

Reprint
as at 19 December 2014



Maritime (Offences) Regulations 1998 (SR 1998/444)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 14th day of December 1998

Present:

His Excellency the Governor-General in Council

Pursuant to section 201 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 Maritime (Offences) Regulations 1998.
- (2) These regulations come into force on 1 February 1999.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
the Act means the Maritime Transport Act 1994
Maritime Rules or **rules** means the ordinary rules made under Part 4 of the Maritime Transport Act 1994
provision means a provision of the Maritime 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 Maritime 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 body corporate, 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 body corporate, 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 Maritime (Offences) Amendment Regulations 2006 (SR 2006/246).

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 Maritime (Offences) Amendment Regulations (No 2) 2006 (SR 2006/393).

Schedule 1
Offence provisions and penalties

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
<i>Part 20</i>	<i>Operating limits</i>				
Rule 20.5(1)	Owner of ship must ensure ship has operating limits assigned	5,000	30,000	—	—
Rule 20.6	Owner and master of ship must ensure ship operates only within assigned limits	5,000	30,000	—	—
Rule 20.7(2)	Responsibilities of owner and master of restricted limits ship making single voyage into coastal limits under rule 20.7(1)	5,000	30,000	—	—
<i>Part 21</i>	<i>Safe ship management systems</i>				
Rule 21.6(1)(b)	Owner of ship must maintain safety management system	5,000	30,000	—	—
Rule 21.6(4)	Master of ship must ensure copy of Interim Document of Compliance or Document of Compliance kept on board and produced when requested	1,250	—	500	—
Rule 21.6(5)	Master of ship must ensure original Interim Safety Management Certificate or Safety Management Certificate kept on board and produced when requested	1,250	—	500	—
Rule 21.8	Owner and master of foreign ship must ensure appropriate Document of Compliance and Safety Management Certificate or equivalent carried on board	1,250	7,500	500	3,000

