

**Reprint
as at 1 October 2010**



**Marine Safety Charges Regulations
2000**
(SR 2000/268)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 11th day of December 2000

Present:
His Excellency the Governor-General in Council

Pursuant to section 191 of the Maritime Transport Act 1994, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

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

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

These regulations are administered by the Ministry of Transport.

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Regulations

- 1 Title**
These regulations are the Marine Safety Charges Regulations 2000.
- 2 Commencement**
- (1) Except as provided in subclause (2), these regulations come into force on 1 February 2001.
- (2) In relation to vessels under 8 metres in length and all vessels that operate exclusively in enclosed water limits, these regulations apply on and from 1 July 2002.
- 3 Interpretation**
- (1) In these regulations, unless the context otherwise requires,—
Act means the Maritime Transport Act 1994
chartered fishing vessel means a ship registered under the Fisheries Act 1983 with consent under section 57(8) of that Act

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

Director means the Director of Maritime New Zealand

enclosed water limits means—

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

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

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

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

inshore limits means—

- (a) the inshore limits set out in Appendix 1 of Part 20 of the Maritime Rules; and
- (b) in relation to a ship, the limits within the territorial sea assigned to the ship by a surveyor under rule 20.5 of the Maritime Rules

International Tonnage Certificate, in relation to a New Zealand commercial ship, means the certificate issued under section 41 of the Act that certifies the gross tonnage of the ship

invoice means an invoice issued under regulation 10

levy means an invoice—

- (a) issued for an oil pollution levy or levies payable under clause 15A of the Oil Pollution Levies Order 1998; and
- (b) payable in the same year and by the same person as any marine safety charges payable under these regulations

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

Load Line Certificate means an International Load Line Certificate or International Load Line Exemption Certificate is-

sued in accordance with the Load Lines Convention or the Maritime Rules

Load Lines Convention—

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

New Zealand commercial ship—

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

New Zealand fishing ship means a New Zealand commercial ship registered under section 103 of the Fisheries Act 1996

New Zealand non-passenger ship means a New Zealand commercial ship of 45 metres or more in length that proceeds beyond restricted limits, but does not include a New Zealand passenger ship or a New Zealand fishing ship

New Zealand passenger ship means a New Zealand commercial ship that has a passenger capacity of more than 12 passengers and that—

- (a) is 45 metres or more in length and proceeds beyond restricted limits; or
- (b) is engaged on an international voyage

New Zealand port means any place designated as a Customs port under section 9 of the Customs and Excise Act 1996; and includes any place within New Zealand waters where any ship is anchored or moored

New Zealand waters means—

- (a) the territorial sea of New Zealand; and
- (b) the internal waters of New Zealand; and

(c) all rivers and other inland waters of New Zealand

out of commission, in relation to a ship, means—

- (a) being incapable of operation as a result of being wrecked, stranded, or disabled while—
 - (i) in a New Zealand port; or
 - (ii) on the New Zealand coast; or
 - (iii) proceeding from one New Zealand port to another; or
- (b) being prohibited from operation by the Director exercising his or her powers under the Act; or
- (c) being prevented from operation by an employment relationship problem (for example, a strike or a lockout)

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

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

relevant certificate, in relation to a ship, means—

- (a) a Passenger Ship Safety Certificate and Record of Equipment issued in accordance with SOLAS;
- (b) a New Zealand Ship Safety Certificate and Record of Equipment issued under the Maritime Rules;
- (c) an equivalent certificate issued under the laws of the country where the ship is registered

restricted limits means—

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

SOLAS means the International Convention for the Safety of Life at Sea, 1974 as described in the Schedule of the Maritime Transport Act (Conventions) Order 1994

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

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

- (2) In these regulations, **commercial ship**, **gross tonnage**, **passenger**, and **ship** have the same meaning as in section 2(1) of the Act.

Regulation 3(1) **deadweight**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **Director**: amended, on 1 July 2005, by section 11(4) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Regulation 3(1) **foreign commercial ship**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **foreign non-passenger ship**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **foreign passenger ship**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **inshore limits**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **International Tonnage Certificate**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **invoice**: inserted, on 15 July 2004, by regulation 3(1) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 3(1) **length**: revoked, on 1 December 2008, by regulation 4(2) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **levy**: inserted, on 15 July 2004, by regulation 3(1) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 3(1) **lightweight**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **Load Line Certificate**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **Load Lines Convention**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **New Zealand commercial ship**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **New Zealand fishing ship**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **New Zealand non-passenger ship**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **New Zealand passenger ship**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **out of commission**: substituted, on 15 July 2004, by regulation 3(2) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 3(1) **overall length**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **passenger capacity**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **relevant certificate**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **restricted limits**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **SOLAS**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **summer load line**: inserted, on 1 December 2008, by regulation 4(1) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 3(1) **year**: added, on 15 July 2004, by regulation 3(1) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 3(2): added, on 1 December 2008, by regulation 4(3) of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

4 Ships for which marine safety charges are payable

Except as provided in regulation 5 and in the Act, marine safety charges are payable for—

- (a) every commercial ship that enters any New Zealand port or operates in New Zealand waters; and
- (b) every river raft that operates in New Zealand waters for hire or reward.

