



Marine Protection (Offences) Amendment Regulations 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 4th day of July 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 394 of the Maritime Transport Act 1994 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	1
2 Commencement	2
3 Principal regulations	2
4 Schedule 1 amended	2
Schedule	3
Schedule 1 amended	

Regulations

- Title**
These regulations are the Marine Protection (Offences) Amendment Regulations 2022.

2 Commencement

These regulations come into force on 26 August 2022.

3 Principal regulations

These regulations amend the Marine Protection (Offences) Regulations 1998.

4 Schedule 1 amended

Amend Schedule 1 of the principal regulations as set out in the Schedule of these regulations.

Schedule Schedule 1 amended

r 4

New item relating to Part 100

Before the item relating to Part 101A, insert:

<i>Part 100</i>					
<i>Port reception facilities</i>					
Rule 100.14	Person must ensure that port has reception facilities for Annex VI substances	—	35,000	—	7,000

New items relating to Part 199

After the item relating to rule 190.4, insert:

<i>Part 199</i>					
<i>Prevention of air pollution from ships</i>					
Rule 199.20(a)	Owner and master of ship must ensure equipment on ship is maintained to conform with Annex VI provisions	10,000	35,000	—	—
Rule 199.20(b)	Owner and master of ship must ensure no change is made to equipment, etc, after survey without approval	10,000	35,000	—	—
Rule 199.23(2)	Owner and master of ship must report occurrences	10,000	50,000	—	—
Rule 199.41(2)	Owner and master of ship must ensure IAPP certificate is carried on board and available for inspection	3,750	12,500	750	2,500
Rule 199.51(2)	Owner and master of ship must ensure IEE certificate is carried on board and available for inspection	3,750	12,500	750	2,500
Rule 199.61	Person must not deliberately cause emission from ship of ozone depleting substance	10,000	50,000	—	—
Rule 199.62	Owner and master of ship must ensure that no installation containing ozone depleting substances is on ship	10,000	35,000	2,000	7,000
Rule 199.63	Owner and master of ship must ensure ozone depleting substances and equipment containing ozone depleting substances, when removed from ship, are delivered to reception facility	10,000	50,000	2,000	10,000
Rule 199.64	Owner and master of ship must maintain list of all systems and equipment containing ozone depleting substances	3,750	12,500	750	2,500
Rule 199.65(2)	Owner and master of ship with rechargeable system containing	3,750	12,500	—	—

**Marine Protection (Offences) Amendment Regulations
2022**

Schedule

2022/211

New items relating to Part 199—continued

	ozone depleting substances must maintain ozone depleting substances record book				
Rule 199.65(3)	Master of ship with rechargeable system containing ozone depleting substances must ensure ozone depleting substances record book kept on board ship	3,750	12,500	—	—
Rule 199.66(2)	Master of ship must ensure that on occurrence of certain events (as specified in rule 199.66(3)) entries are made in ozone depleting substances record book without delay	3,750	12,500	750	2,500
Rule 199.84	Owner and master of ship must ensure an approved technical file is held for the specified time, maintained in good order, carried on board ship, and readily available for inspection for each marine diesel engine installed on ship	3,750	12,500	—	—
Rule 199.86(1)(a)	Owner and master of ship must ensure a valid EIAPP certificate is held for each marine diesel engine installed on ship	10,000	35,000	2,000	7,000
Rule 199.86(1)(c)	Owner and master of ship must ensure EIAPP certificate is carried on board and available for inspection	3,750	12,500	—	—
Rule 199.89(1)	Owner and master of ship must ensure record is kept on board containing information on tier and on/off status of marine diesel engines when ship enters or leaves NO _x Tier III emission control area	3,750	12,500	—	—
Rule 199.90	Owner and master of ship with marine diesel engine must maintain and keep on board ship record of engine parameters	3,750	12,500	—	—
Rule 199.104(2)	Owner and master of ship must ensure ship carries written procedure for change-over of fuel oil	10,000	50,000	—	—
Rule 199.104(3)	Owner and master of ship must fully flush fuel oil service system in accordance with written procedure	10,000	50,000	—	—
Rule 199.104(4)	Owner and master of ship must record information relating to fuel change-over in a log-book that is kept on board ship	3,750	12,500	—	—
Rule 199.122	Owner and master of New Zealand tanker within designated port or terminal must ensure tanker is	10,000	50,000	—	—