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Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 21.13(1)	Responsibilities of owner of ship re entry of ship into safe ship management system	5,000	30,000	—	—
Rule 21.13(3)	Owner must retain certificate issued by surveyor as evidence of ship's eligibility re approved safe ship management system	5,000	30,000	2,000	12,000
Rule 21.13(5)	Owner of ship must ensure ship has appropriate maintenance plan	5,000	30,000	—	—
Rule 21.13(15)	Owner of ship must ensure copy of New Zealand Safe Ship Management Certificate displayed on ship	1,250	7,500	500	3,000
Rule 21.13(19)	Owner of ship must ensure new certificate issued by surveyor and new New Zealand Safe Ship Management Certificate issued before operating ship after major modification or repair or certain other changes	5,000	30,000	—	—
<i>Part 22</i>	<i>Collision prevention</i>				
Rule 22.39	Responsibilities of owners and persons responsible for navigation of vessel re observance of collision prevention requirements	5,000	30,000	—	—
<i>Part 24A</i>	<i>Carriage of cargoes—dangerous goods</i>				
Rule 24A.4(1)	Master of ship must ensure dangerous goods only loaded on ship once documentation in Appendix 1.4(1) received	5,000	—	—	—
Rule 24A.4(2)	Master of ship must ensure dangerous goods only loaded on ship once list received from owner and	5,000	—	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
	Rule 24A.4(1) must ensure documentation in Appendix 1.4(1) complies with requirements				
Rule 24A.4(3)	Responsibilities of master of ship re stowage of dangerous goods	5,000	—	—	—
Rule 24A.4(4)	Responsibilities of master of ship re identifying location of dangerous goods on ship	5,000	—	—	—
Rule 24A.4(5)	Master of ship carrying dangerous goods must ensure dangerous goods list or manifest carried on board and copy left with owner or Harbourmaster	3,000	—	—	—
Rule 24A.4(6)	Master of ship must not permit loading of package etc believed to contain dangerous goods if not packaged etc as required in Appendix	5,000	—	—	—
Rule 24A.4(7)	Master of ship must make dangerous goods documentation and list or manifest available on request	3,000	—	—	—
Rule 24A.4(8)	Master of ship must make dangerous goods documentation and list or manifest available on request during dangerous goods incident	5,000	—	—	—
Rule 24A.4(9)	Master of ship carrying dangerous goods arriving from voyage in unlimited area must give required notice of arrival to Harbourmaster	3,000	—	—	—
Rule 24A.4(10)	Master of ship carrying dangerous goods arriving from New Zealand port or offshore installation must give required notice of arrival to Harbourmaster	3,000	—	—	—
Rule 24A.5	Responsibilities of shipper of dangerous goods on ship	5,000	30,000	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 24A.6(1)	Owner of ship must ensure dangerous goods only taken on board ship once documentation in Appendix 1.4(1) received	5,000	30,000	—	—
Rule 24A.6(2)	Owner of ship must provide master with list or manifest of dangerous goods and ensure dangerous goods not taken on board until list delivered	5,000	30,000	—	—
Rule 24A.6(3)	Owner of ship carrying dangerous goods arriving from voyage in unlimited area must ensure copy of dangerous goods list or manifest supplied to Harbourmaster at required time	4,000	25,000	—	—
Rule 24A.6(4)	Owner of ship carrying dangerous goods arriving from New Zealand port must ensure copy of dangerous goods list or manifest supplied to Harbourmaster at required time	4,000	25,000	—	—
Rule 24A.6(5)	Owner of ship who receives copy of dangerous goods list or manifest must keep copy available for inspection for required time	3,000	20,000	—	—
Rule 24A.6(6)	Responsibilities of owner of ship re stowage of dangerous goods	5,000	30,000	—	—
Rule 24A.6(7)	Owner of ship must not permit loading of package etc believed to contain dangerous goods if not packaged etc as required in Appendix	5,000	30,000	—	—
Rule 24A.7	Harbourmaster who receives copy of dangerous goods list or manifest must keep copy available for inspection for required time	4,000	—	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 24A.8	Responsibilities of consolidators and packers re packing, labelling, documentation etc relating to dangerous goods	5,000	30,000	—	—
Rule 24A.9	Manufacturers of packaging used for transporting dangerous goods on ships must ensure construction meets requirements	5,000	30,000	—	—
Rule 24A.10	Responsibilities of all persons re offering dangerous goods for carriage in ship, packing and loading of dangerous goods for carriage by sea, and in connection with handling stowage and carriage of dangerous goods on a New Zealand ship	5,000	30,000	—	—
Rule 24A.11	Owner and master of passenger ship must not carry explosives on ship except as provided	5,000	30,000	—	—
Rule 24A.12	Owner and master of ship constructed or converted as chemical tanker on or after 1 July 1986 must ensure IBC Code complied with	5,000	30,000	—	—
Rule 24A.13	Owner and master of ship constructed as chemical tanker before 1 July 1986 must ensure BCH Code complied with and repairs etc to ship meet requirements of IBC Code	5,000	30,000	—	—
Rule 24A.14	Owner and master of ship constructed or converted as gas carrier on or after 1 July 1986 must ensure IGC Code complied with	5,000	30,000	—	—
Rule 24A.15	Owner and master of ship constructed or converted as a gas carrier before 1 July 1986 must ensure compliance with Gas Carrier Code or Code for	5,000	30,000	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
	Brief description Existing Ships Carrying Liquefied Gases in Bulk, as appropriate				
Rule 24A.21	Master of ship must notify Director of dangerous goods offered for carriage on ship that do not comply with rules	5,000	—	—	—
Rule 24A.22(1)	Master of ship in New Zealand port or at New Zealand offshore terminal must ensure actual or probable leakage or spillage of dangerous goods notified to Harbourmaster and Director	5,000	—	—	—
Rule 24A.22(2)	Master of ship in New Zealand port or at New Zealand offshore terminal must ensure dangerous goods leaked or spilled are not handled	5,000	—	—	—
Rule 24A.22(3)	Master of ship in New Zealand port or at New Zealand offshore terminal must ensure handling of leaked or spilled dangerous goods not resumed until after inspection and by agreement with Harbourmaster	5,000	—	—	—
Rule 24A.22(4)(a)	Master of ship in New Zealand port or at New Zealand offshore installation must ensure no person in or on part of ship where leaked or spilled dangerous goods situated until permission for access agreed	3,000	—	—	—
Rule 24A.22(5)	Master of ship in New Zealand port or at New Zealand offshore installation must notify Harbourmaster and Director of non-complying package or receptacle	3,000	—	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 24A.24	Responsibilities of operator of port facility re plans for incident concerning dangerous goods on ship	5,000	30,000	—	—
<i>Part 24C</i>	<i>Carriage of cargoes—specific cargoes</i>				
Rule 24C.3	Responsibilities of shipper of specific cargo (other than grain) re cargo information	5,000	30,000	—	—
Rule 24C.6(1)	Owner and master of ship must ensure ship loads and carries grain in accordance with Grain Code	5,000	30,000	—	—
Rule 24C.6(2)	Owner and master of ship must ensure ship does not load grain unless ship holds document of authorisation	5,000	30,000	—	—
Rule 24C.9	Responsibilities of owner and master of ship re assessing solid bulk cargo before loading	5,000	30,000	—	—
Rule 24C.10(1)	Owner and master of ship must ensure solid bulk cargo loaded and carried in accordance with BC Code	5,000	30,000	—	—
Rule 24C.13	Responsibilities of owner and master of ship re stowing, securing, and carrying timber deck cargo	5,000	30,000	—	—
Rule 24C.16(1)	Responsibilities of owner and master of ship re restrictions on carriage of livestock in part of ship where operation of ship would be obstructed or interfered with	5,000	30,000	—	—
Rule 24C.17(1)	Owner of new ship or barge to carry livestock between New Zealand ports must have design approved by surveyor	5,000	30,000	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 24C.17(5)	Owner of existing ship or barge to carry livestock between New Zealand ports must ensure ship has appropriate certificate	5,000	30,000	—	—
Rule 24C.17(6)	Responsibilities of owner and master of ship not designed to carry livestock re carrying livestock between New Zealand ports	5,000	30,000	—	—
Rule 24C.17(8)	Master of ship must ensure vehicles and equipment for transporting livestock properly stowed and secured	5,000	—	—	—
Rule 24C.18(1)(a)	Owner and master of ship must ensure no livestock loaded for export until surveyor satisfied with ship and intended load conditions in Appendices 1 to 7	5,000	30,000	—	—
Rule 24C.18(2)	Owner and master of ship must ensure no livestock loaded for export until requirements of Appendix 1 complied with	5,000	30,000	—	—
Rule 24C.18(3)	Owner and master of ship must ensure requirements of Appendices 2 to 7 complied with	5,000	30,000	—	—
Rule 24C.18(5)	Master of ship on which livestock to be loaded for export must produce stability information if requested by Director	2,500	—	1,000	—
<i>Part 40B</i>	<i>Design, construction and equipment – SOLAS ships</i>				
Rule 40B.33	Responsibilities of owner and master re automatic identification system	5,000	30,000	—	—

