

Reprint
as at 1 July 2019



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

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

r 3A

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 Resource Management Act 1991 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

8

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

Work or service

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

r 5

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	368
<i>Other applications</i>	
	490

Column 1	Column 2 Charge (\$)
Work or service	
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 2012.
Date of notification in *Gazette*: 27 February 2014.

Reprints notes

1 *General*

This is a reprint of the Maritime (Charges) Regulations 2014 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

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

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