New items relating to Part 199—continued

	equipped with and uses a vapour emission collection system approved by Director				
Rule 199.123	Owner and master of New Zealand tanker must ensure tanker carrying crude oil carries on board the Volatile Organic Compounds Management Plan approved by Director	10,000	50,000	2,000	10,000
Rule 199.142(1)	Owner and master of ship must comply with specified rules to ensure incineration of Annex VI substances and its process are in accordance with regulation 16 of Annex VI	10,000	50,000	2,000	10,000
Rule 199.142(2)	Owner and master of ship must comply with all other applicable requirements to assure quality of incineration system on board the ship	10,000	50,000	2,000	10,000
Rule 199.162	Owner and master of ship must ensure quality of fuel oil used on board meets requirements set out in regulation 18 of Annex VI	10,000	50,000	2,000	10,000
Rule 199.163(3)	Owner and master of ship must ensure that label attached to representative fuel oil sample is signed, and retain bunker delivery note	3,750	12,500	750	2,500
Rule 199.163(4)	Owner and master of ship must retain representative fuel oil sample for specified period in a manner consistent with IMO guidance	10,000	35,000	2,000	7,000
Rule 199.164(4)	Owner and master of New Zealand ship of 400 gross tonnage or more or New Zealand platform must ensure a sampling point is fitted or designated for the purpose of taking samples of fuel oil in use on ship	10,000	35,000	2,000	7,000
Rule 199.166	Owner and master of ship must notify Director and, where applicable, the competent authority when unable to purchase compliant fuel oil for use on board ship	10,000	50,000	—	—
Rule 199.184(1)	Owner and master of ship must ensure Attained EEDI is calculated at specified times	10,000	35,000	2,000	7,000
Rule 199.184(2)	Owner and master of ship must ensure Attained EEDI is calculated according to specified requirements and meets standards and requirements in Annex VI	10,000	35,000	2,000	7,000

**Marine Protection (Offences) Amendment Regulations
2022**

Schedule

2022/211

New items relating to Part 199—continued

Rule 199.184(5)	Owner and master of carbon intensity ship must ensure Attained EEDI of ship is less than or equal to Required EEDI	10,000	50,000	—	—
Rule 199.201	Owner and master of ship must ensure a SEEMP is prepared for ship and complied with	10,000	50,000	2,000	10,000
Rule 199.202	Owner and master of ship must ensure SEEMP is kept on board	3,750	12,500	750	2,500
Rule 199.225	Owner and master of ship must ensure Statement of Compliance is kept on board for at least 5 years	3,750	12,500	750	2,500
Rule 199.341(2)(b)	Owner and master of ship must ensure certificate is carried on board the ship, ensure certificate is readily available for inspection by Director and by authorised persons acting on behalf of a Party State at all times, and comply with the conditions to which the certificate is subject	3,750	12,500	750	2,500
Rule 199.361	Person must not deliberately cause emission from ship of ozone depleting substance	10,000	50,000	—	—
Rule 199.362	Owner and master of ship must ensure that no installation containing ozone depleting substances is on ship	10,000	35,000	2,000	10,000
Rule 199.363	Owner and master of ship must ensure ozone depleting substances and equipment containing ozone depleting substances, when removed from ship, are delivered to reception facility	10,000	50,000	2,000	10,000
Rule 199.364	Owner and master of ship must maintain and keep on board a list of all systems and equipment containing ozone depleting substances	3,750	12,500	750	2,500
Rule 199.365(2)	Owner and master of ship with rechargeable system containing ozone depleting substances must maintain ozone depleting substances record book	3,750	12,500	—	—
Rule 199.365(3)	Master of ship with rechargeable system containing ozone depleting substances must ensure ozone depleting substances record book kept on board ship	3,750	12,500	—	—
Rule 199.366	Master of New Zealand ship of 400 gross tonnage or more must ensure that on occurrence of certain events (as specified in rule 199.366(3))	3,750	12,500	750	2,500

