

Reprint
as at 1 July 2016



Marine Safety Charges Amendment Regulations 2008
(SR 2008/319)

Marine Safety Charges Amendment Regulations 2008: revoked, on 1 July 2016, pursuant to regulation 21 of the Maritime Levies Regulations 2016 (LI 2016/106).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 22nd day of September 2008

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 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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	New Schedule added	

Regulations

1 Title

These regulations are the Marine Safety Charges Amendment Regulations 2008.

2 Commencement

These regulations come into force on 1 December 2008.

3 Principal regulations amended

These regulations amend the Marine Safety Charges Regulations 2000.

4 Interpretation

- (1) Regulation 3 is amended by inserting the following definitions in their appropriate alphabetical order:

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

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

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

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

Load Lines Convention

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

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

- (2) Regulation 3 is amended by revoking the definition of **length**.
- (3) Regulation 3 is amended by adding the following subclause as subclause (2):
- (2) In these regulations, **commercial ship**, **gross tonnage**, **passenger**, and **ship** have the same meaning as in section 2(1) of the Act.

5 New regulation 7 substituted

Regulation 7 is revoked and the following regulation substituted:

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 tables in the Schedule at the appropriate rate set out in—
 - (a) the second column of the table in Part 1 of the Schedule, for the 7 months starting on 1 December 2008;
 - (b) the second column of the table in Part 2 of the Schedule, for the year starting on 1 July 2009 and each subsequent year.
- (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.

6 Rates of marine safety charges for chartered fishing vessels

Regulation 8(2) is amended by omitting “greater of the rates calculated in accordance with regulation 7(1) or regulation 7(2)” and substituting “rate payable in accordance with regulation 7”.

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

Regulation 9 is amended by adding the following subclause:

- (3) Subclause (1) applies to charges payable on an annual basis.

8 New Schedule added

The Schedule set out in the Schedule of these regulations is added.

Schedule
New Schedule added

r 8

Schedule
Rates of marine safety charges

r 7

Part 1
Rates applicable from 1 December 2008

Category of ship	Rate	Basis of payment
1 Foreign non-passenger ship (with summer load line)	11.52 cents per deadweight tonne	First New Zealand port visit per voyage
	3.92 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	First New Zealand port visit per voyage
	4.31 cents per unit of gross tonnage	Subsequent New Zealand port visits per voyage
3 Foreign passenger ship	\$8.07 multiplied by the passenger capacity of the ship	Each New Zealand port visit
4 New Zealand non-passenger ship	\$2.79 per deadweight tonne	Annual
5 New Zealand passenger ship	\$269.00 multiplied by the passenger capacity of the ship	Annual
6 New Zealand fishing ship	Greater of—	Annual
	(a) \$14.59 multiplied by the overall length of the ship in metres:	
	(b) \$4.38 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) \$18.25 multiplied by the overall length of the ship in metres:	
	(b) \$5.47 per unit of gross tonnage of the ship	

Part 2
Rates applicable from 1 July 2009

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

Category of ship	Rate	Basis of payment
	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	\$8.29 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	

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 December 2008, revoke regulation 7 of the Marine Safety Charges Regulations 2000 and substitute a new regulation. These regulations also add a *new Schedule* to the Marine Safety Charges Regulations 2000. *New regulation 7* and the *Schedule* provide for the calculation of marine safety charges payable for different categories of ship for the 7 months starting on 1 December 2008, and for the year starting on 1 July in 2009 and each subsequent year.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 25 September 2008.

Reprints notes

1 *General*

This is a reprint of the Marine Safety Charges Amendment Regulations 2008 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this reprint*

Maritime Levies Regulations 2016 (LI 2016/106): regulation 21