

**Version
as at 24 August 2023**



Maritime (Charges) Regulations 2014 (LI 2014/26)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 24th day of February 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 445(1) 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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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Transport.

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Regulations

1 Title

These regulations are the Maritime (Charges) Regulations 2014.

Regulation 1: replaced, on 1 July 2019, by regulation 4 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

2 Commencement

These regulations come into force on 1 April 2014.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

audit or inspection means work or a service specified in Part B of Schedule 1

Authority means Maritime New Zealand

Director means the Director of Maritime New Zealand

GMDSS means the global maritime distress and safety system

MTOP means a maritime transport operator plan

STCW means the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended from time to time

STCW-F means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, as amended from time to time

work or service means any work or service performed by the Authority in providing services for maritime purposes or for the purposes of protecting the marine environment, including—

(a) work or a service specified in Schedule 1 or 2; and

- (b) the assessment of an application and the grant of a certificate, licence, recognition, or other authorisation relating to work or a service specified in Schedule 1 or 2
- (2) The descriptions given in the first column of Schedules 1 and 2 are intended only to be an indication of the content of the provisions and rules to which they relate, and are not intended to be used in the interpretation of those provisions or rules.

Regulation 3(1) **audit or inspection**: inserted, on 1 July 2019, by regulation 5(2) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 3(1) **IPSCI**: revoked, on 1 July 2019, by regulation 5(1) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 3(1) **MOSS**: revoked, on 1 July 2019, by regulation 5(1) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 3(1) **off-site location**: revoked, on 1 July 2019, by regulation 5(1) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 3(1) **office-based services**: revoked, on 1 July 2019, by regulation 5(1) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 3(1) **SOLAS**: revoked, on 1 July 2019, by regulation 5(1) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 3(1) **work or service**: replaced, on 1 July 2019, by regulation 5(3) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Regulation 3A: inserted, on 1 July 2019, by regulation 6 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

4 Charges for Schedule 1 work and services payable at hourly rate

- (1) A person for whom the Authority performs work or a service specified in Schedule 1 must pay to the Authority a charge that is calculated in accordance with the following formula:

$$h \times \$245 = \$c$$

where—

h is the sum of the number of hours (including part-hours) spent by each employee or contractor of the Authority performing the work or service

\$c is the charge payable.

- (2) If the work or service is an audit or inspection, subclause (1) applies only in relation to follow-up work performed, including—
 - (a) a further visit to the ship or other site; and
 - (b) monitoring of remedial actions taken by the person in relation to whom the audit or inspection was performed.

Regulation 4: replaced, on 1 July 2019, by regulation 7 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

5 Fixed charges payable for Schedule 2 work and services

- (1) A person for whom the Authority performs work or a service specified in column 1 of Schedule 2 must pay to the Authority the charge specified in column 2 of that schedule for that work or service.
- (2) The charges referred to in this regulation are payable at the time at which the relevant application is made.

Regulation 5 heading: replaced, on 1 July 2019, by regulation 8(1) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 5(1): replaced, on 1 July 2019, by regulation 8(2) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

6 Fixed and variable charges payable

If a charge for the same work or service is prescribed in both Part C of Schedule 1 and Part B of Schedule 2, the charges payable are—

- (a) the initial fee prescribed in Part B of Schedule 2; and
- (b) if work or service is required beyond that covered by the initial fee, a charge calculated at the appropriate hourly rate prescribed in Part C of Schedule 1 for each hour or part-hour spent by an employee or a contractor performing that additional work or service.

Regulation 6: amended, on 1 July 2019, by regulation 9(1) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 6: amended, on 1 July 2019, by regulation 9(2) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 6: amended, on 1 July 2019, by regulation 9(3) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 6(a): amended, on 1 July 2019, by regulation 9(3) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Regulation 6(b): amended, on 1 July 2019, by regulation 9(2) of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

6A Charges payable to reimburse costs and for travel time

- (1) A person for whom the Authority performs work or a service described in sub-clause (2) must pay to the Authority a charge under this regulation in addition to the charges payable under regulations 4 and 5.
- (2) Charges are payable under this regulation for work or a service performed—
 - (a) at an offshore installation; or
 - (b) outside New Zealand.
- (3) Charges are payable in the amount of any actual and reasonable costs (including costs of accommodation, airfares, and meals) incurred by the employee or contractor of the Authority in performing work or a service.

