

Reprint
as at 1 July 2013



**Marine Protection (Offences)
Regulations 1998**
(SR 1998/205)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 20th day of July 1998

Present:
His Excellency the Governor-General in Council

Pursuant to section 394 and (in respect of regulation 5) section 201(1)(e) 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.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Transport.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Marine Protection (Offences) Regulations 1998.
- (2) These regulations come into force on 20 August 1998.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
 - the Act** means the Maritime Transport Act 1994
 - Marine Protection Rules** or **rules** means the ordinary rules made under Part 27 of the Maritime Transport Act 1994
 - provision** means a provision of the Marine Protection Rules.
- (2) Every reference in these regulations to any provision includes every provision for the time being in force amending or made in substitution for that provision.
- (3) The brief descriptions given in the second column of Schedule 1 are intended only to be an indication of the content of the provisions they describe, and are not intended to be used in the interpretation of the provisions.
- (4) Abbreviations used in the second column of Schedule 1 have the meanings given to those abbreviations in the Marine Protection Rules.

3 Offences and penalties

- (1) A breach of a provision specified in the first column of Schedule 1 is an offence against the Act.

- (2) A person who commits an offence referred to in subclause (1) is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding the amount specified in relation to that offence in the third column of Schedule 1:
 - (b) in the case of a person other than an individual, to a fine not exceeding the amount specified in relation to that offence in the fourth column of Schedule 1.

Regulation 3 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 3(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

4 Infringement offences

- (1) A breach of a provision specified in the first column of Schedule 1 for which an infringement fee is specified in Schedule 1 is an infringement offence against the Act.
- (2) The infringement fee for an offence referred to in subclause (1) is,—
- (a) in the case of an individual, the infringement fee specified in relation to that offence in the fifth column of Schedule 1:
 - (b) in the case of a person other than an individual, the infringement fee specified in relation to that offence in the sixth column of Schedule 1.

5 Infringement notices

Every infringement notice under section 423 of the Act in respect of an infringement offence referred to in regulation 4(1) must be in the form set out in Schedule 2.

Regulation 5: amended, on 10 October 2006, by regulation 4 of the Marine Protection (Offences) Amendment Regulations 2006 (SR 2006/245).

6 Infringement offence reminder notices

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

Regulation 6: added, on 1 March 2007, by regulation 4 of the Marine Protection (Offences) Amendment Regulations (No 3) 2006 (SR 2006/392).

Schedule 1
Offence provisions and penalties

rr 3, 4

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
<i>Part 101A</i>	<i>Surveys and inspections—oil</i>				
Rule 101A.6(1)	Owner and master of ship must ensure condition of ship and equipment maintained after survey	5,000	30,000	—	—
Rule 101A.6(2)	Owner and master of ship must ensure no change made to ship's structure, equipment etc after survey without approval	5,000	30,000	—	—
Rule 101A.6(4)	Owner and master of ship must report accident to ship or defect discovered in ship	5,000	30,000	—	—
Rule 101A.6(5)	Owner and master of ship must ensure report of accident or defect made to Director, authorised organisation, and appropriate authorities	5,000	30,000	—	—
Rule 101A.7(2)	Owner of oil tanker over certain age must ensure oil tanker subject to enhanced programme of inspections	5,000	30,000	—	—

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 101A.7(3)	Owner and master of oil tanker over certain age must ensure complete file of survey reports on board	5,000	30,000	2,000	12,000
Rule 101A.7(4)	Owner and master of oil tanker over certain age must ensure survey file accompanied by condition evaluation report, and both in standard format	5,000	30,000	2,000	12,000
<i>Part 101B</i>	<i>Surveys and inspections—noxious liquid substances carried in bulk</i>				
Rule 101B.6(1)	Owner and master of ship must ensure condition of ship and equipment maintained after survey	5,000	30,000	—	—
Rule 101B.6(2)	Owner and master of ship must ensure no change made to ship's structure, equipment etc after survey without approval	5,000	30,000	—	—
Rule 101B.6(4)	Owner and master of ship must report accident to ship or defect discovered in ship	5,000	30,000	—	—

