

Reprint  
as at 1 December 2017



## Hawke's Bay Airport Bylaws Approval Order 2009 (SR 2009/217)

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 10th day of August 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 9 of the Airport Authorities Act 1966, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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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.

**This order is administered by the Ministry of Transport.**

## Order

### 1 Title

This order is the Hawke's Bay Airport Bylaws Approval Order 2009.

### 2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

### 3 Approval of Hawke's Bay Airport Bylaws 2009

The bylaws made on 7 July 2009 by Hawke's Bay Airport Limited and set out in the Schedule are approved.

## Schedule Hawke's Bay Airport Bylaws 2009

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Pursuant to section 9 of the Airport Authorities Act 1966, Hawke's Bay Airport Limited makes the following bylaws.

**1 Title**

These bylaws are the Hawke's Bay Airport Bylaws 2009.

**2 Commencement**

These bylaws come into force on the commencement of the Hawke's Bay Airport Bylaws Approval Order 2009.

### 3 Interpretation

In these bylaws, unless the context requires another meaning,—

**aircraft** means a machine that can derive support in the atmosphere from the reactions of the air, other than by the reactions of the air against the surface of the earth

**airport** means the Hawke's Bay Airport, being—

- (a) the land owned, leased, or controlled by the company that is intended or designed to be used either wholly or partly for the landing, departure, movement, or servicing of aircraft; and
- (b) any buildings, installations, and equipment that are on or adjacent to that land and used in connection with the airport or its administration

**airport manager**—

- (a) means the person appointed by the company as the airport manager; and
- (b) includes that person's deputy or authorised representative

**airport official** means—

- (a) the airport manager; and
- (b) any person appointed or authorised by the company or the airport manager to assist in the management or control of persons and property at the airport

**airport road** means any area in the airport made available by the company for the driving, standing, or parking of vehicles

**animal** means any living member of the animal kingdom except human beings

**apron** means any part of the airport on which aircraft may be loaded with passengers or cargo, unloaded, refuelled, parked, maintained, or repaired

**company** means Hawke's Bay Airport Limited

**constable** has the meaning given by section 4 of the Policing Act 2008

**hangar** means a building used for the storage, shelter, maintenance, repair, or construction of aircraft

**movement area**—

- (a) means any part of the airport intended to be used for the movement of aircraft on the ground; and
- (b) includes the apron

**person** includes a corporation sole, a body corporate, and an unincorporated body

**shuttle** has the meaning given by Part 2 of the Land Transport Rule: Operator Licensing 2007

**taxi** has the meaning given by section 2(1) of the Land Transport Act 1998

**vehicle** has the meaning given by section 2(1) of the Land Transport Act 1998, but does not include aircraft.

## **Part 1**

### **Airport users**

#### **4 Entering and leaving airport**

A person may enter or leave the airport, by vehicle or on foot, only by using an entrance or exit made available by the company.

#### **5 Boarding aircraft**

A person must not board or try to board an aircraft at the airport—

- (a) without authorisation to do so; or
- (b) if the boarding may prejudice the safety or security of the airport or people on the aircraft.

#### **6 Restricted areas**

- (1) The company may designate any part of the airport as a restricted area to which—
  - (a) entry by members of the public is prohibited; or
  - (b) entry is restricted to passengers who are waiting for a flight or who are boarding or leaving an aircraft.
- (2) The movement area is a restricted area to which entry by any person is prohibited.
- (3) However, the restrictions on entry to a restricted area do not apply to—
  - (a) a person who enters the area in accordance with the authorisation of the airport manager and any conditions of entry imposed by the manager; or
  - (b) passengers boarding or leaving an aircraft on the apron.
- (4) A restricted area, and the restrictions on entry to the area, must be indicated by conspicuous signs, notices, or markings.
- (5) A person must not enter or remain in a restricted area in breach of the restrictions on entry to the area.
- (6) If an airport official reasonably believes that a person is in a restricted area in breach of the restrictions on entry to the area, the official may ask the person to leave the area and the person must leave immediately.

#### **7 Conduct**

- (1) A person must not—
  - (a) be intoxicated at the airport, or drink alcohol in any part of the airport not set aside for that purpose; or

- (b) act in a manner that is disorderly or indecent, or that prejudices public order or the safety or security of people or property, at the airport; or
  - (c) throw, drop, or leave anything at the airport that could injure or annoy any person or damage any property; or
  - (d) climb any wall, fence, barrier, railing, or post at the airport unless acting under a legal duty; or
  - (e) open or unfasten any gate at the airport unless authorised to do so; or
  - (f) intentionally start a false alarm at the airport for a fire or other emergency; or
  - (g) remain at the airport if an airport official has asked him or her to leave for reasons of safety or security or for breaching these bylaws.
- (2) An airport official who reasonably suspects that a person at the airport is breaching or has breached these bylaws, or any enactment in relation to the airport or aircraft at the airport, may ask the person for his or her full name and address and evidence of those details, and the person must provide the details and evidence.

