



Maritime Transport (Infringement Fees for Offences— Gisborne District Navigation and Safety Bylaw 2012) Regulations 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 23rd day of November 2015

Present:

His Excellency the Governor-General in Council

Pursuant to section 330 of the Maritime Transport Act 1994, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Maritime Transport (Infringement Fees for Offences—Gisborne District Navigation and Safety Bylaw 2012) Regulations 2015.

2 Commencement

These regulations come into force on 25 December 2015.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires, **provision** means a provision of the Gisborne District Navigation and Safety Bylaw 2012.
- (2) The descriptions given in the second column of Schedule 1 are intended to be only an indication of the content of the provisions they describe and are not intended to be used in the interpretation of those provisions.

4 Infringement offences and fees

- (1) A breach of a provision specified in the first column of Schedule 1 is an infringement offence under the Maritime Transport Act 1994.
- (2) The infringement fee for an offence referred to in subclause (1) is the infringement fee specified in relation to that offence in the third column of Schedule 1.

5 Infringement notices

An infringement notice for an infringement offence against a provision specified in the first column of Schedule 1 must be in the form set out in Schedule 2.

6 Regulations revoked

The Local Government (Infringement Fees for Offences: Gisborne District Navigation and Safety Bylaw) Regulations 2004 (SR 2004/388) are revoked.

Schedule 1

Infringement offences and fees under Gisborne District Navigation and Safety Bylaw 2012

Provision	Description of offence	Fee (\$)
		rr 3, 4
cl 2.1.1	Failing to carry sufficient accessible personal flotation devices	200
cl 2.1.4	Failing to ensure each person on board, and any person being towed by, recreation craft wears personal flotation device in prescribed circumstances	200
cl 2.1.5	Failing to ensure that any person being towed wears an appropriate personal flotation device, or failing to wear an appropriate personal flotation device while being towed	200
cl 2.2.1	Diving, swimming, or undertaking related activities in certain areas in breach of requirements	100
cl 2.3.1	Operating propulsion system of vessel in prescribed circumstances	100
cl 2.4.1	Failing to keep anchored or moored vessel in seaworthy condition	100
cl 2.5.1	Impeding take off or landing of seaplane	200
cl 2.5.2	Taking off or landing aircraft, etc, in navigable waterway in breach of requirements	100
cl 2.6.1	Anchoring vessel so as to cause obstruction	300
cl 2.6.2	Cutting, breaking, destroying, or unlawfully detaching moorings or fastenings of vessel	200
cl 2.7.2	Damaging, removing, defacing, or interfering with buoy, beacon, or other navigation safety device or structure	200
cl 2.9.1	Obstructing access by water to wharf, landing place, boat ramp, slipway, fuel berth, or mooring	300
cl 2.9.2	Placing obstruction in waterway	300
cl 2.9.3	Placing obstruction in set net and crayfish pot exclusion area	300
cl 2.10.1	Blowing or sounding, or causing to be blown or sounded, whistle, siren, or horn in breach of requirements	200
cl 2.11.1	Failing to show navigation lights in darkness or low visibility	200
cl 2.11.2	Failing to show white light while at anchor in darkness	200
cl 2.12.1	Anchoring or mooring vessel within prohibited anchorage area	200
cl 2.13.1	Navigating vessel with mast or super structure over 15 metres within aircraft approach area	200
cl 2.14.1	Undertaking dive operations without permit in prescribed circumstances	200
cl 3.1.1	Person under 15 years operating powered vessel without supervision	100
cl 3.1.2	Owner of vessel allowing person under 15 years to operate vessel without supervision	100
cl 3.2.1	Operating vessel at speed exceeding 5 knots in specified areas	200
cl 3.2.2	Operating powered vessel at speed exceeding 5 knots while any person has portion of his or her body extending over forepart, bow, or side of vessel	200
cl 3.2.3	Being towed at speed exceeding 5 knots in prescribed circumstances	100

**Maritime Transport (Infringement Fees for Offences—
Gisborne District Navigation and Safety Bylaw 2012)
Regulations 2015**