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 101B.6(5)	Owner and master of ship must ensure report of accident or defect made to Director, authorised organisation, and appropriate authorities	5,000	30,000	—	—
<i>Part 123A</i>	<i>Documents—oil</i>				
Rule 123A.4(2)	Owner and master of New Zealand ship must ensure international oil pollution prevention certificate carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 123A.6(2)	Owner and master of New Zealand ship must ensure record of construction and equipment carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 123A.8(1)(b)	Owner and master of foreign ship registered in state party to MARPOL must ensure text of oil pollution prevention certificate includes translation	1,250	7,500	500	3,000

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 123A.8(2)	Owner and master of foreign ship registered in state party to MARPOL must ensure international oil pollution prevention certificate carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 123A.9(1)(c)	Owner and master of foreign ship registered in state party to MARPOL must ensure record of construction and equipment includes translation	1,250	7,500	500	3,000
Rule 123A.9(2)	Owner and master of foreign ship registered in state party to MARPOL must ensure record of construction and equipment carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 123A.11(1)(b)	Owner and master of foreign ship registered in state not party to MARPOL must ensure oil pollution prevention document includes translation	1,250	7,500	500	3,000

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 123A.11(2)	Owner and master of foreign ship registered in state not party to MARPOL must ensure oil pollution prevention document carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 123A.12(1)(b)	Owner and master of foreign ship registered in state not party to MARPOL must ensure record of construction and equipment includes translation	1,250	7,500	500	3,000
Rule 123A.12(2)	Owner and master of foreign ship registered in state not party to MARPOL must ensure record of construction and equipment carried on board and made available for inspection	5,000	30,000	2,000	12,000
<i>Part 123B</i>	<i>Documents (record books and manuals)—oil</i>				
Rule 123B.4	Owner and master of New Zealand ship must ensure oil record books carried on board	5,000	30,000	—	—
Rule 123B.5(3)	Master of New Zealand ship must sign each page of oil record books	625	—	250	—

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 123B.5(5)	Owner and master of New Zealand ship must ensure oil record books available for inspection and kept on board	5,000	30,000	2,000	12,000
Rule 123B.8(3)	Master of foreign ship must sign each page of oil record books	625	—	250	—
Rule 123B.8(5)	Owner and master of foreign ship engaged in international trade must ensure entries in oil record books are in required languages	1,250	7,500	500	3,000
Rule 123B.8(6)	Owner and master of foreign ship engaged in trade other than international trade must ensure entries in oil record books are in required languages	1,250	7,500	500	3,000
Rule 123B.8(7)	Owner and master of foreign ship must ensure oil record books available for inspection and kept on board	5,000	30,000	2,000	12,000
Rule 123B.11(3)	Master of small New Zealand oil tanker must sign each page of oil record book	625	—	250	—

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 123B.11(5)	Owner and master of small New Zealand oil tanker must ensure oil record book available for inspection and kept on board	5,000	30,000	2,000	12,000
Rule 123B.14(3)	Master of small foreign oil tanker must sign each page of oil record book	625	—	250	—
Rule 123B.14(5)	Owner and master of small foreign oil tanker engaged in international trade must ensure entries in oil record book are in required languages	1,250	7,500	500	3,000
Rule 123B.14(6)	Owner and master of small foreign oil tanker engaged in trade other than international trade must ensure entries in oil record book are in required languages	1,250	7,500	500	3,000
Rule 123B.14(7)	Owner and master of small foreign oil tanker must ensure oil record book available for inspection and kept on board	5,000	30,000	2,000	12,000

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 123B.19	Owner and master of foreign oil tanker operating with dedicated clean ballast tanks must ensure required manual carried on board	5,000	30,000	—	—
Rule 123B.20	Owner and master of foreign oil tanker with crude oil washing system must ensure required manual carried on board	5,000	30,000	—	—
Rule 123B.21(2)	Owner and master of foreign ship with oil discharge monitoring and control system must ensure required manual carried on board	5,000	30,000	—	—
<i>Part 124</i>	<i>Offshore installations—oil</i>				
Rule 124.11(2)	Owner of offshore installation must ensure international oil pollution prevention certificate carried on board and available for inspection	5,000	30,000	2,000	12,000
<i>Part 125</i>	<i>Shipboard operations—oil</i>				
Rule 125.4(1)	Owner and master of ship must ensure no ballast water carried in ship's oil fuel tanks except in certain circumstances	5,000	30,000	—	—

