



Maritime Transport (Infringement Fees for Offences— Northland Regional Navigation Safety Bylaw 2017) Regulations 2018

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 5th day of November 2018

Present:

Her Excellency the Administrator of the Government 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—Northland Regional Navigation Safety Bylaw 2017) Regulations 2018.

2 Commencement

These regulations come into force on 7 December 2018.

3 Interpretation

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

Act means the Maritime Transport Act 1994

bylaw means the Northland Regional Navigation Safety Bylaw 2017

council means the Northland Regional Council

provision means a provision or group of related provisions 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 offence notices

An infringement offence 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—Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012 (SR 2012/341) are revoked.

**Schedule 1
Infringement offences and fees under Northland Regional
Navigation Safety Bylaw 2017**

Clause	Description of offence	Fee (\$)
		r 4
2.1.1	Using vessel in circumstances of increased risk without ensuring everyone on board is wearing personal flotation device of appropriate size	200
2.1.2	Using vessel that does not have sufficient readily accessible flotation devices in good condition and of appropriate size for each person on board	200
2.1.3	Failing to wear properly secured personal flotation device of appropriate size when on board vessel that is 6 metres or less in length while it is underway	200
2.1.5	Failing, while in charge of vessel or being towed, to ensure person being towed wears properly secured personal flotation device of appropriate size	200
2.2.1	Failing to nominate person in charge of vessel	200
2.3.1	Jumping, diving, swimming, or undertaking related activities in certain areas	50
2.4.1	Operating propulsion system of vessel at wharf or ramp in manner that could damage property, scour bed of waterway, or injure any person	200
2.4.2	Failing to comply with requirements before and during testing of propulsion system of commercial vessel at wharf	200
2.5.1	Failing to keep anchored or moored vessel in seaworthy condition	200
2.5.4	Failing to move unseaworthy vessel as directed	200
2.6.1	Impeding take-off or landing of seaplane while navigating vessel	200
2.6.2	Taking off, landing, attempting to take off, or attempting to land seaplane in area not reserved for that purpose	200
2.7.1	Anchoring or mooring vessel in navigable waters in manner that it may break free, drag anchor, or create hazard	200
2.7.2	Cutting, breaking, or destroying mooring, anchor, or fastening of vessel	200
2.7.3	Failing to ensure vessel at wharf or anchor is securely moored at all times or, if required by harbourmaster, maintain person to keep watch	200
2.8.1	Anchoring or mooring vessel within prohibited area	200
2.8.2	Anchoring vessel so as to create hazard, obstruct passage of other vessels, or obstruct approach to wharf, pier, jetty, mooring, or anchorage	200
2.8.4	Anchoring commercial vessel in prohibited area	200
2.9.1	Obstructing waterway or access to wharf, landing place, boat ramp, slipway, channel, mooring, or anchorage	200
2.9.2	Placing obstruction in waterway	200

**Maritime Transport (Infringement Fees for Offences—
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Schedule 1

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Clause	Description of offence	Fee (\$)
2.9.3	Leaving equipment extended over side of vessel so as to create hazard to other vessels	200
2.10.2	Failing to comply with accident reporting requirements	200
2.11.1	Securing vessel to navigation aid	200
2.11.2	Damaging, removing, defacing, or interfering with navigation aid or warning	300
2.11.3	Erecting, maintaining, or displaying, without authorisation, any navigation aid or device that may be used as or taken to be navigation aid	200
2.12.1	Fitting or using flashing lights, sirens, or other sound or light signals not prescribed for vessel	200
2.12.5	Sounding whistle, siren, or horn of vessel in harbour area	200
2.12.6	Failing to exhibit lights and shapes in accordance with Maritime Rule Part 22 (Collision Prevention)	200
2.13.1	Failing to ensure that, within harbour limits, helmsman is standing by when using automatic steering device and main engine or anchor is immediately available for required purposes	300
2.13.2	Failing to have— (a) agreed passage plan for transiting harbour; or (b) sufficient crew members on bridge to safely carry out plan; or (c) due regard to required factors in determining composition of bridge team	300
2.13.3	Impeding navigation of vessel of 500 gross tonnage or more when operating vessel of under 500 gross tonnage within harbour limits	300
2.13.4	Failing to keep clear of vessel of 500 gross tonnage or more	200
2.14.2	Carrying out activity in flagged area other than activity for which area flagged	200
2.15.1	Discharging, dropping, or allowing anything to be discharged or dropped from vessel, structure, or land that could constitute danger to navigation or safety	300
2.16.1	Immobilising main engines of vessel of 500 gross tonnage or more without prior permission of harbourmaster	300
2.17.1	Failing to give correct name and address, if required by harbourmaster or enforcement officer	300
3.1.1	Being in charge of power-driven vessel if under 15 years of age and unsupervised	200
3.1.2	Allowing person under 15 years of age to be in charge of power-driven vessel without supervision	200
3.2.1(a)	Operating vessel at speed exceeding 5 knots within 50 metres of another vessel, raft, or person in the water	200
3.2.1(b)	Operating vessel at speed exceeding 5 knots within either 200 metres of the shore or structure or on inshore side of buoys marking 200 metres from shore or structure	200

