

Reprint
as at 1 July 2019



Maritime Levies Regulations 2016 (LI 2016/106)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 30th day of May 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under section 191 of the Maritime Transport Act 1994—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport made after complying with section 191(3A) of that Act.

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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 Levies Regulations 2016.

2 Commencement

These regulations come into force on 1 July 2016.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

deadweight means the difference in tonnes between the displacement of the ship in water of specific gravity of 1.025 at the load waterline corresponding to the assigned summer load line and the lightweight of the ship

Director means the Director of Maritime New Zealand

enclosed water limits means—

- (a) the enclosed water limits set out in Appendix 1 of Part 20 of the Maritime Rules; and
- (b) all inland New Zealand waters

foreign commercial ship means a commercial ship that is not a New Zealand commercial ship

foreign non-passenger ship means a foreign commercial ship that is not a foreign passenger ship

foreign passenger ship means a foreign commercial ship that has a passenger capacity of more than 12 passengers

inshore limits means—

- (a) the inshore limits set out in Appendix 1 of Part 20 of the Maritime Rules; and
- (b) in relation to a ship, the limits within the territorial sea assigned to the ship by a surveyor under rule 20.20 of the Maritime Rules

invoice means an invoice issued under regulation 13

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

lightweight means the displacement of a ship in tonnes without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and passengers and crew and their effects

Load Line Certificate means an International Load Line Certificate or International Load Line Exemption Certificate issued in accordance with the Load Lines Convention or the Maritime Rules

Load Lines Convention,—

- (a) in relation to a New Zealand commercial ship, means the International Convention on Load Lines, 1966 as described in the Schedule of the Maritime Transport Act (Conventions) Order 1994;
- (b) in relation to a foreign commercial ship, means that convention or the Protocol of 1988

New Zealand commercial ship—

- (a) means a commercial ship that is registered under the Ship Registration Act 1992; and
- (b) includes a commercial ship that is not registered under that Act but is required or entitled to be registered under that Act; and
- (c) includes a foreign-registered commercial ship on demise charter to a New Zealand-based operator to which section 198(1)(b) of the Maritime Transport Act 1994 applies

New Zealand non-SOLAS ship means a New Zealand commercial ship other than a New Zealand SOLAS ship

New Zealand port means—

- (a) any place designated as a Customs port under section 55 of the Customs and Excise Act 2018;
- (b) any place within New Zealand waters where any ship is anchored or moored

New Zealand SOLAS ship has the meaning given in regulation 3A

New Zealand waters means—

- (a) the territorial sea of New Zealand; and
- (b) the internal waters of New Zealand; and
- (c) all rivers and other inland waters of New Zealand

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 one 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)

overall length has the same meaning as in section 2(1) of the Ship Registration Act 1992

passenger capacity, in relation to a passenger ship, means the maximum number of passengers that may be carried on a ship as set out in the relevant certificate

passenger ship means—

- (a) a New Zealand commercial ship that carries any passengers and does not proceed beyond restricted limits; or
- (b) a New Zealand commercial ship that has a passenger capacity of more than 12 passengers and proceeds beyond restricted limits; or
- (c) a foreign passenger ship

relevant certificate, in relation to a ship, means—

- (a) a Passenger Ship Safety Certificate and Record of Equipment issued in accordance with SOLAS;
- (b) a New Zealand Ship Safety Certificate and Record of Equipment issued under the Maritime Rules;
- (ba) a certificate issued under the maritime rules that specifies the maximum number of passengers that the ship may carry:

- (c) an equivalent certificate issued under the laws of the country where the ship is registered

restricted limits means—

- (a) enclosed water limits; and
(b) inshore limits

SOLAS means the International Convention for the Safety of Life at Sea, 1974, and the protocols relating to that convention, and the annexes to that convention and to the protocols

summer load line means the mark on a ship that indicates the maximum depth to which the ship is permitted to be loaded in summer as described in the ship's Load Line Certificate.

