



## **Maritime (Offences) Amendment Regulations 2014**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 8th day of December 2014

Present:

His Excellency the Governor-General in Council

Pursuant to sections 201(1)(e) and 423(4) of the Maritime Transport Act 1994, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## Regulations

- 1 Title**  
These regulations are the Maritime (Offences) Amendment Regulations 2014.
- 2 Commencement**  
These regulations come into force on 19 December 2014.
- 3 Principal regulations**  
These regulations amend the Maritime (Offences) Regulations 1998 (the **principal regulations**).
- 4 Schedule 2 replaced**  
Replace Schedule 2 of the principal regulations with the Schedule 2 set out in the Schedule of these regulations.

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### Schedule

r 4

### Schedule 2 replaced

### Schedule 2

r 5

### Maritime infringement offence notice

**Enforcement authority***[name and address of enforcement authority]***To**Full name: *[forenames, surname]*

Full address:

Occupation:

Date of birth:

Maritime document No (where applicable):

**Alleged infringement offence(s) details**

Date:

Time:

Place:

Schedule 2—*continued*

Vessel name:

Flag, port of registry, and official No:

Offence No	Offence	Infringement fee payable (\$)
1		
2		
3		

**Payment of infringement fee(s)**

The infringement fee(s) is/are payable within 28 days after the date this notice is delivered personally, or served by post.

**The infringement fee(s) may be paid to:**

[*name and address*]

**Do not detach**

Please present both copies of this notice when making payment.

Cheques or money orders should be made out to [*name of enforcement authority*] and should be crossed and marked “Not transferable” or “Account payee only”.

Issued by: [*name*]

being the Director of Maritime New Zealand/a person duly authorised by the Director/a harbourmaster/an enforcement officer appointed under section 33G of the Maritime Transport Act 1994\*.

\*Select one.

**Important—please read the statement of rights printed overleaf**

## Statement of rights

- 1 This notice sets out 1 or more alleged infringement offences. Each offence that is identified by a number is a separate infringement offence. You may decide what to do in respect of each alleged offence individually, and may act in the same way

Schedule 2—*continued*

in respect of all alleged offences or in different ways in respect of different alleged offences, as set out below.

**Note:** If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant in respect of an infringement fee payable by you, paragraphs 4(b), 4(c), 5, and 6 below do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

**Payments**

- 2 If you pay the infringement fee for an alleged offence within 28 days of the service on you of this notice, no further enforcement action will be taken for that offence. Payments may be made at places indicated on the front page of this notice.

**Defence**

- 3 You have a complete defence against proceedings for an alleged offence if the infringement fee for that offence has been paid to the enforcement authority at the address shown on the front page of this notice within 28 days after service on you of a reminder notice. Late payment or payment made to any other address will not constitute a defence.

**Further action**

- 4 You must write to the enforcement authority at the address shown on the front page of this notice if you wish to do any of the following things:
- (a) raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or
  - (b) deny liability for the offence and request a court hearing (*see* paragraphs 5 and 9); or
  - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (*see* paragraphs 6 and 9).

Schedule 2—*continued*

- 5 If you deny liability for the offence and request a hearing, the enforcement authority will, unless it decides not to commence court proceedings in respect of the offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

**Note:** If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

- 6 If you admit liability for the offence but want the court to consider your submissions as to penalty or otherwise, you should, in your letter to the enforcement authority,—
- (a) request a hearing; and
  - (b) admit liability; and
  - (c) set out the written submissions you wish to be considered by the court.

The enforcement authority will then file your letter with the court (unless it decides not to commence court proceedings in respect of the offence). There is no provision for an oral hearing before the court if you follow this course of action.

**Note:** Costs will be imposed in addition to any penalty.

**Non-payment of fee**

- 7 If you do not pay the infringement fee and do not request a hearing in respect of an alleged offence within 28 days after the service on you of this notice, you will (unless the enforcement authority decides otherwise) be served with a reminder notice.
- 8 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after being served with the reminder notice, you will become liable to pay **costs in addition to the infringement fee**, unless the enforcement authority decides not to commence proceedings against you.

**Queries/correspondence**

- 9 When writing or making payment of an infringement fee, please indicate—
- (a) the date of the infringement offence; and
  - (b) the infringement notice number; and

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- (c) the identifying number of each alleged offence and the course of action you are taking in respect of it (if this notice sets out more than 1 offence and you are not paying all the infringement fees for all the alleged offences); and
- (d) your address for replies (if you are not paying all the infringement fees for all the alleged offences).

If it is not clear which alleged offence any payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out on the front page of this notice.

**Note:** All queries and/or correspondence regarding the infringement offence(s) must be directed to the enforcement authority named in this notice at the address shown.

Michael Webster,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which amend the Maritime (Offences) Regulations 1998 (the **principal regulations**),—

- come into force on 19 December 2014; and
- replace the form of the maritime infringement offence notice in Schedule 2 of the principal regulations to make the notice consistent with the provisions of section 423(1) of the Maritime Transport Act 1994 (which empowers the Director of Maritime New Zealand, any person duly authorised by the Director, any harbourmaster, or any enforcement officer appointed under section 33G of the Act to issue an infringement notice).

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**Maritime (Offences) Amendment  
Regulations 2014**

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 11 December 2014.

These regulations are administered by the Ministry of Transport.

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