5 Exempt ships

Marine safety charges are not payable for any ship of any of the following classes:

- (a) as long as no passenger permanently embarks or disembarks and no cargo (other than fuel or supplies intended for use on board) is loaded or permanently unloaded, ships that put in to any New Zealand port—

- (i) by reason of stress of weather; or
 - (ii) by reason of, or to repair, damage:
- (b) ships that become liable for marine safety charges by reason only of their use in searching for or rendering emergency assistance to any person or ship.

6 Persons liable to pay marine safety charges

- (1) Each of the following persons are liable to pay marine safety charges for any ship:
- (a) the master:
 - (b) the owner:
 - (c) the charterer:
 - (d) the person responsible for the management of the ship:
 - (e) any agent of any of the persons specified in paragraphs (a) to (d) who, by law or contract, is liable to pay any other charge on account of the ship.
- (2) No person stated in subclause (1) is liable to pay marine safety charges for any ship if those charges have been paid by another person.

7 Rates of marine safety charges

- (1) Marine safety charges are payable for each category of ship set out in the first column of the Schedule at the appropriate rate set out in the second column of the Schedule on the basis set out in the third column of the Schedule.
- (2) Marine safety charges payable on an annual basis are payable in advance.
- (3) Marine safety charges for a ship in category 6 or 7 of the Schedule must be calculated—
- (a) by overall length, if the ship does not have an International Tonnage Certificate; and
 - (b) at 45% of the applicable rate set out in the Schedule, if the ship is required by the Maritime Rules to operate only within enclosed water limits.

Regulation 7: substituted, on 1 December 2008, by regulation 5 of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

Regulation 7(1): substituted, on 1 October 2010, by regulation 4 of the Marine Safety Charges Amendment Regulations 2010 (SR 2010/184).

8 Rates of marine safety charges for chartered fishing vessels

- (1) In the case of a chartered fishing vessel, marine safety charges are payable for every month or part of a month during which the vessel is or remains in operation in New Zealand waters.
- (2) The amount payable must be calculated at a monthly rate of one-twelfth of the rate payable in accordance with regulation 7.

Regulation 8(2): amended, on 1 December 2008, by regulation 6 of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

9 Proportional payments for ships becoming liable for marine safety charges after start of year

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

$$\frac{a \times b}{12}$$

where—

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

- (2) This regulation does not apply to any chartered fishing vessel.
- (3) Subclause (1) applies to charges payable on an annual basis.

Regulation 9 heading: amended, on 15 July 2004, by regulation 5(1) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 9(1): amended, on 15 July 2004, by regulation 5(2)(a) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 9(1) formula item a: amended, on 15 July 2004, by regulation 5(2)(b) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 9(3): added, on 1 December 2008, by regulation 7 of the Marine Safety Charges Amendment Regulations 2008 (SR 2008/319).

10 When marine safety charges payable

- (1) The due date for payment of any marine safety charges payable to the Director in accordance with these regulations,—
 - (a) in the case of annual or monthly payments, is the 20th day of the month after the invoice for the charge is issued; and
 - (b) in the case of individual port visits, 7 days after the date the invoice for the charge is issued.
- (2) Regulation 10C overrides this regulation.

Regulation 10(2): added, on 15 July 2004, by regulation 6 of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

10A Application to pay invoice and levy jointly, by instalment

- (1) A person who has received in any year an invoice and a levy that requires a total annual payment of not less than \$50,000 may apply to the Director for authority to pay the invoice and the levy jointly, by monthly or quarterly instalments.
- (2) An application must be made no more than 10 days after the invoice or the levy is issued, whichever is the later.
- (3) For the purposes of regulations 10B to 10D, **account** means an invoice and a levy received by a person in any year that requires a total annual payment of not less than \$50,000.

Regulation 10A: inserted, on 15 July 2004, by regulation 7 of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

10B Granting of applications

- (1) The Director must grant an application under regulation 10A if—
 - (a) the Director is satisfied that the applicant will pay the account in monthly or quarterly instalments; and
 - (b) the application is made within the time specified in regulation 10A(2); and
 - (c) the applicant has paid an application fee of \$112.50 (inclusive of goods and services tax).
- (2) For the purposes of subclause (1)(a), the Director may consider the payment history of the applicant in relation to marine safety charges and any other levies, fees, or charges previously incurred by the applicant under the Act or regulations made under the Act.

