



Maritime Levies Amendment Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of May 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 191 of the Maritime Transport Act 1994—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport made after complying with section 191(3A) of that Act.

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Regulations

1 Title

These regulations are the Maritime Levies Amendment Regulations 2019.

2 Commencement

These regulations come into force on 1 July 2019.

3 Principal regulations

These regulations amend the Maritime Levies Regulations 2016 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3, insert in their appropriate alphabetical order:

New Zealand non-SOLAS ship means a New Zealand commercial ship other than a New Zealand SOLAS ship

New Zealand SOLAS ship has the meaning given in regulation 3A

passenger ship means—

- (a) a New Zealand commercial ship that carries any passengers and does not proceed beyond restricted limits; or
- (b) a New Zealand commercial ship that has a passenger capacity of more than 12 passengers and proceeds beyond restricted limits; or
- (c) a foreign passenger ship

- (2) In regulation 3, revoke the definitions of **chartered fishing vessel**, **International Tonnage Certificate**, **New Zealand fishing ship**, **New Zealand non-passenger ship**, and **New Zealand passenger ship**.

- (3) In regulation 3, definition of **passenger capacity**, replace “foreign passenger ship or New Zealand passenger ship” with “passenger ship”.

- (4) In regulation 3, definition of **relevant certificate**, after paragraph (b), insert:

(ba) a certificate issued under the maritime rules that specifies the maximum number of passengers that the ship may carry:

5 New regulation 3A inserted (Meaning of New Zealand SOLAS ship)

After regulation 3, insert:

3A Meaning of New Zealand SOLAS ship

In these regulations, unless the context otherwise requires, **New Zealand SOLAS ship** means a New Zealand commercial ship that—

- (a) either—
 - (i) is 45 metres or more in length and proceeds beyond restricted limits; or
 - (ii) has a passenger capacity of more than 12 passengers and is engaged on an international voyage; and
- (b) is either—
 - (i) certified as a SOLAS ship; or
 - (ii) a ship in relation to which a New Zealand Ship Safety Certificate has been issued under the maritime rules; and
- (c) is not registered as a fishing vessel under section 103 of the Fisheries Act 1996.

6 Regulation 5 amended (Ships for which maritime levies are payable)

Replace regulation 5(b) with:

- (b) every commercial raft to which Part 81 of the maritime rules applies.

7 Regulation 6 amended (Exempt ships)

(1) In regulation 6(1)(b),—

- (a) after “ships”, insert “that are”; and
- (b) after “ship”, insert “(and that would not otherwise be liable for a maritime levy)”.

(2) After regulation 6(1)(c), insert:

- (d) New Zealand commercial ships—
 - (i) for which a maritime document is not required; and
 - (ii) that are operated as part of an adventure activity registered under the Health and Safety at Work (Adventure Activities) Regulations 2016.

8 Regulations 8 and 9 replaced

Replace regulations 8 and 9 with:

8 Maritime levies for foreign commercial ships: Part 1 of Schedule 2

- (1) A maritime levy is payable for a foreign commercial ship in relation to each visit by the ship to a New Zealand port in the levy year.

- (2) The levy for each port visit by a ship of a class specified in column 1 of the table in Part 1 of Schedule 2 during a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(g \times c3) + (d \times c4) + (p \times c5) = \$L$$

where—

- g is the gross tonnage of the ship
- d is the deadweight tonnage of the ship
- p is the passenger capacity of the ship
- c3 is the relevant gross tonnage rate specified in column 3 of the table
- c4 is the relevant deadweight tonnage rate specified in column 4 of the table
- c5 is the relevant passenger capacity rate specified in column 5 of the table
- \$L is the levy payable

9 Maritime levies for New Zealand commercial ships: Part 2 of Schedule 2

- (1) A maritime levy is payable in each levy year for the following ships:
- (a) a New Zealand SOLAS ship:
 - (b) a New Zealand non-SOLAS ship that is 24 metres or more in length:
 - (c) a New Zealand non-SOLAS ship that is less than 24 metres in length.
- (2) The maritime levy for a New Zealand SOLAS ship that is of a class specified in column 1 of the table in Part 2 of Schedule 2 in relation to a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(g \times c3) + (d \times c5) + (p \times c6) = \$L$$

where—

- g is the gross tonnage of the ship
- d is the deadweight tonnage of the ship
- p is the passenger capacity of the ship (if the ship is a passenger ship)
- c3 is the relevant gross tonnage rate specified in column 3 of the table
- c5 is the relevant deadweight tonnage rate specified in column 5 of the table
- c6 is the relevant passenger capacity rate specified in column 6 of the table (if applicable)
- \$L is the levy payable