- (4) In addition, a charge payable for travel time for the purpose of performing work or a service to which regulation 4 or 5 applies must be calculated in accordance with the following formula:

$$a \times \$245 = \$b$$

where—

a is the sum of the number of hours (including part-hours) spent by each employee or contractor of the Authority travelling to and from the place where the work or service is performed

\$b is the charge payable.

Regulation 6A: inserted, on 1 July 2019, by regulation 10 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

7 Charges for work or service not begun or completed

- (1) This regulation applies if an employee or a contractor of the Authority, acting in good faith, is for any reason not able to begin or complete work or a service specified in Schedule 1.
- (2) The person for whom the work or service is performed or to be performed must pay to the Authority—
- a charge calculated under regulation 4(1) in relation to each hour (or part-hour) worked; and
 - applicable charges under regulation 6A.

Regulation 7: replaced, on 1 July 2019, by regulation 11 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

8 Charges relating to costs and expenses incurred by Director in relation to specialist services

- (1) If, in relation to any of the work or services referred to in these regulations, the Director engages the services of a specialist, the person liable to pay the charges for the work or service must pay charges to meet the costs and expenses incurred by the Director in engaging that specialist.
- (2) The charges are payable at the time at which the relevant application is made.
- (3) In this regulation, **specialist** means a person who performs work or services that are—
- beyond the areas of expertise possessed by the employees or contractors referred to in these regulations; and
 - essential to enable the relevant work or service to be satisfactorily completed.

9 Director may refund or waive charges

The Director may refund or waive any charge, in whole or in part, if—

- the ship for which the charge is payable—

- (i) is operated principally for training purposes on a national basis by an incorporated society or a charitable trust; or
- (ii) is operated principally for search and rescue purposes:
- (b) the charge is payable in respect of an application for an exemption from a maritime rule or a marine protection rule and, in the Director's view, charging for the application would be unreasonable:
- (c) previous decisions on an application of the same kind mean that the amount of work and the costs involved in deciding the application are reduced:
- (d) the applicant withdraws the application before work on deciding the application has commenced, or when the work is at an early stage:
- (e) the Director considers that the work done, or required to be done, is insufficient to justify the charge.

Regulation 9(e): inserted, on 1 July 2016, by regulation 4 of the Shipping (Charges) Amendment Regulations 2016 (LI 2016/104).

10 Charges inclusive of GST

The charges and rates of charges payable under these regulations are inclusive of goods and services tax.

11 Revocation

The Shipping (Charges) Regulations 2000 (SR 2000/269) are revoked.

Schedule 1AA
Transitional, savings, and related provisions

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Schedule 1AA: inserted, on 1 July 2019, by regulation 12 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Part 1
**Provision relating to Maritime (Charges) Amendment Regulations
2019**

Schedule 1AA Part 1: inserted, on 1 July 2019, by regulation 12 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

1 References to Shipping (Charges) Regulations 2014

Unless the context otherwise requires, every reference to the Shipping (Charges) Regulations 2014 in any document is, after the commencement of the Maritime (Charges) Amendment Regulations 2019, to be read as a reference to the Maritime (Charges) Regulations 2014.

Schedule 1AA clause 1: inserted, on 1 July 2019, by regulation 12 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Schedule 1**Work and services for which charges are payable at hourly rate**

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Schedule 1: inserted, on 1 July 2019, by regulation 13 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Work or service**PART A**

- Recognition of foreign vessels on charter or demise charter
- Vessel detentions and seizure of maritime products
- Passenger ship safety certificate
- Cargo ship safety certificate
- Cargo ship safety radio certificate
- International load line exemption certificate
- Exemptions from maritime rules or marine protection rules
- Appointment of overseas surveyors
- Assessment of applications under Natural and Built Environment Act 2023 affecting navigation
- Other survey/vessel certificates
- High-speed craft safety certificate
- Permit to operate high-speed craft
- Authorised person certificate
- Muster list approval
- Approval of crew accommodation plans
- Approval/acceptance of maritime products or marine protection products
- Light craft compliance certificate
- Safety case approval
- Moderation of examinations by Director
- Recognition of non-New Zealand certification/qualification not otherwise provided for
- Application for approval to issue industry-specific certificates
- Erection or alteration of navigational aids