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Schedule 1

Clause	Description of offence	Fee (\$)
3.2.1(c)	Operating vessel at speed exceeding 5 knots within 200 metres of any vessel or raft displaying divers' flag	200
3.2.2	Propelling or navigating vessel at speed exceeding 5 knots while any part of person is extended over fore-part, bow or side of vessel	200
3.2.3	Causing oneself to be towed at speed of more than 5 knots in circumstances specified in clause 3.2.1	200
3.2.4	Failing to recover or make clearly visible object dropped by person being towed	200
3.3.1	Failing to ensure wake of craft does not cause unnecessary danger or risk of damage to vessels, structures, or people	200
3.4.1	Towing person at speed of more than 5 knots without required lookout person on board	200
3.4.2	Causing oneself to be towed at speed of more than 5 knots without required lookout person on board	200
3.5.1	Towing person between sunset and sunrise	200
3.5.2	Causing oneself to be towed between sunset and sunrise	200
3.7.1	Propelling, navigating, or manoeuvring vessel in access lane other than on starboard side and by most direct route	200
3.7.2	Proceeding in access lane in dangerous manner	300
3.7.3	Obstructing person using access lane for its declared purpose	200
3.7.4	Entering, remaining in, or using access lane while it is being used for its declared purpose	200
3.10.1	Failing to assess conditions or consider safety of persons and vessels before exceeding 5 knots in speed uplifting area	200
3.10.2	Proceeding in dangerous manner in speed uplifting area	300
3.10.3	Propelling, navigating, or manoeuvring vessel, or towing person, in speed uplifting area other than on starboard side (or in anti-clockwise direction when circuiting area)	200
3.10.4	Obstructing person using speed uplifting area for its declared purpose	200
3.14.1	Obstructing person using reserved area for reserved purpose	200
3.14.2	Entering, remaining in, or using reserved area while it is being used for its reserved purpose	200
3.16.1	Operating vessel in breach of Maritime Rules Part 22 (Collision Prevention)	200
3.16.3	Failing to maintain proper lookout	200
3.17.1	Allowing vessel of under 500 gross tonnage to impede navigation of vessel of 500 gross tonnage or more in pilotage area or harbour	300
3.18.1	Failing to ensure that Flag A is displayed as required when dive operations are in progress	200
3.18.2	Diving without ensuring that Flag A is displayed as required	200
3.18.3	Failing to remain within 200 metres of displayed Flag A when diving	200

**Maritime Transport (Infringement Fees for Offences—
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Schedule 1

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Clause	Description of offence	Fee (\$)
3.18.4	Failing to display Flag A when diving unaccompanied by vessel or from shore where there is likelihood of passing vessel traffic	200
3.19.1	Failing to clearly display registration number on personal water craft as required	200
3.19.2	Failing to register personal water craft	200
4.1.1	Placing mooring in waters without licence	200
4.1.4	Failing to provide council with required details of vessel occupying mooring, or mooring larger or significantly different vessel without council approval	200
4.1.5	Failing to display contact details for owner of vessel occupying mooring	50
4.3.2	Failing to maintain swing or pile mooring in proper state of repair	200
4.3.3	Failing to carry out or arrange for maintenance of swing mooring as required	200
4.4.1	Securing vessel, or allowing vessel to be secured, to moored vessel in manner likely to restrict navigation, or cause loss of life, injury, or damage to property	200
4.4.2	Mooring vessel without approval of mooring owner	200
5.1.1	Failing to remain within explosives anchorage when not underway, or when loading or unloading explosives	200
5.2.1	Failing to display Flag B by day or all-round red light by night when carrying, loading, or unloading explosives	300
5.2.2	Allowing vessel to approach within 200 metres of another vessel that is carrying, loading, or unloading explosives	200
5.2.3	Allowing vessel carrying explosives in harbour or at anchorage to approach within 200 metres of another vessel	200
5.3.1	Failing to display Flag B by day or all-round red light by night on oil tanker arriving at or remaining in harbour	300
5.4.1	Failing to comply with requirements while oil tanker in harbour	300
5.4.2	Berthing or mooring oil tanker other than at place approved for bulk oil discharges	200
5.5.1	Allowing oil tanker to lie within 30 metres of another vessel	200
5.6.1	Failing to obtain written approval before carrying out hot work operations in harbour or commercial area	200
5.6.2	Failing to comply with requirements when carrying out hot work operations	200
5.7.1	Transferring hazardous goods other than between sunset and sunrise	300

Schedule 2
Form for Northland Regional Navigation Safety Bylaw 2017
infringement offence notice

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Form
Northland Regional Navigation Safety Bylaw 2017 infringement offence
notice

Section 330, Maritime Transport Act 1994

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Notice No:

Enforcement authority

[Specify enforcement authority.]

Address: [specify address]

Notice issued by: [full name], being a person duly authorised by the Northland
Regional Council

Person served

Full name:

Address:

Telephone number(s):

Occupation:

Date of birth:

Maritime document No (if applicable):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

Vessel description:

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

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 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.

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 follow 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.

Rachel Hayward,
acting for 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 7 December 2018, specify breaches of the Northland Regional 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*.

**Maritime Transport (Infringement Fees for Offences—
Northland Regional Navigation Safety Bylaw 2017)
Regulations 2018**

2018/214

Explanatory note

Regulation 6 provides for the revocation of the Local Government (Infringement Fees for Offences—Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012, which are replaced by these regulations.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 8 November 2018.

These regulations are administered by the Ministry of Transport.