Schedule 1

2015/288

Provision	Description of offence	Fee (\$)
cl 3.2.4	Permitting vessel to continue onwards after person being towed has dropped water ski or similar object in certain conditions	100
cl 3.2.6	Failing to ensure wake does not cause danger or risk of damage to other vessel, person, or structure	100
cl 3.3.1	Towing person at speed exceeding 5 knots without having person on board who is responsible for notifying mishap	100
cl 3.3.2	Being towed without having person on board who is responsible for notifying mishap	100
cl 3.4.1	Towing person between sunset and sunrise	100
cl 3.4.2	Being towed between sunset and sunrise	100
cl 3.6.1	Failing to operate or manoeuvre vessel in access lane by most direct route and on starboard side of lane	100
cl 3.6.2	Failing to travel through access lane by most direct route and on starboard side of lane while being towed or towing any object	100
cl 3.6.3	Proceeding dangerously in access lane	100
cl 3.6.4	Obstructing person using access lane for declared purpose	300
cl 3.6.5	Using access lane other than for declared purpose	100
cl 3.6.6	Entering, remaining in, or using access lane other than for declared purpose while it is being used by 1 or more persons	100
cl 3.7.2	Obstructing person while that person is using access lane on reserved area for purpose for which it has been reserved	100
cl 3.7.3	Entering, remaining in, or using reserved area for another purpose while it is being used for the purpose for which it has been reserved	100
cl 3.9.1	Operating personal water craft in area outside designated area	100
cl 3.9.2	Operating personal water craft in river at speed exceeding 5 knots	100
cl 3.9.3	Operating personal water craft without unique identification number	100
cl 3.9.8	Transferring, removing, altering, or masking unique identification number	100
cl 3.10.1	Impeding navigation of vessel over 500 tonnes within Gisborne pilotage area	200
cl 3.11.1	Failing to confirm that vessel is carrying harbour navigation charts before arrival at harbour limits	500
cl 3.11.3	Failing to monitor specified VHF channels within harbour limits	500
cl 3.12	Operating kite surf within 200 metres of flagged swimming area or area designated for personal water craft	100
cl 4.5.4	Undertaking hot work without permit	200
cl 4.7.1	Failing to monitor bunkering or liquid transfer in accordance with prescribed requirements	200
cl 4.7.2	Failing to monitor automatic pumping arrangement	200

Schedule 2
Form of notice for Gisborne District Navigation and Safety Bylaw
2012 infringement offences

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Form
Gisborne District Navigation and Safety Bylaw 2012 infringement offence
notice

Section 330, Maritime Transport Act 1994

(Front page)

Notice No:

Enforcement authority [*specify*]

Person served

Full name:

Full address:

Date of birth:

Occupation:

Maritime document No (if applicable):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

Vessel description:

For each offence, specify the following:

**Bylaw offence
provision**

Offence

**Infringement fee
payable (\$)**

Time for payment of infringement fee(s)

The infringement fee(s) is/are* payable within 28 days after [*date this notice is delivered personally, or served by post*].

*Select one.

To whom payable

The infringement fee(s) is/are* payable to [*specify address of enforcement authority*].

*Select one.

Method of payment

Please present this notice, or a copy of this notice, when making payment.

Cheques or money orders must be made out to [*specify enforcement authority*] and must be crossed and marked not transferable or account payee only.

Issued by: [*full name*], who is a person duly authorised by the Gisborne District Council.

Important

Please read the statement of rights printed over the page.

(Back page)

Statement of rights

If there is anything in this statement you do not understand, 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 the enforcement authority in respect of an infringement fee payable by you, paragraphs 4(b) and (c), 5, and 6 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 must be made at the address indicated above.

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 You may write to the enforcement authority at the address shown on the front page of this notice 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 paragraphs 6 and 9).

The letter must be signed by you and delivered to the enforcement authority at the address specified in this infringement notice, and in a reminder notice in respect of the offence, before or within 28 days after the service of the reminder notice, or within such further time as the enforcement authority may allow.

- 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.
- 6 If you admit liability for the offence but wish the court to consider your submissions as to penalty or otherwise, you must, in your letter to the enforcement authority,—
- (a) request a hearing; and
 - (b) admit liability; and
 - (c) set out the written submissions you wish the court to consider.

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.

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 and correspondence

- 9 When writing to the enforcement authority 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 each alleged offence (if this notice sets out more than 1 offence and you are not paying all the infringement fees for the alleged offences); and
- (d) your address for replies (if you are not paying all the infringement fees for 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 above.

Note: All queries and correspondence regarding the infringement offence(s) must be directed to the enforcement authority named in this notice at the address shown on the front page of this notice.

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 25 December 2015, specify in *Schedule 1* which breaches of the Gisborne District Navigation and Safety Bylaw 2012 are infringement offences for the purposes of section 330 of the Maritime Transport Act 1994. The regulations also prescribe the infringement fees and the form of the infringement notice for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 26 November 2015.

These regulations are administered by the Ministry of Transport.