- (3) The Director must refund the application fee to an applicant if his or her application is unsuccessful.

Regulation 10B: inserted, on 15 July 2004, by regulation 7 of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

10C When instalments payable

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

Regulation 10C: inserted, on 15 July 2004, by regulation 7 of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

10D Additional charges incurred after grant of application not to be included in instalment payments

If a person who has been authorised under regulation 10B to pay an account by instalments becomes liable for further marine safety charges or oil pollution levies in the same year, the further charges or levies must not be incorporated into the instalment payments in relation to that account.

Regulation 10D: inserted, on 15 July 2004, by regulation 7 of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

11 Collection of payments

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

12 Refunds or waivers of marine safety charges

- (1) This regulation applies to ships for which marine safety charges have been paid or are payable under regulation 7 or regulation 8.
- (2) The Director must, on receipt of a written application, refund to the person who paid the charges the appropriate proportion of those charges, or, if the charges have not been paid, waive the appropriate proportion of the charges otherwise payable if the Director is satisfied that a ship has, for a period of 3 consecutive months or more, been—
 - (a) out of commission; or
 - (b) laid up for survey or repairs; or
 - (c) *[Revoked]*
- (3) If the Director is satisfied that a ship has become a ship that is exempt from marine safety charges, the Director must, on receipt of a written application, refund to the person who paid the charges the appropriate portion of the charges, or waive payment of the appropriate portion of the charges.
- (4) If the Director is satisfied that a ship has not operated in any New Zealand waters nor entered any New Zealand port during the year for which marine safety charges have been paid, the Director must, on receipt of a written application, refund those charges to the person who paid them.
- (5) The Director is not obliged to make any refund or grant any waiver of marine safety charges unless a written application for the refund or waiver is made within 12 months of the date on which payment of the charges would otherwise be due.
- (6) The Director may waive any marine safety charge in whole or in part if the amount of the charge is less than the reasonable cost of recovering the charge.

Regulation 12(2)(c): revoked, on 15 July 2004, by regulation 8(1) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

Regulation 12(4): amended, on 15 July 2004, by regulation 8(2) of the Marine Safety Charges Amendment Regulations 2004 (SR 2004/207).

13 Goods and service tax excluded

The amounts and the minimum amounts payable as marine safety charges under these regulations are exclusive of any goods and service tax.

14 Revocation

The Marine Safety Charges Regulations 1990 (SR 1990/335) are revoked.

Schedule

r 7

Rates of marine safety charges

Schedule: substituted, on 1 October 2010, by regulation 5 of the Marine Safety Charges Amendment Regulations 2010 (SR 2010/184).

Category of ship	Rate	Basis of payment
1 Foreign non-passenger ship (with summer load line)	11.84 cents per deadweight tonne	First New Zealand port visit per voyage
	4.02 cents per deadweight tonne	Subsequent New Zealand port visits per voyage
2 Foreign non-passenger ship (with no summer load line)	17.25 cents per unit of gross tonnage of the ship	First New Zealand port visit per voyage
	4.31 cents per unit of gross tonnage of the ship	Subsequent New Zealand port visits per voyage
3 Foreign passenger ship	\$3.30 multiplied by the passenger capacity of the ship	Each New Zealand port visit
4 New Zealand non-passenger ship	\$2.86 per deadweight tonne	Annual
5 New Zealand passenger ship	\$277.00 multiplied by the passenger capacity of the ship	Annual
6 New Zealand fishing ship	Greater of—	Annual
	(a) \$15.00 multiplied by the overall length of the ship in metres:	
	(b) \$4.50 per unit of gross tonnage of the ship	
7 Any commercial ship or commercial river raft not included in any other category	Greater of—	Annual
	(a) \$18.75 multiplied by the overall length of the ship in metres:	
	(b) \$5.63 per unit of gross tonnage of the ship	

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 14 December 2000.

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Notes

1 *General*

This is a reprint of the Marine Safety Charges Regulations 2000. The reprint incorporates all the amendments to the regulations as at 1 October 2010, as specified in the list of amendments at the end of these notes.

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

2 *Status of reprints*

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

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

3 *How reprints are prepared*

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

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

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

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

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

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

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

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

Marine Safety Charges Amendment Regulations 2010 (SR 2010/184)
Marine Safety Charges Amendment Regulations 2008 (SR 2008/319)
Maritime Transport Amendment Act 2004 (2004 No 98): section 11(4)
Marine Safety Charges Amendment Regulations 2004 (SR 2004/207)