Regulation 3 **chartered fishing vessel**: revoked, on 1 July 2019, by regulation 4(2) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **International Tonnage Certificate**: revoked, on 1 July 2019, by regulation 4(2) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **New Zealand fishing ship**: revoked, on 1 July 2019, by regulation 4(2) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **New Zealand non-passenger ship**: revoked, on 1 July 2019, by regulation 4(2) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **New Zealand non-SOLAS ship**: inserted, on 1 July 2019, by regulation 4(1) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **New Zealand passenger ship**: revoked, on 1 July 2019, by regulation 4(2) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **New Zealand port** paragraph (a): amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3 **New Zealand SOLAS ship**: inserted, on 1 July 2019, by regulation 4(1) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **passenger capacity**: amended, on 1 July 2019, by regulation 4(3) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **passenger ship**: inserted, on 1 July 2019, by regulation 4(1) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 3 **relevant certificate** paragraph (ba): inserted, on 1 July 2019, by regulation 4(4) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

3A Meaning of New Zealand SOLAS ship

In these regulations, unless the context otherwise requires, **New Zealand SOLAS ship** means a New Zealand commercial ship that—

- (a) either—
(i) is 45 metres or more in length and proceeds beyond restricted limits; or
(ii) has a passenger capacity of more than 12 passengers and is engaged on an international voyage; and
(b) is either—

- (i) certified as a SOLAS ship; or
- (ii) a ship in relation to which a New Zealand Ship Safety Certificate has been issued under the maritime rules; and
- (c) is not registered as a fishing vessel under section 103 of the Fisheries Act 1996.

Regulation 3A: inserted, on 1 July 2019, by regulation 5 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Ships for which maritime levies are payable

Except as provided in regulation 6 and in the Act, maritime levies are payable for—

- (a) every commercial ship that enters a New Zealand port or operates in New Zealand waters; and
- (b) every commercial raft to which Part 81 of the maritime rules applies.

Regulation 5(b): replaced, on 1 July 2019, by regulation 6 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

6 Exempt ships

(1) Maritime levies are not payable for any ship of any of the following classes:

- (a) ships that put in to any New Zealand port—
 - (i) because of stress of weather; or
 - (ii) because of, or to repair, damage:
- (b) ships that are used in searching for or rendering emergency assistance to any person or ship (and that would not otherwise be liable for a maritime levy):
- (c) pleasure craft:
- (d) New Zealand commercial ships—
 - (i) for which a maritime document is not required; and
 - (ii) that are operated as part of an adventure activity registered under the Health and Safety at Work (Adventure Activities) Regulations 2016.

(2) However, the exemption specified in subclause 1(a) applies only if—

- (a) no passenger permanently embarks or disembarks; and
- (b) no cargo (other than fuel or supplies intended for use on board) is loaded or permanently unloaded.

Regulation 6(1)(b): amended, on 1 July 2019, by regulation 7(1)(a) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 6(1)(b): amended, on 1 July 2019, by regulation 7(1)(b) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Regulation 6(1)(d): inserted, on 1 July 2019, by regulation 7(2) of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

7 Persons liable to pay maritime levies

- (1) Each of the following persons is liable to pay maritime levies for any ship:
 - (a) the master:
 - (b) the owner:
 - (c) the charterer:
 - (d) the person responsible for the management of the ship:
 - (e) any agent of any of the persons specified in paragraphs (a) to (d) who, by law or contract, is liable to pay any other levies, fees, or charges for the ship.
- (2) No person specified in subclause (1) is liable to pay a maritime levy for any ship if another person has paid that maritime levy.

8 Maritime levies for foreign commercial ships: Part 1 of Schedule 2

- (1) A maritime levy is payable for a foreign commercial ship in relation to each visit by the ship to a New Zealand port in the levy year.
- (2) The levy for each port visit by a ship of a class specified in column 1 of the table in Part 1 of Schedule 2 during a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(g \times c3) + (d \times c4) + (p \times c5) = \$L$$

where—

- g is the gross tonnage of the ship
- d is the deadweight tonnage of the ship
- p is the passenger capacity of the ship
- c3 is the relevant gross tonnage rate specified in column 3 of the table
- c4 is the relevant deadweight tonnage rate specified in column 4 of the table
- c5 is the relevant passenger capacity rate specified in column 5 of the table
- \$L is the levy payable

Regulation 8: replaced, on 1 July 2019, by regulation 8 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

9 Maritime levies for New Zealand commercial ships: Part 2 of Schedule 2

- (1) A maritime levy is payable in each levy year for the following ships:
 - (a) a New Zealand SOLAS ship:

- (b) a New Zealand non-SOLAS ship that is 24 metres or more in length:
 (c) a New Zealand non-SOLAS ship that is less than 24 metres in length.
- (2) The maritime levy for a New Zealand SOLAS ship that is of a class specified in column 1 of the table in Part 2 of Schedule 2 in relation to a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(g \times c3) + (d \times c5) + (p \times c6) = \$L$$

where—

- g is the gross tonnage of the ship
 d is the deadweight tonnage of the ship
 p is the passenger capacity of the ship (if the ship is a passenger ship)
 c3 is the relevant gross tonnage rate specified in column 3 of the table
 c5 is the relevant deadweight tonnage rate specified in column 5 of the table
 c6 is the relevant passenger capacity rate specified in column 6 of the table (if applicable)
 \$L is the levy payable
- (3) The maritime levy for a New Zealand non-SOLAS ship that is 24 metres or more in length and that is of a class specified in column 1 of the table in Part 2 of Schedule 2 in relation to a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(g \times c3) + (p \times c6) = \$L$$

where—

- g is the gross tonnage of the ship
 p is the passenger capacity of the ship (if the ship is a passenger ship)
 c3 is the relevant gross tonnage rate specified in column 3 of the table
 c6 is the relevant passenger capacity rate specified in column 6 of the table (if applicable)
 \$L is the levy payable
- (4) The maritime levy for a New Zealand non-SOLAS ship that is less than 24 metres in length and that is of a class specified in column 1 of the table in Part 2 of Schedule 2 in relation to a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(l \times c4) + (p \times c6) = \$L$$

where—

- l is the overall length of the ship
 p is the passenger capacity of the ship (if the ship is a passenger ship)
 c4 is the relevant length rate specified in column 4 of the table

c6 is the relevant passenger capacity rate specified in column 6 of the table (if applicable)

\$L is the levy payable

Regulation 9: replaced, on 1 July 2019, by regulation 8 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

10 Rates of maritime levies for New Zealand commercial river rafts, New Zealand fishing ships, and other New Zealand commercial ships

[Revoked]

Regulation 10: revoked, on 1 July 2019, by regulation 9 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

11 Rates of maritime levies for chartered fishing vessels

[Revoked]

Regulation 11: revoked, on 1 July 2019, by regulation 9 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

12 Proportional payments for ships becoming liable for maritime levies after start of levy year

- (1) If, after 1 July in any levy year, a ship becomes a ship for which maritime levies are payable, the amount of maritime levies payable for the levy year must be a reduced amount calculated in accordance with the following formula:

$$(a \times b) \div 12$$

where—

- a is the amount that would be payable for the whole levy year; and
b is the number of whole months remaining before the next 1 July, from and including, the date on which the ship becomes a ship in respect of which maritime levies are payable.

- (2) This regulation applies to maritime levies that are payable on an annual basis.

Regulation 12(2): replaced, on 1 July 2019, by regulation 10 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

13 When maritime levies payable

The due date for payment of any maritime levy is,—

- (a) for annual or monthly payments, the 20th day of the month after the invoice for the maritime levy is issued; and
(b) for individual port visits, 7 days after the date the invoice for the maritime levy is issued.

14 Application to pay maritime levies by instalment

- (1) This regulation applies to a person who, in the same levy year, is liable for—
(a) a maritime levy payable under these regulations; and

- (b) an oil pollution levy payable under any other enactment; and
 - (c) a total amount payable that is not less than \$50,000.
- (2) If this regulation applies, the person may apply to the Director for authority to pay the maritime levy by monthly or quarterly instalments.
- (3) An application must be made no more than 10 days after the invoice for the most recent levy is issued.

15 Granting of applications

- (1) The Director must grant an application under regulation 14 unless—
- (a) the Director is not satisfied that the applicant will pay the account in monthly or quarterly instalments; or
 - (b) the application is not made within the time specified in regulation 14(3); or
 - (c) the applicant has not 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 maritime levies and any other levies, fees, or charges previously incurred by the applicant under the Act or regulations made under the Act.

16 When authorised instalments payable

- (1) Despite regulation 13(a), an applicant who has been authorised under regulation 15 to pay a maritime levy by monthly instalments must—
- (a) pay the maritime levy in 12 equal payments; and
 - (b) make the first and second payments on 20 August of the levy year in which the invoice for the maritime levy was issued; and
 - (c) make the remaining 10 payments on the first day of each succeeding month of the levy year in which the invoice for the maritime levy was issued.
- (2) Despite regulation 13(b), an applicant who has been authorised under regulation 15 to pay a maritime levy by quarterly instalments must—
- (a) pay the maritime levy in 4 equal payments; and
 - (b) make the payments on 30 September, 31 December, 31 March, and 30 June of the levy year in which the invoice for the maritime levy was issued.

