



REPUBLIC OF NAURU

# PORTS AND NAVIGATION (INFRINGEMENT NOTICES) REGULATIONS 2021

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SL No. 25 of 2021

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Notified: 27-8-2021

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The Cabinet makes the following Regulations under Section 217 of the *Ports and Navigation Act 2019*:

**1 Citation**

These Regulations may be cited as the *Ports and Navigation (Infringement Notices) Regulations 2021*.

**2 Commencement**

These Regulations commence on the day they are notified in the Gazette.

**3 Prescribed offences and modified penalties**

- (1) For the purposes of Section 188 and Part 8, Division 4 of the Act:
  - (a) the offences in column A of the table in Schedule 1 are prescribed; and
  - (b) the penalties in column C of the table in Schedule 1 are the modified penalties payable for the prescribed offence in the same row.
- (2) The penalties shall be paid to the Nauru Revenue Office and a copy of the official receipt is to be submitted to the Registrar of Courts.
- (3) Where an alleged offender provides an official Nauru Revenue Office receipt for the payment of the penalty under subregulation (2), the Registrar of Courts shall not list his or her case before the court.

**4 Form of infringement notice**

For the purposes of Section 188(6) of the Act, the infringement notice to be served on an alleged offender is in Schedule 2.

**5 Issuer**

An infringement notice issued under Section 188 of the Act shall be signed by the Director, Harbourmaster or an Inspector.

**6 Infringement Notice list**

- (1) The Nauru Revenue Office shall issue to the court and to the Director of Public Prosecutions a list of offenders, infringement notice numbers and unpaid fines within 7 days before the date on which the infringement notices are listed before the court.
- (2) The Registrar of Courts shall list:
  - (a) before the court for hearing of the infringement notices for which the fixed penalties imposed have not been paid on the dates specified in the Infringement Notices; and
  - (b) list the infringement notices on the same date as specified in Part 3 of the infringement notices.

**7****Infringement Notice court appearance**

- (1) Where the person pleads guilty on the date of the hearing of the offence contained in Part 1 of the Infringement Notice, the court shall:
  - (a) impose a penalty for the offence as contained in the Act;
  - (b) order court costs of \$100; and
  - (c) make any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (2) Where the person is not present and is unrepresented in court, a plea of guilty shall be recorded and the matter dealt with in accordance with the procedure of the court and the court shall:
  - (a) impose a penalty for the offence as contained in the Act;
  - (b) order court costs of \$100; and
  - (c) make any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (3) Where the person is present or represented by a legal practitioner and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.
- (4) If the person is found guilty after the hearing of an infringement offence under subregulation (3), the court shall:
  - (a) impose the penalty for that offence under the Act;
  - (b) order court costs of \$200; and
  - (c) make any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

## SCHEDULE 1

[Regulation 3]

### OFFENCES AND MODIFIED PENALTIES

Column A Offence	Column B Penalty in Act	Column C Modified Penalty
<p>Section 191(1) – Records Failure to:</p> <ul style="list-style-type: none"> <li>• make or maintain record;</li> <li>• make or maintain record in required form;</li> <li>• enter into record any matter for which the record provides or required to be recorded;</li> <li>• keep record or document where record or document required to be kept;</li> <li>• produce record or copy of record or certificate within required time or within 14 days</li> </ul>	\$25,000	\$5,000
<p>Section 192(2) – Failure to give notice</p> <ul style="list-style-type: none"> <li>• failure to give notice;</li> <li>• failure to give notice in the required form or manner.</li> </ul>	\$25,000	\$5,000
<p>Section 193(2) – Giving misleading information</p> <ul style="list-style-type: none"> <li>• knowingly or recklessly gives misleading documents or information</li> </ul>	\$25,000	\$5,000
<p>Section 193(4) - knowingly or recklessly gives misleading documents or information which is substantial cause of:</p> <ul style="list-style-type: none"> <li>• loss of life or personal injury; or</li> <li>• serious damage to the environment.</li> </ul>	\$50,000	\$9,000
<p>Section 194(2) – Hindering</p> <ul style="list-style-type: none"> <li>• obstructs, impedes or interferes with the doing of a thing required or authorised to be done under this Act;</li> <li>• instructs or directs a person to do otherwise than required by this Act;</li> <li>• obstructs, impedes or interferes with: <ul style="list-style-type: none"> <li>- port facilities in a Nauru port;</li> <li>- the operation of a Nauru port or port facilities or other property of a port operator or port service provider;</li> </ul> </li> <li>• causes a nuisance in a Nauru port; or</li> </ul>	\$35,000	\$7,500

<ul style="list-style-type: none"> <li>uses any threatening language to, or otherwise molests, any person doing or attempting to do anything required or authorised to be done under the Act.</li> </ul>		
Section 195(1) – Failure to comply with directions.	\$75,000	\$10,000
Section 196(1) – Breach of duty or obligation imposed under Section 51, 52, 53 or 54.	\$100,000	\$15,000
Section 197 – Operating a vessel in contravention of COLREGS  where the operation of the vessel has not resulted in any collision or accident	\$50,000	\$5,000
Section 198 – Navigating without a pilot	\$50,000	\$10,000
Section 199(2) – offences in relation to aids to navigation  <ul style="list-style-type: none"> <li>damages or removes it;</li> <li>makes a vessel fast to it or otherwise uses a vessel in a way that might damage it;</li> <li>obstructs or interferes with its display or operation;</li> <li>obstructs or interferes with any emission or transmission from it.</li> </ul>	\$25,000	\$5,000
Section 200 – Trespassing on vessels  where:  (1) the trespasser has not previously been convicted or issued (and paid) an infringement notice for the same offence; and (2) no loss or damage has resulted from the trespass	\$25,000	\$500
Section 200 – Trespassing on vessels	\$25,000	\$5,000
Section 202(1) – Failure to have necessary certificates and necessary documents  <ul style="list-style-type: none"> <li>owner and master of a vessel that enters or remains in any restricted place without the</li> </ul>	\$50,000	\$7,500