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 125.4(3)	Owner and master of ship must ensure no ballast water carried in any oil fuel tank except in certain circumstances	5,000	30,000	—	—
Rule 125.6(1)	Owner and master of ship must ensure no ballast water carried in any cargo tank except in certain circumstances	5,000	30,000	—	—
Rule 125.6(4)	Owner and master of crude oil tanker must ensure sufficient cargo tanks are crude oil washed prior to ballast voyage	5,000	30,000	—	—
Rule 125.7	Master of oil tanker must ensure valves or closing devices kept closed when ship en route and ship's cargo tanks contain cargo oil	5,000	—	—	—
Rule 125.8	Owner and master of ship required to carry manual under rule 123B.19 or rule 123B.20 or rule 123B.21(2) must ensure operational procedures in manual complied with	5,000	30,000	—	—

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
<i>Part 130A</i>	<i>Shipboard marine oil spill contingency plans</i>				
Rule 130A.20	Responsibilities of owner and master of New Zealand ship re periodic testing of ship's New Zealand shipboard marine oil spill contingency plan	3,000	20,000	—	—
Rule 130A.21	Responsibilities of owner of New Zealand ship re notification of modifications to ship's New Zealand shipboard marine oil spill contingency plan	3,000	20,000	—	—
Rule 130A.23	Owner and master of foreign ship must ensure appropriate oil pollution emergency plan carried on board	5,000	30,000	—	—
<i>Part 130B</i>	<i>Oil transfer site marine oil spill contingency plans</i>				
Rule 130B.4	No person may operate oil transfer site without approved contingency plan that complies with certain requirements	5,000	30,000	2,000	12,000

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Rule 130B.4	Responsibilities of owner of oil transfer site re training of personnel responsible for implementing site marine oil spill contingency plan and dealing with oil spills	5,000	30,000	—	—
Rule 130B.5(1)(a)	Owner of oil transfer site must ensure site marine oil spill contingency plan available	3,000	20,000	—	—
Rule 130B.5(1)(b)	Owner of oil transfer site must ensure site marine oil spill contingency plan complies with requirements	5,000	30,000	—	—
Rule 130B.8(a)	Operator of oil transfer site must ensure certain personnel receive appropriate training	5,000	30,000	2,000	12,000
Rule 130B.8(c)	Operator of oil transfer site must maintain access to equipment to deal with oil spill	5,000	30,000	2,000	12,000
Rule 130B.8(d)	Operator of oil transfer site must, when called upon by the Director, justify response option in contingency plan as effective and achievable	3,000	20,000	1,200	7,200

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 130B.9(1)	Operator of oil transfer site must keep Director's written approval with approved site marine oil spill contingency plan, and make both documents available to Director on request	3,000	20,000	1,200	7,200
Rule 130B.9(3)	Operator must, as soon as practicable, supply a copy of Director's written approval and approved contingency plan to Director, District Chief Officer, and regional on-scene commander (if any)	3,000	20,000	1,200	7,200
Rule 130B.10(1)	Operator of oil transfer site must ensure contingency plan is tested and reviewed	3,000	20,000	1,200	7,200
Rule 130B.10(2)	Operator of oil transfer site must keep record of every test and review, and the results and findings	2,500	15,000	500	3,000
Rule 130B.10(3)	Operator of oil transfer site must determine and implement changes to contingency plan	2,500	15,000	500	6,000

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Rule 130B.11(1)	Operator of oil transfer site must ensure any modification to contingency plan is notified	1,250	6,000	500	3,000
Rule 130B.11(2)	Operator of oil transfer site must keep a record of action(s) taken in accordance with rule 130B.11(1)	1,250	6,000	500	3,000
Rule 130B.12(1)	Operator of oil transfer site must obtain approval for modifications to contingency plan	5,000	30,000	2,000	12,000
Rule 130B.13	Operator of oil transfer site must report any marine oil spill	—	—	2,000	1,200
<i>Part 140</i>	<i>Discharge of noxious liquid substances carried in bulk</i>				
Rule 140.17(1)	Owner and master of ship within New Zealand must ensure tank from which Category A substance unloaded is washed in accordance with rule	5,000	30,000	—	—
Rule 140.17(5)	Responsibilities of owner and master of ship within New Zealand re discharge and washing of slop tanks—Category A substances	5,000	30,000	—	—

