

Reprint
as at 31 October 2015



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 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 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).

| 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 | — | — |
| 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> | | | | |

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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(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 | — | — |
| 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 |
| 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 |

| 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.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 |
| 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 | — | — |

| 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(3) | Master of New Zealand ship must sign each page of oil record books | 625 | — | 250 | — |
| 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 | — |
| 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 | — |

| 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.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 |
| 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 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 | — | — |

| 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 | — | — |
| <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 | — | — |

| 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 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 |
| 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 |
| Rule 130B.9(1) | Operator of oil transfer site must keep Director's written approval with approved site marine oil spill con- | 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(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 |
| 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 |
| Part 131 | Offshore installations—oil spill contingency plans and oil pollution prevention certification | | | | |

| 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 131.21 | Brief description No person may operate offshore installation without Director's written approval of oil spill contingency plan | 5,000 | 30,000 | — | — |
| Rule 131.25(1) | Owner must keep approved oil spill contingency plan with Director's written approval, and make both documents available to Director on request | — | — | 500 | 3,000 |
| Rule 131.25(4) | If offshore installation is within a region, owner must supply a copy of Director's written approval and approved oil spill contingency plan to regional on-scene commander as soon as practicable after approval is issued | 1,250 | 6,000 | 500 | 3,000 |
| Rule 131.26(1) | Owner must apply to Director for approval of modification to oil spill contingency plan in accordance with rule | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.27(1) | Owner must notify Director and every person holding a copy of oil spill contingency plan required to be kept or supplied under rule 131.25 of modification made to that plan | 1,250 | 6,000 | 500 | 3,000 |
| Rule 131.27(2) | Owner must keep record of actions taken in accordance with rule 131.27(1) | 1,250 | 6,000 | 500 | 3,000 |
| Rule 131.28 | Owner of offshore installation must— (a) ensure personnel are aware of their responsibilities under approved oil spill contingency plan and receive appropriate training; and | 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 (\$) |
|------------------|---|--|--|---|---|
| | (b) ensure training is undertaken and recorded, and training record maintained and provided to Director in accordance with rule; and | 1,250 | 6,000 | 500 | 3,000 |
| | (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 oil spill contingency plan as effective and achievable | 1,250 | 6,000 | 500 | 3,000 |
| Rule 131.29(1) | Owner of offshore installation must test emergency response procedures and review effectiveness of procedures in accordance with rule | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.29(2) | Owner must notify Director of test or review, make and keep a record of every test and review made under rule 131.29(1) and of the results, and provide a copy of the results to Director in accordance with rule | 2,500 | 15,000 | 500 | 3,000 |
| Rule 131.29(3) | Following every review of emergency response procedures, owner must determine modifications to oil spill contingency plan, submit modifications to Director for approval, and implement modifications in accordance with rule | 2,500 | 15,000 | 500 | 3,000 |
| Rule 131.41(1) | Owner of offshore installation must report oil spill in accordance with rule | — | — | 2,000 | 12,000 |
| Rule 131.41(2) | Person responsible for implementing emergency response procedures must report oil spill that he or she | — | — | 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 131.42(1) | considerers cannot be contained or cleaned up using the resources available in accordance with rule Owner must ensure event or defect is reported in accordance with rule 131.42(2) | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.61(1) | Owner of offshore installation must ensure there is a valid international oil pollution prevention certificate held in respect of installation | 2,500 | 15,000 | 1,000 | 6,000 |
| Rule 131.61(2) | Owner must ensure international oil pollution prevention certificate held in respect of offshore installation is available in accordance with rule | 2,500 | 15,000 | 1,000 | 6,000 |
| Rule 131.62(1) | Owner of offshore installation must ensure installation undergoes initial survey, renewal surveys, annual survey, and intermediate survey | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.66(1) | Owner of offshore installation must ensure offshore installation's equipment is maintained | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.66(2) | Owner must ensure no change is made to offshore installation's structure, equipment, systems, piping, fittings, arrangements, or material covered by survey, without approval of surveyor (except direct replacement of equipment and fittings) | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.81 | Owner of offshore installation must ensure placards re discharge requirements are displayed in accordance with rule | 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 131.81 | Owner of offshore installation must ensure placards re discharge requirements are in required languages | 1,250 | 7,500 | 500 | 3,000 |
| Rule 131.82(1)(a) | Owner of offshore installation in territorial sea must ensure installation has garbage management plan | 5,000 | 30,000 | — | — |
| Rule 131.82(1)(b) | Owner of offshore installation in territorial sea must ensure up-to-date copy of garbage management plan is carried on board installation | 5,000 | 30,000 | — | — |
| Rule 131.82(1)(c) | Owner of offshore installation in territorial sea must ensure all persons on board comply with garbage management plan | 5,000 | 30,000 | — | — |
| Rule 131.82(3) | All persons on board offshore installation in territorial sea must comply with garbage management plan | 5,000 | — | — | — |
| Rule 131.83 | Owner of offshore installation must comply with garbage record book requirements | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.84(1) | Owner of offshore installation must ensure installation is fitted with oil filtering equipment meeting specified requirements | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.84(2) | Offshore installation of 10 000 gross tons or more must have oil filtering equipment 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 131.85(1) | Owner of offshore installation that is not fixed offshore installation must ensure installation is fitted | 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 131.85(3) | with oil residue (sludge) tank that complies with prescribed requirements Owner of fixed offshore installation must ensure installation is fitted with oil residue (sludge) tank that complies with prescribed requirements | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 131.86(1) | Owner of offshore installation must provide installation with oil record book in approved form | 4,000 | 25,000 | 1,000 | 6,000 |
| Rule 131.86(2) | Owner must ensure an entry is made in oil record book of certain operations taking place on offshore installation and of certain discharges | 4,000 | 25,000 | 1,000 | 6,000 |
| Rule 131.86(3) | Owner must ensure statement is made in oil record book of the circumstances of and reasons for discharge or escape of oil or oily mixtures or substances containing oil | 4,000 | 25,000 | 1,000 | 6,000 |
| Rule 131.86(6) | Owner must ensure oil record book is available for inspection and is kept in accordance with rule | 4,000 | 25,000 | 1,000 | 6,000 |
| Rule 131.86(7) | Owner must ensure a true copy of every completed page of offshore installation's oil record book is forwarded to Director in accordance with rule | 1,250 | 7,500 | 500 | 3,000 |
| Rule 131.86(8) | Owner must preserve oil record book for 3 years after last entry | 5,000 | 30,000 | 2,000 | 12,000 |
| <i>Part 140</i> | <i>Discharge of noxious liquid substances carried in bulk</i> | | | | |

