harmful substance or the dumping of any waste or other matter from the installation, for the costs of removing, containing, and rendering harmless the harmful substance, waste, or other matter under section 385B of the Act; and
 - (B) liability, in relation to the discharge or escape of a harmful substance or the dumping of any waste or other matter from the installation, for pollution damage to property under section 385C of the Act; and
 - (b) the contract or contracts of insurance or other financial security is, or are, governed by New Zealand law and enforceable by a court in New Zealand; and
 - (c) the insurer or provider of financial security named in the application is financially capable of meeting a claim for the full amount specified in the contract or contracts of insurance or other financial security taking into account the rating, if any, of that insurer or provider of financial security under the Insurance (Prudential Supervision) Act 2010 applicable to that insurer or other person; and
 - (d) the insurer or provider of financial security complies with any provisions of the Insurance (Prudential Supervision) Act 2010 applicable to that insurer or other person.
- (2) For the purpose of rule 102.8A(1)(a)(i)(B), the Director—
- (a) when determining scores A, B, and C of Appendix 5, must take into account, where applicable,—
 - (i) the location of the exploration or mining activity; and
 - (ii) the total volume of hydrocarbon likely to be released in the event of an oil spill; and
 - (iii) the potential impact of hydrocarbon on the shoreline in the event of an oil spill; and
 - (iv) the nature of the hydrocarbon being explored or mined; and
 - (v) relevant technical information, data, advice and guidance; and
 - (b) may accept a declaration by one or more members of a joint venture that the amount of insurance or other financial security held jointly by members of the joint venture will be apportioned in a particular manner.
- (3) If any contract of insurance or other financial security includes cover for first party claims by the operator in the event of loss of well control, the Director may take that contract into account under rule 102.8A(1)(a)(i) only to the extent of the residual third party cover that the Director determines is provided by the contract.
- (4) If an amount of insurance or other financial security is expressed in a contract of insurance or other financial security in a currency other than New Zealand currency, the Director may for the purpose of rule 102.8A(1)(a)(i), convert the amount into New Zealand currency on the

date on which the Director makes a decision under this rule at a fair rate of exchange as determined by the Director.

- (5) For the purpose of rule 102.8A(1)(a)(ii), the Director may, without limitation, take into account the following in the contract or contracts of insurance or other financial security in respect of the regulated offshore installation—
- (a) any deductible, excess, or equivalent self-insured retention:
 - (b) any partial interest clause:
 - (c) any other insurance clause:
 - (d) any warranties, conditions, or exclusions:
 - (e) the possible effect of the owner's breach of its duty of utmost good faith:
 - (f) any choice of law or jurisdiction clause:
 - (g) any pay to be paid clause.
- (6) Without limiting rule 102.8A(1)(a)(ii), the Director may treat the requirements of rule 102.8A(1)(a)(ii) as met if the Director is satisfied that the contract or contracts of insurance or other financial security provides—
- (a) in respect of liability of a type prescribed in rule 102.8A(1)(a)(ii) arising from an out of control well, cover at least equivalent to that specified in Section C of EED 8/86; and
 - (b) in respect of liability of a type prescribed in rule 102.8A(1)(a)(ii) arising from a pipeline, storage facility, oil bunker or other possible source that is not a well, cover at least equivalent to that specified in Appendix 6.

102.8B Particulars of certificate of insurance issued by Director

Every certificate issued by the Director for a regulated offshore installation to which this rule applies must be in the form specified in Appendix 2 and must contain the following particulars:

- (a) the name of the owner or owners of the regulated offshore installation and the principal place of business of the owner or, as the case may be, each owner; and
- (b) the nature of the contract or contracts of insurance or other financial security for the regulated offshore installation; and
- (c) the name and principal place of business of the, or each, insurer or other person providing financial security for the regulated offshore installation and the place or places of business where the insurance or other financial security is established; and
- (d) the period of validity of the insurance or other financial security in respect of the regulated offshore installation; and
- (e) the period of validity of the certificate of insurance, which must not exceed a period of 12 months.
- (f) any conditions imposed by the Director under section 387(5) of the Act.

102.9 Conditions on certificate of insurance

Every certificate of insurance issued or recognised by the Director under section 270 of the Act for an offshore installation to which this rule applies is subject to the following conditions —

- (a) any modification of or variation to the contract of insurance or other financial security must be notified to the Director as soon as possible; and

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(b) the owner must obtain additional financial security to the satisfaction of the Director in the event of:

- (i) any modification of or variation to the contract of insurance or other financial security; or
- (ii) any change in circumstances affecting the financial capability of the insurer or guarantor;

which the Director considers likely to result in the contract of insurance or other financial security not providing assured cover for the full amount specified in the contract of insurance or other financial security.