Provision	Brief description	Maximum penalty on conviction for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 40B.34	Responsibility of owner re ship identification number	5,000	30,000	—	—
Rule 40B.35	Responsibilities of owner and master re continuous synopsis record	5,000	30,000	—	—
Rule 40B.36	Responsibility of owner re ship security alert system	5,000	30,000	—	—
<i>Part 46</i>	<i>Surveys, certification and maintenance</i>				
Rule 46.9	Responsibilities of owner of existing New Zealand passenger ship re surveys of ship	5,000	30,000	—	—
Rule 46.10	Responsibilities of owner of ship carrying dangerous chemicals in bulk re surveys of ship	5,000	30,000	—	—
Rule 46.12	Responsibilities of owner of ship re maintenance and conditions after survey	5,000	30,000	—	—
Rule 46.13(12)	Owner and master of SOLAS ship must ensure certificates available on board for examination	1,250	7,500	500	3,000
Rule 46.13(15)	Owner of SOLAS ship must not operate ship without relevant certificate(s)	5,000	30,000	—	—
Rule 46.14(6)	Owner of ship not a SOLAS ship must not operate ship unless in possession of New Zealand Ship Safety Certificate	5,000	30,000	—	—
Rule 46.19(2)	Owner of ship must ensure ship carries on board approved record of safety equipment	5,000	30,000	2,000	12,000
Rule 46.24(4)	Owner of barge must retain New Zealand Barge Safety Certificate for period of validity and make certificate available for inspection	1,250	7,500	500	3,000