Work or service

Test for commercial jet boat driver licence

Specified limits permit

Single voyage permit

Approval of training course

Inspection of training provider

Conduct of examinations and assessments by Director

Temporary maritime event approval (speed uplifts and reservations)

International tonnage certificate

International load line certificate

New Zealand load line certificate

New Zealand load line exemption certificate

Continuous synopsis record

Change in person exercising privileges and responsibilities under MTOP

Compass adjuster

Extension of scope of certificate of surveyor recognition

Audit and inspection of recognised surveyor

Marine environment protection charges

Vessel detentions and seizure of marine protection products

Dump permits

Oil spill control agent approval

Certificates of insurance

Shipboard marine oil spill contingency plans

Oil transfer site marine oil spill contingency plans

Offshore oil spill contingency plan

International oil pollution prevention certificate (IOPPC)

Marine environment protection audits and inspections

International energy efficiency certificate (IEEC)

International air pollution prevention certificate (IAPPCC)

Work or service

Engine international air pollution prevention certificate (EIAPP)
Statement of Compliance relating to fuel oil consumption
Verification of a ship energy efficiency management plan (SEEMP)
Other work

Other work performed in relation to, or in the nature of, work or a service specified in this schedule and Schedule 2

PART B

Maritime safety audits and inspections

PART C

Maritime transport operator certificate
Certificate of surveyor recognition
Renewal of certificate of surveyor recognition
Addition of category or activities in MTOP
Removal of category or activities in MTOP

Schedule 1 Part A: amended, on 24 August 2023, by section 805(5) of the Natural and Built Environment Act 2023 (2023 No 46).

Schedule 1 Part A: amended, on 26 August 2022, by regulation 4 of the Maritime (Charges) Amendment Regulations 2022 (SL 2022/212).

Schedule 2
Work and services for which charges are payable at fixed rate

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Schedule 2: inserted, on 1 July 2019, by regulation 14 of the Maritime (Charges) Amendment Regulations 2019 (LI 2019/112).

Column 1	Column 2
Work or service	Charge (\$)
PART A	
<i>Certificates of proficiency or competency and all endorsements</i>	
All national certificates of proficiency	368
All national certificates of competency	368
All STCW (including STCW-F) certificates of proficiency	368
All STCW (including STCW-F) certificates of competency	368
<i>Endorsements on certificates of proficiency or competency</i>	
All national endorsements	368
All STCW endorsements	368
<i>Other certificates</i>	
Commercial jet boat driver licence	368
Pilot licence	368
Pilotage exemption certificate	368
New Zealand barge safety certificate	245
Minimum safe crewing document	245
New Zealand ship safety certificate and record of equipment	245
Diving compliance certificate	368
Fishing compliance certificate	368
Commercial jet boat operator certificate	368
Commercial rafting compliance certificate	368
Approval as medical practitioner or assessor or examiner	490
<i>Other applications</i>	

Column 1	Column 2
Work or service	Charge (\$)
National certificate of competency or certificate of proficiency renewal	368
National certificate of competency or certificate of proficiency transition	368
National endorsement renewal	368
STCW certificate of competency or certificate of proficiency renewal	368
GMDSS renewal	368
STCW certificate of competency or certificate of proficiency transition	368
STCW endorsement renewal	368
STCW-F certificate of competency or certificate of proficiency renewal	368
Replacement certificates and licences	368
Foreign certificate recognition (under MOU)	368
Foreign certificate recognition (outside MOU)	368
Marine engineer class 3 foreign qualification sea service acceptance	245
International voyage certificate	490
Change of full name of maritime transport operator	245
Addition of primary port or harbour from which operation is conducted under MTOP	368
Removal of primary port or harbour from which operation is conducted under MTOP	368
PART B	
Maritime transport operator certificate (initial fee)	814
Certificate of surveyor recognition (initial fee)	968
Renewal of certificate of surveyor recognition (initial fee)	710
Addition of category or activities in MTOP (initial fee)	368
Removal of category or activities in MTOP (initial fee)	245

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 27 February 2014.

Notes

1 *General*

This is a consolidation of the Maritime (Charges) Regulations 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Natural and Built Environment Act 2023 (2023 No 46): section 805(5)

Maritime (Charges) Amendment Regulations 2022 (SL 2022/212)

Maritime (Charges) Amendment Regulations 2019 (LI 2019/112)

Shipping (Charges) Amendment Regulations 2016 (LI 2016/104)