New items relating to Part 199—continued

	entries are made in ozone depleting substances record book without delay				
Rule 199.384	Owner and master of ship must ensure marine diesel engine is not operated on ship in contravention of specified requirements—ships to which subsection C3A applies	10,000	50,000	—	—
Rule 199.387	Owner and master of ship must ensure marine diesel engine is not operated on ship in contravention of specified requirements—other ships	10,000	50,000	—	—
Rule 199.388	Owner and master of ship must ensure approved Technical File for each marine diesel engine is maintained, held on board ship, and available for inspection	3,750	12,500	—	—
Rule 199.390(1)(a)	Owner and master of ship must ensure EIAPP Certificate is held for each marine diesel engine	10,000	35,000	2,000	7,000
Rule 199.390(1)(c)	Owner and master of ship must ensure EIAPP is carried on board and available for inspection	3,750	12,500	—	—
Rule 199.393(1)	Owner and master of ship must ensure a record is kept on board containing information on tier and on/off status of marine diesel engines when ship enters or leaves NO _x Tier III emission control area	3,750	12,500	—	—
Rule 199.394	Owner and master of ship with a marine diesel engine must maintain a record book of engine parameters	3,750	12,500	—	—
Rule 199.404(2)	Owner and master of ship must ensure ship carries a written procedure for change-over of fuel oil	10,000	50,000	—	—
Rule 199.404(3)	Owner and master of ship must fully flush fuel oil service system in accordance with written procedure	10,000	50,000	—	—
Rule 199.404(4)	Owner and master of ship must record information relating to fuel change-over in a log-book that is kept on board ship	3,750	12,500	—	—
Rule 199.422	Owner and master must ensure New Zealand tanker carrying crude oil has a Volatile Organic Compounds Management Plan approved by Director	10,000	50,000	2,000	10,000
Rule 199.442(1)	Owner and master of ship must comply with specified rules to ensure incineration of Annex VI	10,000	50,000	2,000	10,000

**Marine Protection (Offences) Amendment Regulations
2022**

Schedule

2022/211

New items relating to Part 199—continued

	substances and its process are in accordance with regulation 16 of Annex VI				
Rule 199.442(2)	Owner and master of ship must comply with all other applicable requirements to assure quality of incineration system on board the ship	10,000	50,000	2,000	10,000
Rule 199.462	Owner and master of ship must ensure quality of fuel oil used on board for combustion purposes meets requirements set out in regulation 18 of Annex VI	10,000	50,000	2,000	10,000
Rule 199.463	Owner and master of ship must retain bunker delivery note on board ship	3,750	12,500	750	2,500
Rule 199.464(4)	Owner and master of New Zealand ship of 400 gross tonnage or more or platform must ensure a sampling point is fitted or designated for the purpose of taking samples of fuel oil in use on ship	10,000	35,000	2,000	7,000
Rule 199.466	Owner and master of ship must notify Director when unable to purchase compliant fuel oil for use on board ship	10,000	50,000	—	—
Rule 199.484(1)	Owner and master of ship must ensure Attained EEDI is calculated at specified times	10,000	35,000	2,000	7,000
Rule 199.484(2)	Owner and master of ship must ensure Attained EEDI is calculated, meets standards and requirements, is accompanied by technical file, and is verified	10,000	35,000	2,000	7,000
Rule 199.484(5)	Owner and master of ship must ensure Attained EEDI of ship is less than or equal to Required EEDI	10,000	50,000		
Rule 199.501	Owner and master of ship must ensure a SEEMP is prepared for ship and complied with	10,000	50,000	2,000	10,000
Rule 199.502	Owner and master of ship must ensure SEEMP is kept on board	3,750	12,500	750	2,500
Rule 199.525	Owner and master of ship must ensure Statement of Compliance is kept on board for at least 5 years	3,750	12,500	750	2,500
Rule 199.611(3)	Owner and master of foreign ship must ensure that certificates and documents required by Annex VI are carried on board and available for inspection	3,750	12,500	750	2,500
Rule 199.612	Owner and master of foreign ship must hold and keep on board ship	10,000	35,000	2,000	7,000

New items relating to Part 199—continued

	valid Statement of Compliance or documentary evidence				
Rule 199.613	Owner and master of foreign ship must notify Director when unable to purchase compliant fuel oil for combustion	10,000	50,000	—	—

Rachel Hayward,
Acting Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 26 August 2022, amend the Marine Protection (Offences) Regulations 1998 (the **principal regulations**).

Part 199 of the Marine Protection Rules contains rules that relate to the prevention of air pollution from ships to give effect to New Zealand’s international obligations following New Zealand’s accession to Annex VI of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (**MARPOL**). Annex VI of MARPOL enters into force for New Zealand on 26 August 2022.

These regulations mainly prescribe the breaches of Part 199 of the Marine Protection Rules that constitute offences and infringement offences, and prescribe the associated penalties and infringement fees for those offences and infringement offences, respectively.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 7 July 2022.
These regulations are administered by the Ministry of Transport.