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 140.18	Responsibilities of owner and master of ship within New Zealand re prewashing of tank from which Category B or Category C substance unloaded	3,000	20,000	—	—
Rule 140.19	Responsibilities of owner and master of ship within New Zealand re tank from which Category D substance unloaded	3,000	20,000	—	—
Rule 140.21(1)	Owner and master of New Zealand ship outside New Zealand must ensure tank from which Category A substance unloaded is washed in accordance with rule	5,000	30,000	—	—
Rule 140.21(4)	Responsibilities of owner and master of New Zealand ship outside New Zealand re discharge and washing of slop tanks—Category A substances	5,000	30,000	—	—
Rule 140.25	Responsibilities of owner and master of New Zealand ship outside New Zealand re tank from which Category D substance unloaded	5,000	30,000	—	—

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Rule 140.27	Responsibilities of owner and master of ship re proposal to carry uncategorised liquid substances in bulk	5,000	30,000	—	—
Rule 140.33	Responsibilities of master of ship rendering assistance or undertaking salvage re reporting to nearest coastal state	5,000	—	—	—
<i>Part 142A</i>	<i>Documents (certificates)—noxious liquid substances</i>				
Rule 142A.4(2)	Owner and master of New Zealand ship must ensure international pollution prevention certificate for carriage of noxious liquid substances in bulk is carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 142A.7(1)(b)	Owner and master of foreign ship registered in state party to MARPOL must ensure text of international pollution prevention certificate for carriage of noxious liquid substances in bulk includes translation	1,250	7,500	500	3,000

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 142A.7(3)	Owner and master of foreign chemical tanker registered in state party to MARPOL issued with certificate of fitness must ensure certificate includes translation	1,250	7,500	500	3,000
Rule 142A.7(4)	Owner and master of foreign ship registered in state party to MARPOL must ensure international pollution prevention certificate for carriage of noxious liquid substances in bulk or certificate of fitness is carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 142A.9(1)(b)	Owner and master of foreign ship registered in state not party to MARPOL must ensure noxious liquid substance pollution prevention document includes translation	1,250	7,500	500	3,000
Rule 142A.9(3)	Owner and master of foreign chemical tanker registered in state not party to MARPOL issued with document of fitness must ensure document includes translation	1,250	7,500	500	3,000

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 142A.9(4)	Owner and master of foreign ship registered in state not party to MARPOL must ensure noxious liquid substance pollution prevention document or document of fitness carried on board and made available for inspection	5,000	30,000	2,000	12,000
<i>Part 142B</i>	<i>Documents (record books and manuals)—noxious liquid substances</i>				
Rule 142B.5(5)	Owner and master of New Zealand ship must ensure cargo record book available for inspection and kept on board	5,000	30,000	2,000	12,000
Rule 142B.5(7)	Owner of New Zealand ship must preserve cargo record book for 3 years	5,000	30,000	2,000	12,000
Rule 142B.8(5)	Owner and master of foreign ship engaged in international trade must ensure entries in cargo record book are in required languages	1,250	7,500	500	3,000

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 142B.8(6)	Owner and master of foreign ship engaged in trade other than international trade must ensure entries in cargo record book are in required languages	1,250	7,500	500	3,000
Rule 142B.8(7)	Owner and master of foreign ship must ensure cargo record book available for inspection and kept on board	5,000	30,000	2,000	12,000
Rule 142B.10(5)	Responsibilities of owner of New Zealand ship re revision of Procedures and Arrangements Manual	3,000	20,000	—	—
Rule 142B.11	Owner and master of foreign ship must ensure that Procedures and Arrangements Manual or other appropriate manual carried on board	5,000	30,000	—	—
<i>Part 150</i>	<i>Carriage of cargoes—harmful substances carried in packaged form</i>				
Rule 150.4	Responsibilities of owner and master of ship re jettison of harmful substances	5,000	30,000	—	—

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Rule 150.5(3)	Responsibilities of owner and master of ship re washing of leakages overboard	5,000	30,000	2,000	12,000
<i>Part 160</i>	<i>Prevention of pollution by sewage from ships in the Antarctic Treaty Area</i>				
Rule 160.5	Owner and master of New Zealand ship must ensure condition of ship maintained after survey and no change made to equipment etc after survey without approval	5,000	30,000	—	—
Rule 160.6(2)	Owner and master of New Zealand ship must ensure international sewage pollution prevention document of compliance carried on board and made available for inspection	5,000	30,000	2,000	12,000
Rule 160.10(1)	Owner and master of New Zealand ship must ensure sewage record book kept on board and available for inspection	1,250	7,500	500	3,000
Rule 160.10(2)	Owner of New Zealand ship must preserve sewage record book for 3 years	5,000	30,000	2,000	12,000

