



Maritime Transport (Infringement Fees for Offences— Kai Iwi Lakes Navigation Safety Bylaw 2017) Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 23rd day of September 2019

Present:

Her Excellency the Governor-General 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—Kai Iwi Lakes Navigation Safety Bylaw 2017) Regulations 2019.

2 Commencement

These regulations come into force on 24 October 2019.

3 Interpretation

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

Act means the Maritime Transport Act 1994

bylaw means the Kai Iwi Lakes Navigation Safety Bylaw 2017

council means the Northland Regional Council

provision means a provision or a 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.

**Schedule 1
Infringement offences and fees under Kai Iwi Lakes Navigation
Safety Bylaw 2017**

Clause	Description of offence	Fee (\$)
2.1	Using vessel without sufficient readily accessible personal flotation devices in good condition and of appropriate size for each person on board	200
2.2(1)	Failing to wear properly secured personal flotation device of appropriate size while vessel underway	200
2.4(1)	Failing, while in charge of vessel or while being towed, to ensure person being towed wears properly secured personal flotation device of appropriate size	200
3.2(1)	Allowing person under 15 years to be in charge of power-driven vessel without supervision	200
3.3(1)(a)	Operating vessel at speed exceeding 5 knots within 50 metres of another vessel	200
3.3(1)(b)	Operating vessel at speed exceeding 5 knots within 50 metres of person in water	200
3.3(1)(c)	Operating vessel at speed exceeding 5 knots within 200 metres of vessel exhibiting Flag A	200
3.3(1)(d)	Operating vessel at speed exceeding 5 knots within 5-knot speed limit area between shoreline and 5-knot buoys	200
3.3(2)	Operating vessel at speed exceeding 5 knots while another person has portion of body extending over bow or side of vessel	200
3.4(1)	Failing to keep vessel in seaworthy condition	200
3.4(2)	Operating vessel that is unseaworthy	200
3.5(1)	Operating vessel in breach of Maritime Rule Part 22	200
3.5(2)	Failing to proceed in anti-clockwise direction around lakes	200
3.6	Failing to comply with accident reporting requirements	200
4.1(1)	Operating or anchoring power-driven vessel within designated swimming area	200
4.2(1)	Towing person without required lookout	200
4.2(2)	Towing person or object between sunset and sunrise	200
4.2(3)	Failing to recover, or make clearly visible, object dropped by person being towed	200
4.2(4)	Allowing oneself to be towed in breach of requirements	200
4.3(1)	Failing to ensure that Flag A is displayed as required when dive operations in progress	200
4.3(2)	Diving without ensuring that Flag A is displayed as required	200
4.3(3)	Failing to remain within 200 metres of displayed Flag A when diving from vessel	200
4.3(4)	Failing to display Flag A as required when diving without vessel or from shore if passing vessel traffic likely	200
4.4(1)(a)	Failing to ensure wake does not prevent others from safely using navigable water	200
4.4(1)(b)	Failing to ensure wake does not cause danger or risk of damage to vessels, structures, or navigation aids	200

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Schedule 1

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Clause	Description of offence	Fee (\$)
4.4(1)(c)	Failing to ensure wake does not cause risk of harm to person	200
4.5(2)(b)	Proceeding in access lane in dangerous manner	200
4.5(2)(c)	Obstructing person using access lane for its declared purpose	200
4.5(2)(d)	Entering, remaining in, or using access lane for another purpose while it is being used for its declared purpose	200
4.7(1)	Entering reserved area for non-specified purpose	200
4.7(2)	Entering, remaining in, or using reserved area for non-specified purpose while it is being used for its specified purpose, or obstructing another using reserved area for its specified purpose	200
5.1(1)	Impeding take-off or landing of seaplane	200
5.1(2)	Taking off, landing, attempting to take off, or attempting to land seaplane without Harbourmaster's permission	200
5.2(1)	Anchoring or mooring vessel in navigable waters in manner that may allow it to break free, drag anchor, or create hazard	200
5.2(2)	Cutting, breaking, or destroying mooring, anchor, or fastening of vessel	200
6.1(1)	Failing to display registration number on personal water craft	200
6.2(1)	Tying vessel to navigation aid	200
6.2(2)	Damaging, removing, defacing, or otherwise interfering with any aid to navigation or sign	200

Schedule 2
**Form for Kai Iwi Lakes Navigation Safety Bylaw 2017 infringement
offence notice**

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Form

Kai Iwi Lakes 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).

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 24 October 2019, specify breaches of the Kai Iwi Lakes 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 offence notice for an infringement offence created by *regulation 4* must be in the form set out in *Schedule 2*.

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Kai Iwi Lakes Navigation Safety Bylaw 2017)
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