17 Additional levies, fees, or charges incurred after grant of application not to be included in instalment payments

If a person who has been authorised under regulation 15 to pay a maritime levy by instalments becomes liable for additional levies, fees, or charges in the same

levy year, the additional levies, fees, or charges must not be incorporated into the instalment payments in relation to that maritime levy.

18 Collection of payments

Any maritime levy that is payable under these regulations must be paid to the Director, the chief executive of the New Zealand Customs Service, or any other person appointed by the Director under section 193(1) of the Maritime Transport Act 1994.

19 Refunds or waivers of maritime levies

- (1) This regulation applies to ships for which maritime levies have been paid or are payable under regulation 8 or 9.
- (2) The Director must, on receipt of a written application, refund to the person who paid the maritime levies the appropriate proportion of those maritime levies, or, if the maritime levies have not been paid, waive the appropriate proportion of the maritime levies otherwise payable if the Director is satisfied that a ship has, for a period of 3 consecutive months or more, been—
 - (a) out of commission; or
 - (b) laid up for survey or repairs.
- (3) If the Director is satisfied that a ship has become a ship that is exempt from maritime levies, the Director must, on receipt of a written application, refund to the person who paid the maritime levies the appropriate portion of the maritime levies, or waive payment of the appropriate portion of the maritime levies.
- (4) If the Director is satisfied that a ship has not operated in any New Zealand waters nor entered any New Zealand port during the levy year for which maritime levies have been paid, the Director must, on receipt of a written application, refund those maritime levies to the person who paid them.
- (5) The Director is not obliged—
 - (a) to make any refund of maritime levies unless a written application for the refund is made within 12 months of the date on which payment of the maritime levies was made; or
 - (b) to grant any waiver of maritime levies unless a written application for the waiver is made within 12 months of the date on which payment of the maritime levies was due.
- (6) The Director may waive a maritime levy (in whole or in part) if the amount of the maritime levy is less than the reasonable cost of recovering it.

Regulation 19(1): amended, on 1 July 2019, by regulation 11 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

20 GST excluded

The amounts and the minimum amounts payable as maritime levies under these regulations are exclusive of any goods and services tax.

21 Revocation

The Marine Safety Charges Regulations 2000 (SR 2000/268) are revoked.

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2
Maritime levies

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Schedule 2: replaced, on 1 July 2019, by regulation 12 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Part 1
Foreign commercial ships

Schedule 2 Part 1: replaced, on 1 July 2019, by regulation 12 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Column 1	Column 2	Column 3	Column 4	Column 5
Class of ship	Levy year	Gross tonnage rate (\$)	Deadweight tonnage rate (\$)	Passenger capacity rate (\$)
Passenger	2019–20 to 2021–22	0.0836	0.0075	1.6848
	2022–23 to 2024–25	0.1004	0.0082	2.0248
Non-passenger	2019–20 to 2021–22	0.1078	0.0087	–
	2022–23 to 2024–25	0.1178	0.0095	–

Part 2

New Zealand commercial ships

Schedule 2 Part 2: replaced, on 1 July 2019, by regulation 12 of the Maritime Levies Amendment Regulations 2019 (LI 2019/109).

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Class of ship	Levy year	Gross tonnage rate (\$)	Overall length rate (\$)	Deadweight tonnage rate (\$)	Passenger capacity rate (\$)
NZ SOLAS	2019–20 to 2021–22	7.1327		0.4216	42.7515
	2022–23 to 2024–25	7.7931		0.4607	46.7100
NZ non-SOLAS (24 m or more in length)	2019–20 to 2021–22	7.5215		–	16.0538
	2022–23 to 2024–25	8.2197		–	17.5403
NZ non-SOLAS (less than 24 m in length)	2019–20 to 2021–22		13.8886	–	16.0538
	2022–23 to 2024–25		15.1746	–	17.5403

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 June 2016.

Reprints notes

1 *General*

This is a reprint of the Maritime Levies Regulations 2016 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 Levies Amendment Regulations 2019 (LI 2019/109)

Customs and Excise Act 2018 (2018 No 4): section 443(4)