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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 160.11	Owner of New Zealand ship must ensure discharge connection complies with prescribed requirements	5,000	30,000	2,000	12,000
<i>Part 170</i>	<i>Prevention of pollution by garbage from ships and offshore installations</i>				
Rule 170.5(a)	Owner and master of New Zealand ship must ensure placards re discharge requirements are displayed	5,000	30,000	2,000	12,000
Rule 170.5(b)	Owner and master of New Zealand ship must ensure discharge requirements placards are in English	1,250	7,500	500	3,000
Rule 170.6(1)	Owner and master of New Zealand ship must ensure ship has garbage management plan	5,000	30,000	—	—
Rule 170.6(3)	Owner and master of New Zealand ship must ensure garbage management plan carried on board and that all persons on board comply with plan	5,000	30,000	—	—

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Rule 170.6(4)	All persons on board New Zealand ship must comply with garbage management plan	5,000	—	—	—
Rule 170.6(5)	Owner and master of New Zealand ship must hold up-to-date copy of ship's garbage management plan	5,000	30,000	2,000	12,000
Rule 170.7(1)	Responsibilities of owner and master of New Zealand ship re provision of garbage record book	5,000	30,000	2,000	12,000
Rule 170.7(4)	Master of New Zealand ship must sign each page of garbage record book	5,000	—	2,000	—
Rule 170.7(5)	Owner of New Zealand ship must preserve garbage record book for 24 months	5,000	30,000	2,000	12,000
Rule 170.8(1)	Responsibilities of owner and master of foreign ship registered in state party to Annex 5 of MARPOL re provision of garbage record book	5,000	30,000	2,000	12,000

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 170.8(2)	Responsibilities of owner and master of foreign ship registered in state not party to Annex 5 of MARPOL re provision of garbage record book	5,000	30,000	2,000	12,000
<i>Part 190</i>	<i>Mandatory ships routing</i>				
Rule 190.3(2)	Prohibition on certain ships entering Poor Knights area in transit	5,000	30,000	2,000	12,000
Rule 190.4	Prohibition on certain ships entering Three Kings area	5,000	30,000	2,000	12,000
<i>Part 200</i>	<i>Offshore installations—discharges</i>				
Rule 200.4	No person may operate an offshore installation without discharge management plan approved by Director	5,000	30,000	—	—
Rule 200.8(1)	Owner must keep approved discharge management plan with Director’s written approval, and make both documents available to the Director on request	—	—	500	3,000

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Rule 200.8(3)	If installation is within a region, owner must supply a copy of Director's written approval and approved discharge management plan to regional on-scene commander as soon as practicable after approval is issued	1,250	6,000	500	3,000
Rule 200.9(1)	Owner must apply to Director for approval of modification to discharge management plan	5,000	30,000	2,000	12,000
Rule 200.10(1)	Owner must notify Director and every person holding a copy of discharge management plan required to be kept or supplied under rule 200.8 of modification made to discharge management plan	1,250	6,000	500	3,000
Rule 200.10(2)	Owner must keep record of action(s) taken in accordance with rule 200.10(1)	1,250	6,000	500	3,000
Rule 200.11	Owner of installation must—				
	(a) ensure personnel receive appropriate training; and	5,000	30,000	2,000	12,000
	(b) keep a record of training; and	1,250	6,000	500	3,000

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Marine Protection (Offences) Regulations 1998
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Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
	(c) maintain access to equipment to deal with spill at appropriate level; and	5,000	30,000	2,000	12,000
	(d) when requested by Director, justify response option identified in discharge management plan as effective and achievable	1,250	6,000	500	3,000
Rule 200.12(1)	Owner of installation must test emergency response procedures at least every 12 months and review effectiveness of procedures as soon as practicable after every test, every use of procedures, and any change in procedures or equipment for site (other than direct replacement of equipment)	5,000	30,000	2,000	12,000
Rule 200.12(2)	Owner must keep a record of every test and review made under rule 200.12(1), and results and findings	2,500	15,000	500	3,000

Reprinted as at
1 July 2013

Marine Protection (Offences)
Regulations 1998

Schedule 1

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 200.12(3)	Following every review of emergency response procedures, owner must determine and implement modifications to discharge management plan immediately, for modifications to 24 hour contact list or reassignment of personnel responsibilities, or on approval of Director	2,500	15,000	500	3,000
Rule 200.13	Owner of controlled offshore installation must ensure no harmful substance, nor degradation or transformation product of any harmful substance, is discharged from controlled offshore installation, unless harmful substance is specified in approved discharge management plan and discharged in accordance with plan	—	—	2,000	12,000

