



Maritime Rules (Offences) Regulations 2014

His Excellency, Tom Marsters

Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this 16th day of December 2014

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to sections 96 and 117 of the Maritime Transport Act 2008, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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Maritime Rules Offences

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Rules and regulations to be revoked at the time of making the new Maritime Rules

Regulations

- Title**
These regulations are the Maritime Rules (Offences) Regulations 2014.

2 Commencement

These regulations come into force on 1 January 2015.

3 Interpretation

In these Regulations, unless the context otherwise requires—

Act means the Maritime Transport Act 2008

Convention for the purposes of these regulations means any bilateral or multilateral treaty, convention, code, agreement or understanding relating to maritime transport; safety, security or marine pollution to the extent the Cook Islands is party or has agreed to adopt and enforce

Person includes the owner or charterer and master of a vessel and a seafarer employed on a vessel and also includes a corporation

Rules means, maritime Rules and marine protections Rules made under the Act.

4 Application

These Regulations apply to—

- (a) all vessels registered on the Cook Islands Ships Register; and
- (b) all seafarers who are employed on vessels referred to in paragraph (a) of this Regulation; and
- (c) all owners, charterers and masters of vessels referred to in paragraph (a) of this Regulation.

*Compliance***5 Responsibility for compliance**

It is the responsibility of an owner or charterer and master of a vessel to ensure that the vessel and each seafarer employed on the vessel comply at all times with,—

- (a) all Rules applicable to the vessel or a seafarer;
- (b) all conventions applicable to the vessel or a seafarer.

6 Offences

- (1) An owner or charterer and master of a vessel who fails to ensure that the vessel and each seafarer employed on the vessel complies with paragraphs (a), and (b) of section 4, as the case may be, commits an offence against the Act.
- (2) A person who contravenes a provision of Schedule 1 commits an offence against the Act.
- (3) If a single act or omission amounts to more than one offence then a separate prosecution may be brought for each offence.
- (4) A person who commits an offence as provided for in these Regulations is liable on conviction—
 - (a) in the case of an individual, to a fine not exceeding \$100,000.00;
 - (b) in the case of a body corporate, to a fine not exceeding \$500,000.00.

7 Strict Liability

- (1) In a prosecution for an offence it is not necessary for the prosecution to prove the defendant intended to commit an offence.

- (2) It shall be a defence in any prosecution, if the defendant proves the defendant did not intend to commit the offence and that—
- (a) if it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure it was done:
 - (b) if it is alleged that anything prohibited was done, the defendant took all reasonable steps to ensure it was not done.

Revocations

8 Regulations and rules revoked

The regulations and rules set out in Schedule 2 are revoked.

Schedule 1

Maritime Rules Offences

| MARITIME RULE | OFFENCES |
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| Maritime (Anti-fouling) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (Ballast Water) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (Bunkers) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (CLC PROT) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (COLREGS) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> |

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| | <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (DSC) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (Large Yacht) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (Load Lines) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (MARPOL) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (MLC) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> |

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| | <p>Failure to comply with the Rules.</p> |
| Maritime (Wreck Removal) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (Non Convention Ship) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (Sail Training) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (SOLAS) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
| Maritime (STCW) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |

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| Maritime (Tonnage) Rules 2014.(No)1 | <p>Failure to hold in accordance with the Rules a valid maritime document recognized or issued by or on behalf of the Secretary or the Administration.</p> <p>Failure to operate the vessel in compliance with the Rules.</p> <p>Failure to have and maintain a maritime product or marine protection product when required in accordance with the Rules.</p> <p>Failure to comply with the Rules.</p> |
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Schedule 2
Rules and regulations to be revoked at the time of making the new
Maritime Rules

| Title | Number |
|--|-----------------|
| Boat Safety Rules 1994 | 1994/3 |
| Shipping (Certification of Seafarers) Regulations 2001 | 2001/13 |
| Shipping Collision Rules 1979 | 1979/10 |
| Shipping (Fishing Vessel) (Manning) Regulations 2001 | 2001/8 |
| Shipping (Load Line Convention) Regulations 2001 | 2001/10 |
| Shipping (Maritime Security) Regulations 2004 | 2004/13 |
| Shipping (Maunga Roa) Rules 1997 | 1997/12 1997/20 |
| Shipping Registry (Short International Voyages) Regulations 1997 | 1997/4 |
| Shipping (STCW Convention) Regulations 2001 | 2001/9 |
| Shipping (Te Koumaru) Rules 1997 | 1997/13 1997/21 |
| Shipping (Tonnage Measurement) Regulations 2000 | 2000/6 |
| Small Craft (Inter-Island Voyages) Rules 1994 | 1994/8 |

Aukino Tairea
Clerk of the Executive Council

These regulations are administered by the Ministry of Transport.
These regulations were made on the _____ day of December 2014.