Rules 102.10 to 102.12 inclusive were revoked on 1 October 2014.

The Marine Protection Rules Part 102 Amendment 2017 was revoked on 27 May 2020.

Further rules related to transitional provisions in respect of the Marine Protection (Parts 102 and 131) Amendment Rules 2020 are contained in rules 4 to 7 of the Marine Protection (Parts 102 and 131) Amendment Rules 2020 and relate to the application, issue, or recognition of certificates of insurance from 27 May 2020.

These transitional rules are copied into the box at the end of these rules for ease of reference.

Appendix 1 CLC Certificates for Regulated Oil Tankers

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE FROM A SHIP

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Name of ship	Distinctive number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-mentioned ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Type of security

Duration of security:
 From.....
 To.....

Name and address of the insurer(s) and/or guarantor(s)
 Name

This certificate is valid until

Issued and certified on behalf of the Government of New Zealand

At
 On

Director of Maritime New Zealand

1. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
2. If security is furnished in several forms, these should be enumerated.
3. The entry "Duration of Security" must stipulate the date on which such security takes effect.

Appendix 2 Regulated Offshore Installations

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE FROM A REGULATED OFFSHORE INSTALLATION

Name of regulated offshore installation (if applicable)	Distinctive number or letters (if applicable)	Location of regulated offshore installation	Name and address of owner

This is to certify that there is in force in respect of the above-mentioned regulated offshore installation a policy of insurance or other financial security satisfying the Director of Maritime New Zealand and in accordance with the requirements of the Maritime Transport Act 1994 and Part 102 of the marine protection rules.

Type of security

.....

Duration of security:

From

To

Name and address of the insurer(s) and/or guarantor(s)

Name

Address

This certificate is valid until

Issued and certified on behalf of the Government of New Zealand

At

On

.....

Director of Maritime New Zealand

1. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
2. If security is furnished in several forms, these should be enumerated.
3. The entry "Duration of Security" must stipulate the date on which such security takes effect.

Appendix 3 Civil Liability for Oil Pollution Damage Certificates for Regulated Ships

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE FROM A REGULATED SHIP

Issued in accordance with the provisions of section 363 of the Maritime Transport Act 1994.

Name of ship	Distinctive number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-mentioned ship a policy of insurance or other financial security that provides public liability cover to meet the owner's potential liability under Part 25 of the Maritime Transport Act 1994.

Type of security

.....

Duration of security:
 From
 To

Name and address of the insurer(s) and/or guarantor(s)
 Name
 Address

This certificate is valid until

.....

Director of Maritime New Zealand

1. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
2. If security is furnished in several forms, these should be enumerated.
3. The entry "Duration of Security" must stipulate the date on which such security takes effect.

Appendix 4 Bunker Oil Convention Certificates

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.

Name of ship	Distinctive number or letters	IMO ship identification number	Port of registry	Name and full address of the principal place of business of the registered owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.

Type of security:

Duration of security:

From:

To:

Name and address of the insurer(s) and/or guarantor(s):

Name:

Address:

This certificate is valid until:

Issued and certified on behalf of the Government of New Zealand

at:

on:

Signature:

(Director of Maritime New Zealand)

Explanatory Notes:

- 1 If desired, the designation of the State may include a reference to the competent public authority of the country where the Certificate is issued.
- 2 If the total amount of security has been furnished by more than one source, the amount furnished by each source should be indicated.
- 3 If security is furnished in several forms, these should be enumerated.
- 4 The entry 'Duration of security' must stipulate the date on which such security takes effect.
- 5 The entry 'Address' of the insurer(s) and/or guarantor(s) must indicate the principal place of business of the insurer(s) and/or guarantor(s). If appropriate, the place of business where the insurance or other security is established shall be indicated.

