

Reprint
as at 1 July 2019



Maritime Security (Charges) Regulations 2016 (LI 2016/105)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 30th day of May 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under section 76 of the Maritime Security Act 2004—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport.

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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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Schedule 1 4

Transitional, savings, and related provisions

Schedule 2 4

Charges payable for work or services subject to hourly rate

[Revoked]

Regulations

1 Title

These regulations are the Maritime Security (Charges) Regulations 2016.

2 Commencement

These regulations come into force on 1 July 2016.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Maritime Security Act 2004

Authority means Maritime New Zealand

Director means the Director of Maritime New Zealand

offshore installation has the same meaning as in section 222(1) of the Maritime Transport Act 1994

work or service means any security function or security activity performed by the Authority or by an employee or a contractor of the Authority, including the following:

- (a) approvals under the Act or regulations made under the Act:
- (b) audits:
- (c) inspections:
- (d) security assessments:
- (e) security plan testing:
- (f) ship detentions.

Regulation 3(1) **office-based**: revoked, on 1 July 2019, by regulation 4(1) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

Regulation 3(1) **offshore installation**: inserted, on 1 July 2019, by regulation 4(2) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

Regulation 3(1) **off-site location**: revoked, on 1 July 2019, by regulation 4(1) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

Regulation 3(1) **work or service**: inserted, on 1 July 2019, by regulation 4(3) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

Regulation 3(1) **work or services**: revoked, on 1 July 2019, by regulation 4(3) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

4 **Transitional, savings, and related provisions**

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 **Charges payable for work or services**

- (1) A person for whom the Authority has performed work or a service must pay to the Authority a charge calculated in accordance with the following formula:

$$a \times \$245 = \$b$$

where—

a is the sum of the number of hours (including part-hours) spent by each employee or contractor of the Authority performing the work or service

\$b is the charge payable.

- (2) In addition, charges are payable in the amount of any actual and reasonable costs (including costs of accommodation, airfares, and meals) incurred by the employee or contractor in performing work or services—
- (a) on an offshore installation; or
 - (b) outside New Zealand.

Regulation 5: replaced, on 1 July 2019, by regulation 5 of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

6 **Charges payable for off-site work or services**

[Revoked]

Regulation 6: revoked, on 1 July 2019, by regulation 5 of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

7 **Charges if work or services not completed or begun**

If an employee or a contractor of the Authority, acting in good faith, is for any reason not able to complete or begin any work or services to which these regulations relate, and incurs expenses for the work or services, the person for whom the work or services were being, or would have been, performed must pay to the Authority charges calculated in accordance with regulation 5

(a) *[Revoked]*

(b) *[Revoked]*

Regulation 7: amended, on 1 July 2019, by regulation 6(2) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

Regulation 7(a): revoked, on 1 July 2019, by regulation 6(1) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

Regulation 7(b): revoked, on 1 July 2019, by regulation 6(1) of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

8 Charges relating to costs and expenses incurred by Director in relation to specialist services

- (1) If, in relation to any of the work or services referred to in these regulations, the Director engages the services of a specialist, the person liable to pay the charges for the work or services must pay charges to meet the costs and expenses incurred by the Director in engaging the specialist.
- (2) The charges are payable at the time at which the relevant application is made.
- (3) In this regulation, **specialist** means a person who performs work or services that are—
 - (a) beyond the areas of expertise possessed by the employees or contractors referred to in these regulations; and
 - (b) essential to enable the relevant work or services to be satisfactorily completed.

9 GST included

The charges and rates of charges payable under these regulations are inclusive of goods and services tax.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2

Charges payable for work or services subject to hourly rate

[Revoked]

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Schedule 2: revoked, on 1 July 2019, by regulation 7 of the Maritime Security (Charges) Amendment Regulations 2019 (LI 2019/110).

Michael Webster,
Clerk of the Executive Council.

Reprinted as at
1 July 2019

Maritime Security (Charges) Regulations 2016

Schedule 2

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 June 2016.

Reprints notes

1 *General*

This is a reprint of the Maritime Security (Charges) Regulations 2016 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 Security (Charges) Amendment Regulations 2019 (LI 2019/110)