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 46.25	Responsibilities of owner of barge existing before commencement of Part re survey	5,000	30,000	—	—
Rule 46.27(1)	Owner and master of foreign ship at New Zealand port or offshore terminal must ensure specified safety certificates and documents carried on board	1,250	7,500	500	3,000
Rule 46.27(2)	Owner and master of foreign ship at New Zealand port or offshore terminal must ensure specified certificates and documents available on board for examination	1,250	7,500	500	3,000
Rule 46.28(1)	Owner and master of foreign non-SOLAS ship without certificates must ensure ship surveyed as required	5,000	30,000	—	—
Rule 46.28(3)	Owner and master of foreign non-SOLAS ship without certificates must ensure ship enters safe ship management system within 2 years of first survey	5,000	30,000	—	—
Rule 46.28(5)	Owner and master of foreign non-SOLAS ship with recognised certificates must ensure ship enters safe ship management system within 2 years of recognition of certificates	5,000	30,000	—	—
<i>Part 47</i>	<i>Load lines</i>				
Rule 47.3(1)	Master of ship 24 metres or more in length must ensure appropriate load lines not submerged	5,000	—	—	—
Rule 47.3(4)	Master of ship less than 24 metres in length must ensure appropriate load lines not submerged	5,000	—	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 47.3(5)	Owner of barge and master of ship towing barge must ensure appropriate load lines on barge not submerged	5,000	30,000	—	—
Rule 47.5(1)	Owner of ship 16 metres or more in length must ensure ship marked with draught marks	5,000	30,000	—	—
Rule 47.5(2)	Responsibilities of owner re draught mark requirements	3,000	20,000	—	—
Rule 47.6(b)	Owner and master must not allow ship of 24 metres or more in length to proceed on voyage unless ship marked in accordance with rules	5,000	30,000	—	—
Rule 47.29(1)	Owner of ship must ensure master supplied with information to enable master to arrange for appropriate loading and ballasting	5,000	30,000	—	—
Rule 47.48	Responsibilities of master of ship assigned timber loadline re stowage of timber deck cargo	5,000	—	—	—
Rule 47.54	Owner and master of ship must ensure no change made to items covered by survey without sanction of Director or authorised organisation	5,000	30,000	—	—
Rule 47.55(3)	Owner and master of ship must ensure International Load Line Certificate or International Load Line Exemption Certificate or New Zealand Load Line Certificate or New Zealand Load Line Exemption Certificate available on board for examination	1,250	7,500	500	3,000
Rule 47.59	Responsibilities of owner and master of foreign ship at New Zealand port or New Zealand offshore terminal re loadlines	5,000	30,000	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 47.60(b)	Owner and master of ship must not allow ship of less than 24 metres in length to proceed on voyage unless ship marked as required	5,000	30,000	—	—
Rule 47.67(3)	Owner and master of ship must ensure New Zealand Load Line Certificate available on board for examination	1,250	7,500	500	3,000
Rule 47.68(b)	Owner of barge must not allow barge to proceed on voyage unless barge marked as required	5,000	30,000	—	—
Rule 47.74(7)	Owner of barge must ensure no change made to items covered by survey without sanction of Director	5,000	30,000	—	—
Rule 47.75(3)	Owner of barge must retain New Zealand Load Line Certificate while valid, and ensure certificate available for inspection	1,250	7,500	500	3,000
<i>Part 73</i>	<i>Logbooks</i>				
Rule 73.4(1)	Owner and master of ship must ensure ship carries on board New Zealand official logbook in form specified	5,000	30,000	2,000	12,000
Rule 73.5	Owner and master of ship must ensure ship's record of command is entered in New Zealand official logbook in approved form	3,000	20,000	—	—
Rule 73.6	Owner and master of ship must ensure that record of watch keeping crew is entered in New Zealand official logbook in approved form	3,000	20,000	—	—
Rule 73.7	Owner and master of ship must ensure that record of depth to which ship is loaded and the freeboard	3,000	20,000	—	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 73.8	is entered in approved form in New Zealand official logbook whenever ship proceeds on a voyage Owner and master of ship must ensure that records of on board inspection drills, musters, and training are entered in New Zealand official logbook	3,000	20,000	—	—
Rule 73.9	Owner and master of ship must ensure that appropriate entry recording any specified occurrence is made in New Zealand official logbook	3,000	20,000	—	—
Rule 73.11(1)(a)	Owner and master of ship must ensure New Zealand official logbook kept on board	5,000	30,000	2,000	12,000
Rule 73.11(1)(b)	Owner and master of ship must ensure New Zealand official logbook available for inspection at all reasonable times	1,250	7,500	500	3,000
Rule 73.11(2)	Owner of ship must ensure New Zealand official logbook is preserved for 3 years after date of last entry	5,000	30,000	2,000	12,000
Rule 73.12	Owner and master of ship must ensure ship carries on board engine-room logbook in approved form	5,000	30,000	2,000	12,000
Rule 73.13	Owner, master, chief engineer or engineer must ensure that appropriate entry is made in engine-room logbook recording specified occurrences	3,000	20,000	—	—
Rule 73.15(1)(a)	Owner and master of ship must ensure engine-room logbook kept on board	5,000	30,000	2,000	12,000
Rule 73.15(1)(b)	Owner and master of ship must ensure engine-room logbook available for inspection at all reasonable times	1,250	7,500	500	3,000

