



# Marine Protection (Offences) Amendment Regulations (No 3) 2006

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 18th day of December 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 201(1)(e) 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 Marine Protection (Offences) Amendment Regulations (No 3) 2006.

### 2 Commencement

These regulations come into force on 1 March 2007.

### 3 Principal regulations amended

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

### 4 New regulation 6 inserted

The following regulation is inserted after regulation 5:

#### “6 Infringement offence reminder notices

Every infringement offence reminder notice must be in the form set out in Schedule 3.”

### 5 New Schedule 3 added

The Schedule 3 set out in the Schedule of these regulations is added.

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## Schedule New Schedule 3 added

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## Schedule 3 Infringement offence reminder notice form

Form  
Infringement offence reminder notice  
*Section 201(1)(e), Maritime Transport Act 1994*

(Front page)

Notice number:

Informant—

Full name:

**Schedule 3**—continued  
Form—continued*or*

Position:

Full address:

Person to whom infringement notice issued—

Full name:

Full address:

Telephone number:

Occupation (*if an individual*):Date of birth (*if an individual*):Gender (*if an individual*):Maritime protection document number (*if applicable*):**Details of alleged infringement offence**

Date:

Time:

Place:

Vessel:

Official number:

Flag:

Port of registry:

<b>Offence number</b>	<b>Offence description</b>	<b>Enactment and provision breached</b>	<b>Infringement fee payable</b>
[specify]	[specify]	[specify]	[specify]

Total infringement fee payable: \$

Infringement notice issued by—

Full name:

*or*Number (*if applicable*):

who is a person duly authorised by [specify]

**Payment of infringement fee**

The infringement fee was payable within 28 days after [date infringement notice was delivered personally or posted].

**Schedule 3**—*continued*Form—*continued*

The infringement fee remains payable to the informant at the informant's address shown on the front page.

The last day for payment is 28 days after [*date reminder notice is delivered personally or posted*].

Please show or return this notice when making your payment.

Cheques or money orders should be made out to [*specify*] and should be crossed and marked "Not transferable" or "Account payee only".

**Service details**

(*To be provided for filing in court*)

Infringement notice served by [*method of service*] on [*date of service*]

Reminder notice served by [*method of service*] at [*full address of service*] on [*date of service*]

**Important**

Please read the summary of rights printed on the next page. If you do not understand it, you should consult your lawyer immediately.

(Next page)

**Summary of rights**

You have not paid the infringement fee specified on the front page, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

- 1 This paragraph applies to you if you enter, or have entered, a time to pay arrangement for the infringement fee with the informant under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957. You cannot then act in the ways described in paragraphs 4(b) and 5 or paragraphs 4(c) and 6.

**Schedule 3**—*continued*Form—*continued***Payments**

- 2 If you pay the infringement fee for an alleged offence within 28 days after you are served with this notice, no further enforcement action on the offence will be taken. You must pay the infringement fee to the informant at the informant's address shown on the front page.

**Defence**

- 3 You have a complete defence against court proceedings for an alleged offence if you pay the infringement fee for the alleged offence to the informant at the informant's address shown on the front page within 28 days after you are served with this notice. Payment made to any other address is not a defence, and neither is late payment.

**Further action**

- 4 You must write a letter to the informant if you want to—
- (a) raise a matter for the informant's consideration relating to the circumstances of an alleged offence; or
  - (b) deny liability for an alleged offence and request a court hearing (*see* paragraphs 5 and 8); or
  - (c) admit liability for an alleged offence but have a court consider written submissions on the penalty or any other matter (*see* paragraphs 6 and 8).

You must personally sign the letter, address it to the informant at the address shown on the front page, and post it within 28 days after you are served with this notice.

- 5 This paragraph applies to you if you deny liability for the offence and request a court hearing. The informant will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court. (Alternatively, the informant may decide not to start court proceedings for the offence.)

**Note:** If the court finds you guilty of the offence, it will impose a fine and costs.

**Schedule 3**—*continued*Form—*continued*

6 This paragraph applies to you if you admit liability for the offence but want the court to consider written submissions on the penalty or any other matter. In your letter to the informant you must—

- (a) admit liability; and
- (b) request a hearing; and
- (c) write the submissions you want the court to consider.

The informant will file your letter with the court. You do not have an oral hearing before the court if you act in this way. (Alternatively, the informant may decide not to start court proceedings for the offence.)

**Note:** If the court imposes a fine, it will also order you to pay costs.

**Non-payment of fee**

7 This paragraph applies to you if you do not pay the infringement fee and do not request a hearing about the alleged offence within 28 days after you are served with this notice. If the informant decides to start court proceedings against you, you will become liable to pay a fine and costs.

**Correspondence**

8 When paying an infringement fee to the informant, or writing a letter to the informant, please state—

- (a) the infringement notice number; and
- (b) the date of the alleged infringement offence; and
- (c) your full name and full address for replies.

**Note:** You must address all correspondence about the alleged infringement offence to the informant at the informant's address shown on the front page.

Rebecca Kitteridge,  
for 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 add an infringement offence reminder notice form to the Marine Protection (Offences) Regulations 1998. The amendment is required to reflect changes (made by the Summary Proceedings Amendment Act 2006) to the summary procedure for infringement offences in section 21 of the Summary Proceedings Act 1957.

The regulations come into force on 1 March 2007.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 21 December 2006.

These regulations are administered by the Ministry of Transport.

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