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 200.14(1)(a)	Owner of controlled offshore installation must, by use of best practicable option, ensure dispersed oil content of production water, displacement water, or offshore processing drainage discharged from controlled offshore installation is measured by method approved by Director in discharge management plan at least twice daily, at intervals of approximately 12 hours	—	—	2,000	12,000
Rule 200.14(4)	If dispersed oil content of production water, displacement water, or offshore processing drainage exceeds—				
	(a) limit in rule 200.14(1)(b), owner must report excess to Director as soon as practicable; and	3,000	20,000	1,200	7,200
	(b) limit in rule 200.14(4)(b), owner must report excess as marine oil spill in accordance with rule 200.22	5,000	30,000	2,000	12,000

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1 July 2013

Marine Protection (Offences)
Regulations 1998

Schedule 1

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 200.15	No person may discharge garbage from a controlled offshore installation except food waste that has passed through a comminuter or grinder and is capable of passing through a screen with openings no greater than 25 mm ²	—	—	2,000	1,200
Rule 200.16(1)	Owner of controlled offshore installation must ensure no drilling fluid is used unless fluid is water or synthetic-based, and is specified in approved discharge management plan and discharged in accordance with that plan	5,000	30,000	2,000	12,000
Rule 200.18	Owner must ensure that oil residue that cannot be discharged into sea in accordance with rule 200.17 is retained on board installation, of-flooded as cargo, or discharged to a reception facility	—	—	2,000	12,000
Rule 200.19(1)	Owner of offshore installation must ensure installation is fitted with oil filtering equipment meeting certain requirements	5,000	30,000	2,000	12,000

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 200.19(2)	Offshore installation of 10,000 gross tons or more must have oil filtering equipment (as provided in accordance with rule 200.19(1)) fitted with alarm and arrangements to ensure discharge of oily mixture is automatically stopped if oil content of effluent exceeds 15 parts per million	5,000	30,000	2,000	12,000
Rule 200.20	Owner of offshore installation must ensure that installation is fitted with tank(s) to hold oily residues that cannot be dealt with in accordance with this Part, and are designed and constructed to be cleaned and emptied at reception facility	5,000	30,000	2,000	12,000
Rule 200.21(1)	Owner must provide installation with oil record book in approved form	4,000	25,000	1,000	6,000
Rule 200.21(2)	Owner must ensure that an entry is made in oil record book of certain operations taking place on installation	4,000	25,000	1,000	6,000

Reprinted as at
1 July 2013

**Marine Protection (Offences)
Regulations 1998**

Schedule 1

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 200.21(3)	Owner must ensure that an entry is made in oil record book of certain discharges	4,000	25,000	1,000	6,000
Rule 200.21(4)	Owner must ensure that a statement is made in oil record book of the circumstances of and reason for discharge or escape of oil or oily mixtures	4,000	25,000	1,000	6,000
Rule 200.21(7)	Owner must ensure oil record book is kept on board and available for inspection	4,000	25,000	1,000	6,000
Rule 200.21(8)	Owner must ensure that a true copy of every completed page of installation's oil record book is forwarded to Director within 15 working days of end of month in which completed	1,250	7,500	500	3,000
Rule 200.21(9)	Owner must preserve oil record book for 3 years after last entry	5,000	30,000	2,000	12,000
Rule 200.22(1)	Owner of offshore installation must report oil spill	—	—	2,000	12,000
Rule 200.22(2)	Owner of controlled offshore installation must report spill of harmful substance	—	—	2,000	12,000

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 200.22(3)	Person responsible for implementing emergency response plan must report oil spill that he or she considers cannot be contained or cleaned up using resources available	—	—	2,000	12,000
Rule 200.23(1)	Owner must ensure accident or defect is reported in accordance with rule 200.23(2)	5,000	30,000	2,000	12,000
Rule 200.24(1)	Owner of offshore installation must ensure there is, held in respect of installation, a valid international oil pollution prevention certificate	2,500	15,000	1,000	6,000
Rule 200.24(2)	Owner must ensure that international oil pollution prevention certificate held in respect of installation is kept on board and available for inspection by Director	2,500	15,000	1,000	6,000
Rule 200.25(1)	Owner of offshore installation must ensure that installation undergoes initial survey, renewal surveys, annual survey, and intermediate survey	5,000	30,000	2,000	12,000

