

**Reprint
as at 1 July 2016**

Marine Safety Charges Amendment Regulations 2004

(SR 2004/207)

Marine Safety Charges Amendment Regulations 2004: revoked, on 1 July 2016, pursuant to regulation 21 of the Maritime Levies Regulations 2016 (LI 2016/106).

Pursuant to sections 191(1) and 445(1) of the Maritime Transport Act 1994, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

- (1) These regulations are the Marine Safety Charges Amendment Regulations 2004.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

These regulations are administered by the Ministry of Transport.

- (2) In these regulations, the Marine Safety Charges Regulations 2000¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on 15 July 2004.

3 Interpretation

- (1) Regulation 3 of the principal regulations is amended by inserting, in their appropriate alphabetical order, the following definitions:

invoice means an invoice issued under regulation 10

levy means an invoice—

- (a) issued for an oil pollution levy or levies payable under clause 15A of the Oil Pollution Levies Order 1998; and
- (b) payable in the same year and by the same person as any marine safety charges payable under these regulations

year means the 12-month period beginning on 1 July in any year

- (2) Regulation 3 of the principal regulations is amended by revoking the definition of **out of commission**, and substituting the following definition:

out of commission, in relation to a ship, means—

- (a) being incapable of operation as a result of being wrecked, stranded, or disabled while—
 - (i) in a New Zealand port; or
 - (ii) on the New Zealand coast; or
 - (iii) proceeding from 1 New Zealand port to another; or
- (b) being prohibited from operation by the Director exercising his or her powers under the Act; or
- (c) being prevented from operation by an employment relationship problem (for example, a strike or a lockout)

4 Rates of marine safety charges

Regulation 7(1) of the principal regulations is amended by omitting the words “12-month period beginning on 1 July in any year, at whichever of the following rates is the greater”, and substituting the words “year, at whichever of the following rates gives the higher amount”.

¹ SR 2000/268

5 Proportional payments for ships becoming liable for marine safety charges after start of 12-month period

- (1) The heading to regulation 9 of the principal regulations is amended by omitting the words “12-month period”, and substituting the word “year”.
- (2) Regulation 9(1) of the principal regulations is amended by—
 - (a) omitting the words “relevant 12-month period”, and substituting the word “year” ; and
 - (b) omitting from the definition of item a in the formula the words “a whole period of 12 months”, and substituting the words “the whole year”.

6 When marine safety charges payable

Regulation 10 of the principal regulations is amended by adding, as subclause (2), the following subclause:

- (2) Regulation 10C overrides this regulation.

7 New regulations 10A to 10D inserted

The principal regulations are amended by inserting, after regulation 10, the following regulations:

10A Application to pay invoice and levy jointly, by instalment

- (1) A person who has received in any year an invoice and a levy that requires a total annual payment of not less than \$50,000 may apply to the Director for authority to pay the invoice and the levy jointly, by monthly or quarterly instalments.
- (2) An application must be made no more than 10 days after the invoice or the levy is issued, whichever is the later.
- (3) For the purposes of regulations 10B to 10D, account means an invoice and a levy received by a person in any year that requires a total annual payment of not less than \$50,000.

10B Granting of applications

- (1) The Director must grant an application under regulation 10A if—
 - (a) the Director is satisfied that the applicant will pay the account in monthly or quarterly instalments; and
 - (b) the application is made within the time specified in regulation 10A(2); and
 - (c) the applicant has paid an application fee of \$112.50 (inclusive of goods and services tax).
- (2) For the purposes of subclause (1)(a), the Director may consider the payment history of the applicant in relation to marine safety charges and any other lev-

ies, fees, or charges previously incurred by the applicant under the Act or regulations made under the Act.

- (3) The Director must refund the application fee to an applicant if his or her application is unsuccessful.

10C When instalments payable

- (1) An applicant who has been authorised under regulation 10B to pay an account by monthly instalments must—
- (a) pay the account in 12 equal payments; and
 - (b) make the first and second payments on 20 August of the year in which the account was issued; and
 - (c) make the remaining 10 payments on the first day of each succeeding month of the year in which the account was issued.
- (2) An applicant who has been authorised under regulation 10B to pay an account by quarterly instalments must—
- (a) pay the account in 4 equal payments; and
 - (b) make the payments on 30 September, 31 December, 31 March, and 30 June of the year in which the account was issued.

10D Additional charges incurred after grant of application not to be included in instalment payments

If a person who has been authorised under regulation 10B to pay an account by instalments becomes liable for further marine safety charges or oil pollution levies in the same year, the further charges or levies must not be incorporated into the instalment payments in relation to that account.

8 Refunds or waivers of marine safety charges

- (1) Regulation 12(2)(c) of the principal regulations is revoked.
- (2) Regulation 12(4) of the principal regulations is amended by omitting the words “12-month period”, and substituting the word “year”.

Diane Morcom,
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 15 July 2004, amend the Marine Safety Charges Regulations 2000 (“the principal regulations”). The principal regulations prescribe (with certain exceptions) the marine safety charges payable for ships that enter or use any New Zealand port, or operate in New Zealand waters.

The main amendments in these regulations—

- clarify the meaning of the term **out of commission**, in relation to ships; and
- insert a definition of **year** ; and
- clarify the rate at which marine safety charges are payable as the higher amount of either the rate payable per complete metre of length of a ship or the rate payable per unit of gross tonnage of a ship.

In addition, new regulations 10A to 10D are inserted into the principal regulations. New regulation 10A allows any person who is required to pay a total of not less than \$50,000 in charges under the principal regulations and levies under the Oil Pollution Levies Order 1998, in any particular year, to apply to the Director of Maritime Safety to pay the charges and levies jointly, by monthly or quarterly instalments. Currently these charges and levies are payable (generally) only as a lump sum in advance of the start of the year to which the levies and charges apply.

The introduction of an instalment payment system is intended to mitigate the financial impact of the current terms of payment.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 8 July 2004.

Eprint notes**1 *General***

This is an eprint of the Marine Safety Charges Amendment Regulations 2004 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Maritime Levies Regulations 2016 (LI 2016/106): regulation 21