

1974/305

THE COASTAL LIGHT DUES ORDER 1974

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 16th day of December 1974

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 375 of the Shipping and Seamen Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ANALYSIS

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ORDER

1. Title and commencement—(1) This order may be cited as the Coastal Light Dues Order 1974.

(2) This order shall come into force on the 1st day of April 1975.

2. Interpretation—In this order, unless the context otherwise requires,—

“The Act” means the Shipping and Seamen Act 1952:

“Light dues” means coastal light dues payable in accordance with this order:

“Foreign-going ship” means a ship which is not a home-trade ship or a New Zealand fishing boat:

“Gross tonnage” means—

(a) In relation to a New Zealand ship or a Commonwealth ship or a ship of any foreign country in respect of which an Order in Council made under section 450 (1) of the Act is in force, the gross tonnage entered in the ship’s certificate of registry or other national papers as the case may be:

(b) In relation to any other ship, its gross tonnage ascertained in accordance with the Shipping Tonnage Regulations 1969*:

“International voyage” means any voyage from New Zealand to another country:

“Out of commission”, in relation to a ship, means—

(a) Being moored in a harbour and not engaged in the ordinary employment (which includes for the purpose of this order the loading and unloading of passengers or cargo for hire or reward) of a merchant ship; or

(b) Being wrecked or stranded or disabled while in a New Zealand port or on the New Zealand coast or while proceeding from one New Zealand port to another:

“Port” includes any place specified as a port of entry pursuant to section 26 of the Customs Act 1966; and “New Zealand port” has a corresponding meaning:

Other expressions defined in the Act have the meanings so defined.

3. Ships in respect of which light dues are payable—Subject to this order, light dues are payable in respect of all home-trade ships and foreign-going ships entering any New Zealand port.

4. Exempted ships—This order shall not apply to the following ships:

(a) Ships exempted from light dues by section 375 (2) of the Act:

(b) Ships which do not ply or proceed beyond river limits:

Provided that where a ship which does not normally ply or proceed beyond river limits is used in an emergency for the purpose of saving life at sea or rendering assistance to any ship, aircraft, or person at sea, it shall not be liable for the payment of light dues.

5. Dual tonnages—Where a ship has 2 values of gross tonnage in conjunction with a tonnage mark placed on the ship’s side, the higher gross tonnage shall be used for the purposes of determining light dues, irrespective of whether or not that tonnage mark is submerged.

6. Ships putting to sea by stress of weather—In any case where a ship which arrives at a New Zealand port is compelled by stress of weather to put to sea and later returns to that port to complete discharge or loading, no further light dues shall become payable in respect of that port in respect of that ship by reason only of that departure and return.

7. Light dues—New Zealand ships—In respect of a New Zealand ship to which this order applies, there shall be payable to the Secretary on the 1st day of April in each year light dues in a lump sum 12 months in advance at the rate of \$1 per gross ton or part of a ton of the ship’s gross tonnage:

*S.R. 1969/151

Provided that the owner of a foreign-going New Zealand ship may elect in respect of any year to pay dues in accordance with clause 8 of this order as if that ship were a foreign-going ship other than a New Zealand ship.

8. Light dues—Ships other than New Zealand ships—(1) In respect of a foreign-going ship to which this order applies (other than a New Zealand ship) plying or proceeding on a voyage from any place outside New Zealand, there shall be payable light dues on the first arrival of the ship at a New Zealand port at the rate of 4 cents per gross ton or part of a ton of the ship's gross tonnage and thereafter, if in continuation of the same voyage, at the rate of 1 cent per gross ton or part of a ton of the ship's gross tonnage at every subsequent port of call in New Zealand.

(2) The dues payable under subclause (1) of this clause shall be paid—

- (a) In the case of a ship which on that voyage makes only one port of call in New Zealand, to the Collector of Customs at that port; and
- (b) In the case of a ship which on that voyage makes more than one port of call in New Zealand, to the Collector of Customs at its last port of call in New Zealand on that voyage on the arrival of the ship at that port.