Appendix 5 Scaled framework

r 102.8A(1)(a)(i)(B) and (2)(a)

Score A: Total length of shoreline oiled									
Less than 1 km	1 km or more but less than 200 km	200 km or more but less than 400 km	400 km or more but less than 600 km	600 km or more but less than 800 km	800 km or more but less than 1,000 km	1,000 km or more but less than 1,200 km	1,200 km or more		
0 points	1 point	2 points	3 points	4 points	5 points	6 points	7 points		
Score B: Total volume reaching shore									
less than 1 bbl	1 or more but less than 5,000 bbls	5,000 or more but less than 40,000 bbls	40,000 or more but less than 80,000 bbls	80,000 or more but less than 120,000 bbls	120,000 or more but less than 160,000 bbls	160,000 or more but less than 200,000 bbls	200,000 or more but less than 240,000 bbls	240,000 or more but less than 280,000 bbls	280,000 or more
0 points	1 point	2 points	3 points	4 points	5 points	6 points	7 points	8 points	9 points
Score C: Hydrocarbon type									
Dry gas 0 points					Other 1 point				
Total Score									
Score (total A+B+C)			Band			Insurance or other financial security requirement			
0			0 (dry gas)			NZ\$25 million			
1			1			NZ\$50 million			
2-3			2			NZ\$100 million			
4-5			3			NZ\$200 million			
6-7			4			NZ\$300 million			
8-9			5			NZ\$450 million			
10-11			6			NZ\$600 million			
12-13			7			NZ\$800 million			
14-15			8			NZ\$1 billion			
16-17			9			NZ\$1.2 billion			

Note: "bbl" is an abbreviation of the oil industry term "blue barrel", indicating a container holding 42 gallons of oil

Appendix 6 Minimum requirements for cover for pollution arising other than from out of control well

r 102.8A(6)

For the purpose of rule 102.8A(6)(b), the minimum cover is the cover that indemnifies the insured whether or not the well goes out of control, for all sums, costs, or expenses in respect of an event of insured damage to a pipeline, storage facility, oil bunker, or other possible source that is not a well, that would be covered under Section C of EED 8/86 in the case of an out of control well, where the event—

- (a) was not intended or expected by the insured; and
- (b) occurs during the period of insurance; and
- (c) is discovered by the insured within 30 days of it arising; and
- (d) is reported to the insurer within 60 days of its discovery.

Following are the transitional provisions contained in rules 4 to 7 of the Marine Protection (Parts 102 and 131) Amendment Rules 2020.

4 Definitions for transitional provisions

In this rule and rules 5 to 7,—

commencement date means the date on which these amendment rules come into force [\[nb 27 May 2020\]](#):

exploration drilling for petroleum has the meaning in regulation 3 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Non-notified Activities) Regulations 2014:

exploration installation means a regulated offshore installation that undertakes or, in the case of an application for a certificate of insurance, will or may undertake, any exploration drilling for petroleum as a non-notified activity:

non-notified activity means an activity classified by regulation 5 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects-Non-notified Activities) Regulations 2014 as a non-notified activity.

5 Transitional provision: existing certificates

- (1) Subject to subclause (3), nothing in these amendment rules affects the validity of a certificate of insurance that was in effect immediately before the commencement date.
- (2) Subclause (3) applies to a certificate of insurance that was in effect immediately before the commencement date for an exploration installation.
- (3) Unless earlier revoked or surrendered, the certificate expires on the earlier of—
 - (a) the expiry date specified by the Director for the certificate in accordance with rule 102.8(3)(e) (as it was before the commencement date); or
 - (b) 31 July 2020.

6 Transitional provision: applications for certificates

- (1) This clause applies if an application for a certificate of insurance is submitted (but not decided) before the commencement date.
- (2) The applicant must, by notice to the Director, elect whether the Director considers the application under Part 102 as it was immediately before the commencement date or as it is after the commencement date.
- (3) If the applicant elects to have the application considered under Part 102 as it is after the commencement date the applicant must provide to the Director any further information necessary in order for the application to meet the requirements of rule 102.8 (as it is after the commencement date).

7 Applications considered under Part 102 as it was immediately before commencement date

- (1) This clause applies if an application referred to in rule 6(1) is considered under Part 102 as it was immediately before the commencement date.
- (2) The period of validity of any certificate of insurance issued for an exploration installation must be the shorter of—
 - (a) a period for which the certificate may be issued in accordance with rule 102.8(3)(e) (as it was before the commencement date); and
 - (b) the period remaining from the date of issue of the certificate until the close of 31 July

2020.

- (3) The period of validity of any certificate of insurance for a regulated offshore installation that is not an exploration installation must be the shorter of—
 - (a) a period for which the certificate may be issued in accordance with rule 102.8(3)(e) (as it was before the commencement date); and
 - (b) the period remaining between the date of issue of the certificate and the first anniversary of the commencement date.