## **8 Obstruction**

A person must not obstruct, hinder, or interfere with—

- (a) the proper use of the airport; or
- (b) any lawful activities at the airport; or
- (c) any person performing a legal duty in relation to the airport.

## **9 Vandalism**

A person must not—

- (a) insert into any money, ticket, or card-operated equipment at the airport anything other than the money, ticket, or card required by the equipment; or
- (b) damage any property, or deface any notice or sign, at the airport; or
- (c) leave any offensive or dangerous material at the airport.

## **10 Interference with aircraft**

- (1) A person must not unlawfully tamper or interfere with aircraft at the airport or anything used in connection with the aircraft.
- (2) A person must not do anything likely to prejudice the convenient, efficient, or safe use, keeping, maintenance, or operation of aircraft at the airport.

## **11 Abandoned and lost property**

- (1) A person must not abandon or leave any personal property at the airport.

- (2) A person who finds abandoned or lost property at the airport must promptly deliver it to an airline counter or the airport manager's office.

## **12 Waste and spills**

- (1) A person must not—
- (a) leave any waste or litter (including confetti) at the airport other than in the waste containers provided; or
  - (b) leave or spill on any surface at the airport any oil, grease, or fuel, or anything else likely to cause damage or create a danger or obstruction.
- (2) Any person with a lease, licence, or concession to use an area of the airport must keep the surface of the area clear of oil, grease, fuel, and anything else likely to cause damage or create a danger or obstruction.

## **13 Blockage of drains**

A person must not place in a basin, tap, toilet, drain, or any other sanitation equipment at the airport anything that is likely to damage or obstruct the equipment.

## **14 Soliciting donations**

A person must not seek funds, donations, or subscriptions, or sell raffle or competition tickets, at the airport except with the written approval of the airport manager and in accordance with any conditions imposed by the manager.

## **15 Advertising and other material**

- (1) A person must not display or distribute any written or other material at the airport to advertise any product or service, or to advance or oppose any cause, except with the written approval of the airport manager and in accordance with any conditions imposed by the manager.
- (2) The airport manager may withhold written approval only if satisfied that it is reasonable to do so.

## **16 Special events**

- (1) A person must not hold or participate in a reception, meeting, parade, exhibition, display, march, or organised assembly at the airport except with the written approval of the airport manager and in accordance with any conditions imposed by the manager.
- (2) The airport manager may withhold written approval only if satisfied that it is reasonably necessary in order to—
- (a) ensure the safety of the public within the airport; or
  - (b) maintain airport security; or
  - (c) maintain order for the use of airport services by the public.

**17 Gambling**

A person must not conduct or take part in gambling, or operate or use any gambling equipment, at the airport (as gambling and gambling equipment are defined in section 4(1) of the Gambling Act 2003).

**18 Telephones**

A person may install a telephone at the airport only with the written approval of the airport manager and in accordance with any conditions imposed by the manager.

**19 Animals prohibited**

- (1) A person must not bring an animal to the airport unless the animal—
  - (a) is being delivered to or from an airline that has previously agreed to carry it; and
  - (b) is confined so that it is completely controlled at all times and cannot escape.
- (2) Subclause (1) does not apply to—
  - (a) a disability assist dog (as defined in section 2 of the Dog Control Act 1996) that is restrained by a harness and is assisting a person with a disability; or
  - (b) a dog controlled by a constable or Customs officer performing official duties; or
  - (c) livestock that the company has authorised to graze on parts of the airport that are not used by aircraft.

**20 Protection of wild animals**

A person must not injure, kill, or interfere with a wild animal at the airport, or take a wild animal from the airport, except with the airport manager's written approval and in accordance with any applicable enactment (for example, the Wildlife Act 1953).

## **Part 2 Vehicles**

**21 Airport roads**

- (1) The company may make any area in the airport available for use as an airport road.
- (2) The company may, in relation to all or part of an airport road,—
  - (a) stop making the road available for use as an airport road; or
  - (b) change the size, shape, or location of the road.



- (3) The airport manager may control the use of airport roads for any purposes relating to the operation of the airport.

## **22 Vehicles on airport roads**

- (1) A person may drive, use, or park a vehicle at the airport only on an airport road.
- (2) However, a person may drive, use, or park a vehicle upon any other area in the airport (for example, a grassed or cultivated area) with the approval of an airport official.