Reprinted as at
1 July 2013

Marine Protection (Offences)
Regulations 1998

Schedule 1

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for person other than individual (\$)	Infringement fee for individual (\$)	Infringement fee for person other than individual (\$)
Rule 200.29(1)	Owner of offshore installation must ensure that offshore installation's equipment is maintained	5,000	30,000	2,000	12,000
Rule 200.29(2)	Owner must ensure no change is made to installation's structure, equipment, systems, fittings, arrangements, or material covered by survey, without approval of surveyor (except direct replacement of equipment and fittings)	5,000	30,000	2,000	1,200

Schedule 1: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule 1: amended, on 14 December 2006, by regulation 4 of the Marine Protection (Offences) Amendment Regulations (No 2) 2006 (SR 2006/342).

Schedule 1: amended, on 8 September 2005, by regulation 3 of the Marine Protection (Offences) Amendment Regulations 2005 (SR 2005/237).

Schedule 2

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**Marine protection infringement offence
notice**

Issued under section 423 of the Maritime Transport Act 1994

Notice No:

Enforcement authority

Director of Maritime New Zealand

Full name: [*forenames, surname*]

Full address:

Occupation:

Date of birth:

Marine protection document No (where applicable):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

Flag, port of registry, and official No:

Offence No	Offence	Infringement fee payable
1		\$
2		\$
3		\$

Payment of infringement fee(s)

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

The infringement fee(s) may be paid to:

Maritime New Zealand

[*address*]

Do not detach

Please present both copies of this notice when making payment

Cheques or money orders should be made out to Maritime New Zealand and should be crossed and marked “Not transferable” or “Account payee only”.

Issued by:
being a person duly authorised by the Director of Maritime New Zealand

**Important—please read the statement of
rights printed overleaf****Statement of rights**

- 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.

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 may 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; or
- (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise—

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 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.

- 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.

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.

Schedule 2: amended, on 10 October 2006, by regulation 5(a) of the Marine Protection (Offences) Amendment Regulations 2006 (SR 2006/245).

Schedule 2: amended, on 10 October 2006, by regulation 5(b) of the Marine Protection (Offences) Amendment Regulations 2006 (SR 2006/245).

Schedule 2: amended, on 10 October 2006, by regulation 5(c) of the Marine Protection (Offences) Amendment Regulations 2006 (SR 2006/245).

Schedule 2: amended, on 10 October 2006, by regulation 5(d) of the Marine Protection (Offences) Amendment Regulations 2006 (SR 2006/245).

Schedule 2: amended, on 1 July 2005, by section 11(4) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Schedule 3

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**Infringement offence reminder notice
form**

Schedule 3: added, on 1 March 2007, by regulation 5 of the Marine Protection (Offences) Amendment Regulations (No 3) 2006 (SR 2006/392).

Form

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

(Front page)

Notice No:

Informant—

Full name:

or

Position:

Full address:

Person to whom infringement notice issued—

Full name:

Full address:

Telephone No:

Occupation (*if an individual*):

Date of birth (*if an individual*):

Gender (*if an individual*):

Maritime protection document No (*if applicable*):

Details of alleged infringement offence

Date:

Time:

Place:

Vessel:

Official No:

Flag:

Form —*continued*

Port of registry:

Offence No	Offence description	Enactment and provision breached	Infringement fee payable
[specify]	[specify]	[specify]	[specify]

Total infringement fee payable: \$

Infringement notice issued by—

Full name:

*or*No (*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].

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]

Form —*continued*

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.

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

Form —*continued*

- (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.

- 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.

Form —*continued*

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.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 23 July 1998.

Contents

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

Notes**1 General**

This is a reprint of the Marine Protection (Offences) Regulations 1998. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Marine Protection (Offences) Amendment Regulations (No 3) 2006 (SR 2006/392)

Marine Protection (Offences) Amendment Regulations (No 2) 2006 (SR 2006/342)

Marine Protection (Offences) Amendment Regulations 2006 (SR 2006/245)

Marine Protection (Offences) Amendment Regulations 2005 (SR 2005/237)

Maritime Transport Amendment Act 2004 (2004 No 98): section 11(4)