



**MARITIME TRANSPORT (INFRINGEMENT FEES FOR  
OFFENCES RELATING TO MAJOR MARITIME EVENTS)  
REGULATIONS 1999**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of July 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to sections 201 and 423 of the Maritime Transport Act 1994, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation
3. Infringement fees
4. Infringement notices

SCHEDULE

Maritime Transport Infringement Offence  
Notice

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Regulations 1999.

(2) These regulations come into force on 27 August 1999.

**2. Interpretation**—In these regulations, unless the context otherwise requires, “the Act” means the Maritime Transport Act 1994.

**3. Infringement fees**—The infringement fee for an infringement offence against section 200B (5) of the Act is,—

- (a) In the case of an individual, \$1,000;
- (b) In the case of a body corporate, \$10,000.

**4. Infringement notices**—Every infringement notice in respect of an infringement offence against section 200B of the Act must be in the form set out in the Schedule.

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SCHEDULE

MARITIME TRANSPORT INFRINGEMENT OFFENCE NOTICE

Issued under section 423 of the Maritime Transport Act 1994

Notice  
Number

**ENFORCEMENT AUTHORITY**

[Specify enforcement authority]

TO:

Forenames

Surname

Name: .....

Address: .....

Occupation: ..... Date of Birth: ..... Maritime Document No.: .....  
(Where applicable)

**ALLEGED INFRINGEMENT OFFENCE(S) DETAILS**

Date: ..... Time: ..... Place: .....

Vessel Name: ..... Vessel Description: .....

Offence Number	Offence	Infringement Fee Payable
1. ....	.....	\$.....
2. ....	.....	\$.....
3. ....	.....	\$.....

**PAYMENT OF INFRINGEMENT FEE(S)**

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

THE INFRINGEMENT FEE(S) SHOULD BE PAID

TO:

[Specify address of enforcement authority]

DO NOT DETACH  
Please present both  
copies of this notice  
when making payment

Cheques or money orders should be made out to the [Specify enforcement authority] and should be crossed and marked "NOT TRANSFERABLE" or "ACCOUNT PAYEE ONLY".

Issued by: .....  
being a person duly authorised by the Director of Maritime Safety, a member of the police, or a person duly authorised by the Director, the regional council, or other local authority in whose region or district the offence was committed.

**IMPORTANT—PLEASE READ THE STATEMENT OF RIGHTS  
PRINTED OVERLEAF**

SCHEDULE—*continued*

MARITIME TRANSPORT INFRINGEMENT OFFENCE NOTICE—*continued*

**STATEMENT OF RIGHTS**

**Note:** If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.

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 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 should 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. If you wish to—

- (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 (refer to 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 (refer to paragraph 6 and 9)—

you should write to the enforcement authority at the address shown on the front page of this notice. Any such letter should be personally signed.

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

SCHEDULE—*continued*

MARITIME TRANSPORT INFRINGEMENT OFFENCE NOTICE—*continued*

setting out the place and time at which the matter will be heard by the court.

**Note:** That 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:** That 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
- (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.

SCHEDULE—*continued*

MARITIME TRANSPORT INFRINGEMENT OFFENCE NOTICE—*continued*

**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.

MARIE SHROFF,  
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 come into force on 27 August 1999, prescribe the infringement fees for the infringement offences specified in section 200B (5) of the Maritime Transport Act 1994, which are:

- (a) contravention of a notice given under section 200A of the Maritime Act 1994;
- (b) obstruction of an enforcement officer lawfully exercising a power under section 200B (2) of the Maritime Transport Act 1994;
- (c) failure to comply with the lawful exercise of power by an enforcement officer under section 200B (2).

An infringement notice must be in the form prescribed in the *Schedule*.

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

Date of notification in *Gazette*: 29 July 1999.

These regulations are administered in the Ministry of Transport.