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 73.15(2)	Owner of ship must ensure engine-room logbook is preserved for 3 years after date of last entry	5,000	30,000	2,000	12,000
<i>Part 91</i>	<i>Navigation safety rules</i>				
Rule 91.4(1)	No person in charge of recreational craft may use craft unless sufficient personal flotation devices for each person are on board	1,000	—	100	—
Rule 91.4(6)	No person in charge of recreational craft may use craft where risk to safety of persons on board unless every person on board is wearing properly secured personal flotation device	1,000	—	100	—
Rule 91.4(7)	No person in charge of vessel may use vessel to tow and no person may be towed unless person being towed wears properly secured personal flotation device	1,000	—	100	—
Rule 91.5(2)	Owner of power driven vessel that is capable of proper speed exceeding 10 knots must not allow any person under the age of 15 years to be in charge of or propel or navigate vessel	1,000	1,000	100	100
Rule 91.6(1)	No person may propel or navigate vessel at proper speed exceeding 5 knots within 50 metres of another vessel or raft or person in water, or within 200 metres of shore or structure, or within 200 metres of vessel or raft flying divers flag	2,000	—	200	—
Rule 91.6(2)	No person may propel or navigate power driven vessel at proper speed exceeding 5 knots while any person is extended over certain parts of vessel	1,000	—	100	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 91.6(3)	No person may allow himself or herself to be towed by vessel at proper speed exceeding 5 knots in any circumstances specified in rule 91.6(1)	2,000	—	200	—
Rule 91.6(4)	No person in charge of vessel may permit vessel to continue without recovering dropped water ski or similar object, or ensuring dropped ski is clearly visible to other water users	1,000	—	100	—
Rule 91.7	Person who propels or navigates recreational craft must ensure wake of craft does not cause unnecessary danger or risk of damage to other vessels, persons, or structures	1,000	—	100	—
Rule 91.8(1)	No person in charge of vessel may use vessel to tow any person at speed exceeding 5 knots unless there is at least 1 other person on board who is looking out for person being towed	1,000	—	100	—
Rule 91.8(2)	No person may allow himself or herself to be towed by vessel unless there is at least 1 other person on board who is looking out for person being towed	1,000	—	100	—
Rule 91.9(1)	No person may operate, between sunset and sunrise, vessel that is towing any person on water skis or similar object	2,000	—	200	—
Rule 91.9(2)	No person may allow himself or herself to be towed in the circumstances described in rule 91.9(1)	2,000	—	200	—
Rule 91.10(1)	No person may propel, navigate, or manoeuvre vessel in access lane except by most direct route	1,000	—	100	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 91.10(2)	and on side of access lane that lies to starboard side of vessel No person may, while being towed by vessel in access lane, allow himself or herself or the object that is being towed to travel except by the most direct route and on side of access lane that lies to starboard side of vessel	1,000	—	100	—
Rule 91.10(3)	No person within access lane may proceed in manner that is dangerous to any vessel or other person in access lane	2,000	—	200	—
Rule 91.10(4)	No person may obstruct any other person who is using access lane for proper purpose	1,000	—	100	—
Rule 91.10(5)	No person may use access lane improperly	1,000	—	100	—
Rule 91.12(1)	No person may obstruct any person who is using reserved area for proper purpose	1,000	—	100	—
Rule 91.12(2)	No person may use reserved area for improper purpose	1,000	—	100	—
Rule 91.13(1)	No person may anchor vessel so as to obstruct other vessels or obstruct approach to wharf, pier, or jetty, or to create hazard to other vessels at anchor	1,000	—	100	—
Rule 91.13(2)	Owner or master of moored vessel must ensure that vessel is securely fastened to dock, wharf, or landing place, and that an adequate and safe means of access to vessel is provided	1,000	1,000	100	100
Rule 91.13(3)	No person may place any obstruction in any waters that is likely to restrict navigation, or cause	1,000	—	100	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
	Brief description injury or death to any person, or damage any vessel or property				
Rule 91.14(1)	No person may tie vessel to navigation aid without appropriate written permission	1,000	—	100	—
Rule 91.14(2)	No person may damage, remove, or interfere with navigation aid	2,000	—	200	—
Rule 91.15	Master of vessel must not allow vessel to approach within 200 metres of vessel showing flag B by day or red all round light by night or defence area	1,000	—	100	—
Rule 91.16(1)	Master of vessel under 500 gross tonnage must not impede navigation of vessel of 500 gross tonnage or more if vessels in harbour area	2,000	—	200	—
Rule 91.17	Person in charge of vessel on river must— (a) ensure vessel keeps to starboard side of river channel; and (b) if going upstream, give way to vessel coming downstream; and (c) not operate vessel unless river and weather conditions permit safe operation of vessel	1,000	—	100	—
Rule 91.18(1)	Master of vessel that has on board, or intends to load or unload, 27 kilograms or more of explosives in harbour area must display code flag B by day and all round red light at masthead or where it can best be seen by night	1,000	—	100	—