- (3) The maritime levy for a New Zealand non-SOLAS ship that is 24 metres or more in length and that is of a class specified in column 1 of the table in Part 2 of Schedule 2 in relation to a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(g \times c3) + (p \times c6) = \$L$$

where—

g is the gross tonnage of the ship

p is the passenger capacity of the ship (if the ship is a passenger ship)

c3 is the relevant gross tonnage rate specified in column 3 of the table

c6 is the relevant passenger capacity rate specified in column 6 of the table (if applicable)

\$L is the levy payable

- (4) The maritime levy for a New Zealand non-SOLAS ship that is less than 24 metres in length and that is of a class specified in column 1 of the table in Part 2 of Schedule 2 in relation to a levy year specified in column 2 of that table must be calculated in accordance with the following formula:

$$(l \times c4) + (p \times c6) = \$L$$

where—

l is the overall length of the ship

p is the passenger capacity of the ship (if the ship is a passenger ship)

c4 is the relevant length rate specified in column 4 of the table

c6 is the relevant passenger capacity rate specified in column 6 of the table (if applicable)

\$L is the levy payable

9 Regulations 10 and 11 revoked

Revoke regulations 10 and 11.

10 Regulation 12 amended (Proportional payments for ships becoming liable for maritime levies after start of levy year)

Replace regulation 12(2) with:

- (2) This regulation applies to maritime levies that are payable on an annual basis.

11 Regulation 19 amended (Refunds or waivers of maritime levies)

In regulation 19(1), replace “regulation 8, 9, 10, or 11” with “regulation 8 or 9”.

12 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in the Schedule of these regulations.

Schedule
Schedule 2 replaced

r 12

Schedule 2
Maritime levies

rr 8, 9

Part 1
Foreign commercial ships

Column 1	Column 2	Column 3	Column 4	Column 5
Class of ship	Levy year	Gross tonnage rate (\$)	Deadweight tonnage rate (\$)	Passenger capacity rate (\$)
Passenger	2019–20 to 2021–22	0.0836	0.0075	1.6848
	2022–23 to 2024–25	0.1004	0.0082	2.0248
Non-passenger	2019–20 to 2021–22	0.1078	0.0087	–
	2022–23 to 2024–25	0.1178	0.0095	–

Part 2
New Zealand commercial ships

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Class of ship	Levy year	Gross tonnage rate (\$)	Overall length rate (\$)	Deadweight tonnage rate (\$)	Passenger capacity rate (\$)
NZ SOLAS	2019–20 to 2021–22	7.1327		0.4216	42.7515
	2022–23 to 2024–25	7.7931		0.4607	46.7100
NZ non-SOLAS (24 m or more in length)	2019–20 to 2021–22	7.5215		–	16.0538
	2022–23 to 2024–25	8.2197		–	17.5403
NZ non-SOLAS (less than 24 m in length)	2019–20 to 2021–22		13.8886	–	16.0538
	2022–23 to 2024–25		15.1746	–	17.5403

Michael Webster,
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 July 2019, amend the Maritime Levies Regulations 2016 (the **principal regulations**) by amending the way in which maritime levies are calculated. The new approach is risk-based and this approach is reflected in both—

- the new categories of ships to which maritime levies apply (in *new regulations 8 and 9* of the principal regulations); and
- the new levy rates that apply to those categories of ship (in *new Schedule 2* of the principal regulations).

These regulations also exempt from maritime levies ships that are regulated under the Health and Safety at Work (Adventure Activities) Regulations 2016.

Regulatory impact assessment

Maritime New Zealand produced a regulatory impact assessment on 27 February 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <https://www.transport.govt.nz/about/governance/ris-bccs/>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Transport.