| 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 140.17(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 | — | — |
| 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 | — | — |
| Rule 140.27 | Responsibilities of owner and master of ship re proposal to carry uncategorised liquid substances in bulk | 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 140.33 | 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 |
| 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 |

| 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(3) | Brief description Owner and master of foreign chemical tanker registered in state not party to MARPOL issued with document of fitness must ensure document includes trans-lation | 1,250 | 7,500 | 500 | 3,000 |
| 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 docu-ment 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 li- quid 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 re- cord book for 3 years | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 142B.8(5) | Owner and master of foreign ship engaged in inter- national trade must ensure entries in cargo record book are in required languages | 1,250 | 7,500 | 500 | 3,000 |
| 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 |

| 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.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 | — | — |
| Rule 150.5(5) | 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 |

| 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 160.10(2) | Owner of New Zealand ship must preserve sewage record book for 3 years | 5,000 | 30,000 | 2,000 | 12,000 |
| 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 170.18 | Owner and master of New Zealand ship must ensure placards re discharge requirements are displayed | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 170.18 | Owner and master of New Zealand ship must ensure placards re discharge requirements are in required languages | 1,250 | 7,500 | 500 | 3,000 |
| Rule 170.19(2)(a) | Owner and master of New Zealand ship must ensure ship has garbage management plan | 5,000 | 30,000 | — | — |
| Rule 170.19(2)(b) | Owner and master of New Zealand ship must ensure up-to-date copy of garbage management plan is carried on board ship | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 170.19(2)(c) | Owner and master of New Zealand ship must ensure all persons on board comply with garbage management plan | 5,000 | 30,000 | — | — |
| Rule 170.19(3)(c) | Owner and master of New Zealand ship must ensure garbage management plan is written in required languages | 1,250 | 7,500 | 500 | 3,000 |
| Rule 170.19(4) | All persons on board New Zealand ship must comply with garbage management plan | 5,000 | — | — | — |

| 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 170.20(2) | Responsibilities of owner and master of New Zealand ship re provision of garbage record book | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 170.20(3) | Master of New Zealand ship must sign each page of garbage record book | 5,000 | — | 2,000 | — |
| Rule 170.20(4) | Owner of New Zealand ship must preserve garbage record book for 24 months | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 170.21 | Owner and master of ship must report loss or discharge of fishing gear | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 170.23 | Responsibilities of owner and master of foreign ship within New Zealand jurisdiction re provision of placards | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 170.24 | Responsibilities of owner and master of foreign ship within New Zealand jurisdiction re provision of garbage management plans | 5,000 | 30,000 | 2,000 | 12,000 |
| Rule 170.25 | Responsibilities of owner and master of foreign ship within New Zealand jurisdiction 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 |

Schedule 1: amended, on 31 October 2015, by regulation 4 of the Marine Protection (Offences) Amendment Regulations 2015 (LI 2015/226).

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

Marine protection infringement offence notice

r 5

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

Infringement offence reminder notice form

r 6

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:

Port of registry:

| Offence No | Offence description | Enactment and provision breached | Infringement fee payable |
|-------------------|----------------------------|---|---------------------------------|
| <i>[specify]</i> | <i>[specify]</i> | <i>[specify]</i> | <i>[specify]</i> |

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]*

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
 - (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.

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.

Reprints notes

1 *General*

This is a reprint of the Marine Protection (Offences) Regulations 1998 that incorporates all the amendments to that Act as at the date of the last amendment to it.

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*

Marine Protection (Offences) Amendment Regulations 2015 (LI 2015/226)

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)