



Maritime Transport (Infringement Fees for Offences— Lake Taupō Navigation Safety Bylaw 2017) Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 3rd day of July 2017

Present:

The Right Hon Bill English presiding in Council

These regulations are made under section 330 of the Maritime Transport Act 1994 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Maritime Transport (Infringement Fees for Offences—Lake Taupō Navigation Safety Bylaw 2017) Regulations 2017.

2 Commencement

These regulations come into force on 3 August 2017.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

bylaw means the Lake Taupō Navigation Safety Bylaw 2017

provision means a provision of the bylaw.

(2) The descriptions given in the second column of Schedule 1 are intended only to be an indication of the content of the provisions they describe, and are not intended to be used in the interpretation of the provisions.

4 Infringement offences and fees

(1) A breach of a provision specified in the first column of Schedule 1 is an infringement offence against the Act.

(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 in respect of 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—Lake Taupo Navigation Safety Bylaw) Regulations 2010 (SR 2010/416) are revoked.

**Schedule 1
Infringement offences and fees under Lake Taupō Navigation Safety
Bylaw 2017**

Clause	Description of offence	Fee (\$)
2.1	Permitting a person under age of 15 to navigate a powered vessel without direct supervision	200
2.2	Failing to comply with requirements as to personal flotation devices	200
2.3.1	Failing to keep a vessel in seaworthy condition	200
2.3.2	Failing to follow harbourmaster's directions	200
2.4 (except 2.4.7 and 2.4.8)	Failing to observe a requirement as to mooring a vessel	200
2.4.7	Using a ramp to launch or remove a vessel without a valid ramp permit for inspection	200
2.4.8	Occupying a marina berth or Crown-owned facility without approval	200
2.5	Failing to adequately moor or secure a vessel	200
2.6.2	Anchoring a vessel in a restricted anchorage when not permitted	200
2.7	Failing to observe requirements as to aids to navigation	200
2.8	Failing to observe restrictions on use of a propulsion system	200
2.9	Obstructing navigation	200
2.10	Failing to notify the harbourmaster of an accident or an incident	200
2.11	Failing to observe a speed limit	200
2.12	Impeding a seaplane that is landing or taking off	200
2.13	Failing to observe requirements as to diving from vessels	200
2.14	Failing to observe requirements as to wakes	200
2.15 (except 2.15.3 and 2.15.4)	Failing to observe registration requirements for personal watercraft	200
2.15.3	Failing to observe change of ownership requirements for personal watercraft	200
2.15.4	Failing to observe requirements as to display of personal watercraft registration number	200
2.16	Failing to observe vessel marking requirements	200
2.17	Failing to comply with requirements as to sounds and light signals	200
2.18.1	Failing to observe requirements as to means of communication	200
2.19	Failing to observe requirements as to providing a vessel for remuneration, hire, or reward	200

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**Maritime Transport (Infringement Fees for Offences—
Lake Taupō Navigation Safety Bylaw 2017) Regulations
2017**

Schedule 1

2017/149

Clause	Description of offence	Fee (\$)
2.20	Operating a vessel in water 100 m upstream to 200 m downstream of Lake Taupō Control Gates without authorisation	200
3.1	Failing to observe requirements as to lookouts when towing	200
3.2.1	Failing to observe requirements as to speed limits when being towed	200
3.3	Failing to observe requirements as to conduct in access lanes	200
3.4	Towing a person or causing oneself to be towed between sunset and sunrise	200
4.1	Failing to observe restrictions as to jumping, diving, and swimming	100
4.2.2	Failing to observe restrictions as to reserved areas	200
5.1	Failing to observe restrictions as to seaplanes	200
8.1.1	Failing to comply with a lawful direction (eg, of harbourmaster)	200

Schedule 2
**Form for Lake Taupō Navigation Safety Bylaw 2017 infringement
offence notice**

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Form
Lake Taupō Navigation Safety Bylaw 2017 infringement offence notice
Section 330, Maritime Transport Act 1994

(Front page)

Notice No:

Enforcement authority

[*Specify enforcement authority*]

Address: [*specify address*]

Notice issued by: [*full name*], being a person duly authorised by the enforcement authority

Person served

Full name:

Address:

Telephone number(s):

Email address:

Occupation:

Date of birth:

Maritime document No (if applicable):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

Vessel description:

For each alleged infringement offence, specify the following, including sufficient details of the alleged offence to fairly inform the person of the nature of the alleged offence:

**Maritime Transport (Infringement Fees for Offences—
Lake Taupō Navigation Safety Bylaw 2017) Regulations
2017**

Schedule 2

2017/149

Bylaw provision contravened	Details of offence	Infringement fee payable (\$)
1		
2		
3		

Time for payment of infringement fee(s)

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

*Select one.

To whom payable

The infringement fee is/fees are* payable to the enforcement authority at [*specify address of enforcement authority*].

*Select one.

Method of payment

The infringement fee is/fees are* payable to the enforcement authority either online or by cheque.

*Select one.

To pay online, go to [*specify relevant Internet site*]. Online payments must refer to the infringement notice number at the top of this notice and must be made to [*specify account number*].

Cheques must be made out to [*specify enforcement authority*], crossed and marked “Not Transferable”, marked with the infringement notice number at the top of this notice, and sent to the enforcement authority at the address shown above.

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Statement of rights

If there is anything in this statement you do not understand, you should consult a lawyer.

- 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 re-

quest a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Payment

- 2 If you pay the infringement fee for an alleged offence within 28 days after the service of this notice on you, no further enforcement action will be taken for that offence. Payments may be made as indicated on the other side 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 in accordance with this notice within 28 days after the service on you of a reminder notice (*see* paragraph 7). 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 other side of this infringement 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 (*see* 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 (*see* paragraphs 6 and 9).

The letter must be signed by you and delivered to the enforcement authority at the address shown on the other side of this infringement notice before or within 28 days after the service of a reminder notice (*see* paragraph 7), or within any further time that the enforcement authority allows.

- 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). If you fol-

low the process described in this paragraph, there will be no oral hearing before the court.

Non-payment of fee

- 7 If you do not pay the infringement fee or request a hearing within 28 days after being served with this notice, you will be served with a reminder notice (unless the enforcement authority decides otherwise).
- 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 full 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 on the other side of this notice.

Note: All queries and correspondence regarding the infringement offence(s) must be directed to the enforcement authority at the address shown on the other side 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 3 August 2017, specify breaches of the Lake Taupō Navigation Safety Bylaw 2017 (the **bylaw**) that are infringement offences under the Maritime Transport Act 1994 (the **Act**).

Regulation 4 provides that the breaches of the bylaw specified in *Schedule 1* are infringement offences under the Act and that the infringement fees set out in that schedule apply to those breaches.

Regulation 5 provides that an infringement notice for the infringement offences created by *regulation 4* must be in the form set out in *Schedule 2*.

Regulation 6 provides for the revocation of the Local Government (Infringement Fees for Offences—Lake Taupo Navigation Safety Bylaw) Regulations 2010, which are replaced by these regulations.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 6 July 2017.

These regulations are administered by the Ministry of Transport.