Provision	Brief description	Maximum penalty for individual (\$)	Maximum penalty on conviction for corporate (\$)	Infringement fee for individual (\$)	Infringement fee for corporate (\$)
Rule 91.18(2)	Master of tanker in harbour area must display code flag B by day and all round red light at masthead or where it can best be seen by night	1,000	—	100	—
Rule 91.18(3)	Person diving from vessel must ensure that flag A is displayed so it can be clearly identified by watchkeeper of another vessel at distance in excess of 200 metres	1,000	—	100	—
Rule 91.18(4)	Master of vessel from which dive operations are in progress must ensure flag A is displayed so it can be clearly identified by watchkeeper of another vessel at distance in excess of 200 metres	1,000	—	100	—

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

Schedule 1 : amended, on 6 April 2004, by section 81(9) of the Maritime Security Act 2004 (2004 No 16).

Schedule 1 : amended, on 21 March 2003, by regulation 3 of the Maritime (Offences) Amendment Regulations 2003 (SR 2003/14).

Schedule 2

Maritime infringement offence notice

r 5

Schedule 2: replaced, on 19 December 2014, by regulation 4 of the Maritime (Offences) Amendment Regulations 2014 (LI 2014/380).

Enforcement authority

[*name and address of enforcement authority*]

To

Full name: [*forenames, surname*]

Full address:

Occupation:

Date of birth:

Maritime 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:

[*name and address*]

Do not detach

Please present both copies of this notice when making payment.

Cheques or money orders should be made out to [*name of enforcement authority*] and should be crossed and marked “Not transferable” or “Account payee only”.

Issued by: [*name*]

being the Director of Maritime New Zealand/a person duly authorised by the Director/a harbourmaster/an enforcement officer appointed under section 33G of the Maritime Transport Act 1994*.

*Select one.

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.

Note: If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant in respect of an infringement fee payable by you, paragraphs 4(b), 4(c), 5, and 6 below do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

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 You must write to the enforcement authority at the address shown on the front page of this notice if you wish to do any of the following things:
- (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 (*see* paragraphs 5 and 9); or
 - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (*see* paragraphs 6 and 9).

- 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: 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: 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.

Queries/correspondence

- 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 3
Infringement offence reminder notice form

r 6

Schedule 3: added, on 1 March 2007, by regulation 5 of the Maritime (Offences) Amendment Regulations (No 2) 2006 (SR 2006/393).

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 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 Maritime (Offences) Regulations 1998 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this reprint*

Maritime (Offences) Amendment Regulations 2014 (LI 2014/380)
Criminal Procedure Act 2011 (2011 No 81): section 413
Maritime (Offences) Amendment Regulations (No 2) 2006 (SR 2006/393)
Maritime (Offences) Amendment Regulations 2006 (SR 2006/246)
Maritime Security Act 2004 (2004 No 16): section 81(9)
Maritime (Offences) Amendment Regulations 2003 (SR 2003/14)