(3) In respect of a home-trade ship (other than a New Zealand ship), there shall be payable to the Secretary on the 1st day of April in each year light dues in a lump sum 12 months in advance at the rate of \$1 per gross ton or part of a ton of the ship's gross tonnage.

(4) Where the Secretary is satisfied that a home-trade ship (other than a New Zealand ship) that ceases to be a home-trade ship has been engaged in the home-trade for a period of less than 12 months in any year, he may refund a proportionate amount of the light dues paid for that year in accordance with subclause (3) of this clause.

(5) In the case of any ship (other than a New Zealand ship) which is normally engaged in the home-trade but which makes one international voyage in the course of any period of 12 months commencing on the 1st day of April light dues shall be payable pursuant to subclause (3) of this clause.

(6) In the case of any ship to which subclause (5) of this clause applies light dues shall not be payable in accordance with subclause (1) of this clause, and no refund shall be made under subclause (4) of this clause.

9. Proportional payment—(1) Where after the 1st day of April in any year a New Zealand ship or a home-trade ship (not being a New Zealand ship) becomes a ship in respect of which light dues are required to be paid in accordance with clause 7 or clause 8 (3) of this order, there shall be payable to the Secretary in respect of that ship for the period of 12 months commencing on that 1st day of April light dues in a lump sum calculated in accordance with the following formula:

$$\frac{a}{365} \times b$$

where—

- a is the amount that would be payable for a whole period of 12 months; and
- b is the number of days in that whole period of 12 months left before the next 1st day of April from and including the date on which the ship becomes a ship in respect of which light dues are so required to be paid.

(2) Notwithstanding anything in the foregoing provisions of this clause the minimum payment in respect of any ship for any period of 12 months shall be \$5.

10. Ships out of commission, etc.—Refund provisions—(1) Where the Secretary is satisfied that for a period of 30 consecutive days or more a New Zealand ship or a home-trade ship (not being a New Zealand ship) in respect of which light dues have been paid in advance for that period has been—

- (a) Out of commission; or
- (b) Laid up for survey or repairs; or
- (c) Prevented from putting to sea consequent upon an industrial dispute,—

he may, on receipt of a written application, refund to the person who paid the dues a proportionate part of those light dues.

(2) Where the Secretary is satisfied that a New Zealand ship in respect of which light dues have been paid in advance in accordance with clause 7 of this order has not visited a New Zealand port during the 12 months' period for which those light dues have been paid he may refund those light dues to the person who paid them.

(3) Where the Secretary is satisfied that a New Zealand ship has ceased to be registered as a New Zealand ship, he may refund to the person who paid them a proportionate part of the light dues paid in accordance with clause 7 of this order.

(4) Where the Secretary is satisfied that a New Zealand ship or a home-trade ship (not being a New Zealand ship) in respect of which light dues have been paid in advance becomes a ship that is exempt from light dues, he may refund to the person who paid them an amount of the light dues proportionate to the time that the ship remains a ship exempted from paying light dues.

11. Evidence of payment of light dues—The production to the Collector of Customs at any port in New Zealand by the master or owner or agent of the owner of any ship of a receipt for dues paid in a lump sum in respect of that ship under clause 7 or clause 8 or clause 9 of this order shall be sufficient evidence that the ship is not liable for any light dues for the period in respect of which payment was made.

12. Revocation—The Lighthouse Dues Order 1948* is hereby revoked.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order replaces the Lighthouse Dues Order 1948.

The principal changes are—

- (a) Light dues are to be calculated on gross tonnage instead of on net tonnage.
- (b) New Zealand ships and home-trade ships are to be charged on an annual basis in advance, but provision is made enabling the owner of a foreign-going New Zealand ship to elect to pay on the same basis as foreign ships.
- (c) Commercial restricted-limit ships which proceed outside river limits will be liable for dues.
- (d) New rates of dues are prescribed.

Issued under the Authority of the Regulations Act 1936

Date of notification in *Gazette*: 19 December 1974.

This order is administered in the Ministry of Transport.