## **23 Compliance with traffic rules, directions, and signs**

A person must not drive or use a vehicle, and a person in charge of a vehicle must not allow the vehicle to be driven or used, at the airport in any way that breaches—

- (a) any rules or regulations made under the Land Transport Act 1998; or
- (b) these bylaws; or
- (c) any lawful directions given by a constable or airport official to regulate traffic; or
- (d) any traffic signs, notices, or markings.

## **24 Speed limit**

- (1) The speed limit for any area in the airport, including an airport road, is 30 km/h.
- (2) However, the company may specify a different speed limit for an airport road by using conspicuous signs or markings.
- (3) A person must not drive or use a vehicle on any area in the airport, including an airport road, at a speed exceeding the speed limit for the area or road.
- (4) However, a person charged with breaching subclause (3) may avoid liability on any of the grounds provided for in clauses 1.8(1) and (3) and 5.1(3) of the Land Transport (Road User) Rule 2004.

## **25 Parking places and charges**

The company may—

- (a) designate any part of an airport road as a parking area, taxi and shuttle stand, stopping place, or stand for a particular class or particular classes of vehicle by using conspicuous signs, notices, or markings; and
- (b) prescribe how any charges set by the company under section 4A of the Airport Authorities Act 1966 for the use of the area, stand, or place are to be paid (for example, by parking meter).

**26 Restrictions on vehicle movements and parking**

- (1) A person may stop, park, or stand a vehicle to load or unload passengers or baggage at the airport only—
  - (a) in a loading or unloading area designated by conspicuous signs, notices, or markings; and
  - (b) for as long as is reasonably needed to do so.
- (2) A person must not stop, park, or stand a vehicle in an area of the airport designated for a particular class of vehicle unless the vehicle belongs to that class.
- (3) A person must not stop, park, or stand a vehicle in an area of the airport designated for staff parking unless the person is a member of the airport staff with authorisation to do so.
- (4) A person must not stop, park, stand, or use a vehicle in an area of the airport designated as a parking area, stopping place, or stand for vehicles unless the person—
  - (a) pays any applicable charge set by the company under section 4A of the Airport Authorities Act 1966; and
  - (b) complies with any conditions imposed by the company.
- (5) A person must not drive, or try to drive, a vehicle through or past a barrier arm at the airport without paying any charge set by the company under section 4A of the Airport Authorities Act 1966 to pass the barrier arm.
- (6) A person must not, without authority from an airport official, drive or take a vehicle—
  - (a) on the movement area; or
  - (b) through a gate at the airport if the vehicle is prohibited from entering by a conspicuous sign or notice placed there by the company; or
  - (c) into any hangar at the airport.
- (7) A person who drives or takes a vehicle into a hangar must comply with any directions of the person supervising the entrance to the hangar.

**27 Vehicles and equipment not to cause danger or obstruction**

- (1) A person must not drive, ride, park, or place a vehicle carelessly or dangerously at the airport or without due consideration for public safety or people using the airport.
- (2) A person in charge of a vehicle at the airport must not obstruct or try to obstruct a moving aircraft.
- (3) A person must not use any vehicle or motorised equipment to service or maintain aircraft at the airport unless the condition and contents of the vehicle or equipment will not create a fire, flash, or other hazard to aircraft, fuelling facilities, or people associated with aircraft or fuelling facilities.
- (4) A person must not clean, maintain, or repair a vehicle at the airport except—

- (a) in an approved vehicle repair shop or area; or
  - (b) to make minor repairs to allow the vehicle to be driven from the airport.
- (5) Subclause (4) does not apply to a vehicle used in connection with the airport (because clause 39 applies in that case).

**28 Requirement to remove or stop vehicle or equipment**

- (1) A person in charge of a vehicle or any motorised equipment must—
- (a) remove the vehicle or equipment from the airport immediately if requested by an airport official; and
  - (b) ensure that the vehicle or equipment does not enter the airport if an airport official has prohibited its entry.
- (2) The driver of a vehicle at the airport must stop immediately if required by an airport official.

**29 Vehicle may be moved**

If an airport official believes on reasonable grounds that a vehicle at the airport is involved in a breach of these bylaws, the official may—

- (a) enter, or authorise another person to enter, the vehicle for the purpose of moving it or preparing it for movement; and
- (b) move, or authorise another person to move, the vehicle to another place.

**30 Taxis and shuttles**

- (1) The driver of a taxi or shuttle may pick up passengers at the airport only—
- (a) from a taxi and shuttle stand; and
  - (b) under a licence granted by the company; and
  - (c) in accordance with the licence and any directions of the airport manager.
- (2) Before using a taxi and shuttle stand, the driver of the taxi or shuttle must have paid any applicable charge set by the company under section 4A of the Airport Authorities Act 1966.
- (3) However, the driver of the taxi or shuttle need not pay the charge again if the driver—
- (a) has already paid the charge; and
  - (b) drops off passengers at the stand; and
  - (c) remains at the stand waiting for new passengers.
- (4) A driver of a taxi or shuttle at a taxi and shuttle stand must, if requested by a constable or airport official, produce the card used to access the stand.
- (5) A taxi and shuttle stand may be used only by a taxi or shuttle that is waiting for a passenger.

