

**Reprint
as at 1 October 2008**



**Maritime Transport (Infringement
Fees for Offences Relating to Major
Maritime Events) Regulations 1999**

(SR 1999/243)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 26th day of July 1999

Present:

The Right Hon Jenny Shipley presiding in Council

Pursuant to sections 201 and 423 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.

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.

Contents

	Page
1 Title and commencement	2
2 Interpretation	2
3 Infringement fees	2
4 Infringement notices	2
Schedule	3
Maritime Transport Infringement Offence Notice	

Regulations

- 1 Title and commencement**
- (1) These regulations may be cited as the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Regulations 1999.
- (2) These regulations come into force on 27 August 1999.
- 2 Interpretation**
- In these regulations, unless the context otherwise requires, **the Act** means the Maritime Transport Act 1994.
- 3 Infringement fees**
- The infringement fee for an infringement offence against section 200B(5) of the Act is,—
- (a) in the case of an individual, \$1,000;
- (b) in the case of a body corporate, \$10,000.
- 4 Infringement notices**
- Every infringement notice under section 423 of the Act in respect of an infringement offence against section 200B of the Act must be in the form set out in the Schedule.
- Regulation 4: amended, on 10 October 2006, by regulation 4 of the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Amendment Regulations 2006 (SR 2006/247).
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The infringement fee(s) should be paid

To:

[specify address of enforcement authority]

DO NOT DETACH
Please present both copies
of this notice when mak-
ing payment

Cheques or money orders should be made out to the [specify enforcement authority] and should be crossed and marked “NOT TRANSFERABLE” or “ACCOUNT PAYEE ONLY”.

Issued by:

being a person duly authorised by the Director of Maritime New Zealand, a constable, or a person duly authorised by the Director, the regional council, or other local authority in whose region or district the offence was committed.

Important—Please read the statement of rights printed overleaf

Statement of rights

Note: If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.

- 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 should 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 If you wish to—
- (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 (refer to 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 (refer to paragraph 6 and 9)—

you should write to the enforcement authority at the address shown on the front page of this notice. Any such letter should be personally signed.

- 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: That 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: That 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: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Reprinted as at
1 October 2008

**Maritime Transport (Infringement Fees
for Offences Relating to Major Maritime
Events) Regulations 1999**

Schedule: amended, on 10 October 2006, by regulation 5(a) of the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Amendment Regulations 2006 (SR 2006/247).

Schedule: amended, on 10 October 2006, by regulation 5(b) of the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Amendment Regulations 2006 (SR 2006/247).

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

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 29 July 1999.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Regulations 1999. The reprint incorporates all the amendments to the regulations as at 1 October 2006, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

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)*

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Amendment Regulations 2006 (SR 2006/247)

Maritime Transport Amendment Act 2004 (2004 No 98): section 11(4)