**31 Rental vehicles**

A person may keep or operate a self-drive rental vehicle at the airport only—

- (a) under a licence granted by the company; and
- (b) in accordance with the licence and any directions of the airport manager.

**32 Abandoned vehicles**

- (1) A person must not abandon a vehicle at the airport.
- (2) If a motor vehicle is abandoned at the airport, sections 356, 356A, and 356B of the Local Government Act 1974 apply in relation to the vehicle as if the company were a territorial authority and the airport were a road in its district.

**33 Accidents**

The driver of a vehicle involved in an accident at the airport must, as soon as practicable, report the accident to an airport official or the airport manager's office and leave his or her name and address and the registration number of the vehicle.

**Part 3****Aircraft operation and gate positions****34 Fees and charges relating to aircraft**

A person must not operate an aircraft at the airport without first paying all applicable fees and charges—

- (a) set by the company under section 4A of the Airport Authorities Act 1966 or any other enactment; or
- (b) prescribed by the Civil Aviation Charges Regulations (No 2) 1991 or any other enactment.

**35 Parking of aircraft**

Aircraft may be parked at the airport only—

- (a) in places allocated by the airport manager; and
- (b) in accordance with any conditions imposed by the company or the airport manager.

**36 Gate positions and standing times**

- (1) An aircraft may park at a gate position on the apron only if—
  - (a) it is a scheduled aircraft; or
  - (b) it is an unscheduled aircraft that has been authorised to park there by the company, the airport manager, or air traffic control.

- (2) A scheduled aircraft may park at a gate position on the apron for no more than 1 hour, or any longer time authorised by the airport manager (for example, overnight).
- (3) An unscheduled aircraft that is authorised to load or unload passengers at gate positions on the apron may remain parked at a gate position for no more than 20 minutes per gate, or any longer time authorised by the airport manager.

**37 Parking trespass**

- (1) A person operating or in charge of an aircraft may use the aircraft on the apron only in accordance with the authorisation of the airport manager and the parking pattern approved for the airport.
- (2) A person who breaches subclause (1) must remove the aircraft immediately if required by the airport manager.

**38 Securing unattended aircraft**

An aircraft left unattended at the airport must be properly secured against adverse weather and unauthorised entry and interference.

**39 Cleaning, maintenance, and repair of aircraft and vehicles**

A person at the airport must not clean, maintain, or repair an aircraft, or a vehicle used in connection with the airport, except—

- (a) in a hangar or in a place set aside by the company for the purpose; or
- (b) to make minor adjustments.

**40 No engine running in hangars**

Aircraft engines must not be started or run in a hangar owned or controlled by the company.

**Part 4**

**Fire prevention and other provisions**

**41 Fire risk**

A person must not cause a fire at the airport except in a safe place, under safe conditions, and for a lawful purpose.

**42 Smoking and flames**

A person must not smoke or have a flame—

- (a) in any part of the airport where it is unlawful to do so; or
- (b) within 50 metres of an aircraft, or a store or container of liquid fuel or explosives, at the airport.

**43 Dealing with liquid fuel**

A person must not pour liquid fuel into or from a container (including part of a vehicle) at the airport except in a place set aside for that purpose.

**44 Storage of flammable material**

A person must not store flammable material in or next to any airport building, structure, or facility in a manner that creates a hazard.

**45 Installations to comply with fire code**

- (1) All filling tanks, storage tanks, installations, safety equipment, pumps, and other facilities must be installed and operated at the airport in compliance with any applicable enactments (for example, regulations and instruments made under the Health and Safety at Work Act 2015) and any applicable bylaws.
- (2) Facilities for the storage of fuel or other hazardous substances may be installed at the airport only with the written approval of the airport manager.

Schedule bylaw 45(1): amended, on 1 December 2017, by section 55 of the Hazardous Substances and New Organisms Amendment Act 2015 (2015 No 72).

**46 Statutory powers and duties not affected**

These bylaws do not affect the powers and duties of a person under the Civil Aviation Act 1990 or any regulations or rules made under that Act.

**47 Company to make bylaws available**

The company must make these bylaws available at its office—

- (a) for inspection free of charge; and
- (b) for purchase at a reasonable price.

Rebecca Kitteridge,  
Clerk of the Executive Council.

## **Reprints notes**

### **1    *General***

This is a reprint of the Hawke's Bay Airport Bylaws Approval Order 2009 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **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***

Hazardous Substances and New Organisms Amendment Act 2015 (2015 No 72): section 55