



Maritime Transport (Infringement Fees for Offences— Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 12th day of June 2023

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—Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023.

2 Commencement

These regulations come into force on 13 July 2023.

3 Interpretation

In these regulations, unless the context otherwise requires, **provision** means a provision of the Manawatū River and Tributaries Navigation Safety Bylaw 2022.

4 Infringement offences and fees

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

5 Infringement notices

Every 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: Manawatu River and Tributaries Navigation and Safety Bylaw 2010) Regulations 2010 (SR 2010/417) are revoked.

Schedule 1 Infringement offences and fees under Manawatū River and Tributaries Navigation Safety Bylaw 2022

Bylaw offence provision	Description of offence	Fee (\$)
3.1.2	Failing to notify Harbourmaster of accident or incident	200
4.1.1	Failing to have sufficient personal flotation devices for each person on board recreational craft that are readily accessible and of appropriate size for each person on board	200
4.1.5	Failing to ensure persons on board recreational craft wear flotation devices when craft is in use in specified circumstances	200
4.1.6	Failing to ensure that person being towed is wearing a properly secured personal flotation device of appropriate size for that person	200
4.2.1	Operating a vessel's propulsion system at wharf, jetty, pier, or ramp in way that may cause damage or injury	200
4.3.1	Diving, swimming, or undertaking other related activities in certain areas without consent of Harbourmaster	200
4.4.1	Anchoring vessel so as to cause obstruction to the passage of other vessels or approaches to any wharf, jetty, pier, or ramp	200
4.4.2	Cutting, breaking, destroying, or unlawfully detaching moorings or fastenings of vessel in breach of requirements	200
4.4.3	When vessel is moored to wharf or other landing place, failing to ensure adequate and safe means of access to vessel	200
4.5.1	Obstructing access by water to wharf, landing place, boat ramp, or mooring	200
4.5.2	Placing obstruction in waters if liable to restrict navigation, injure person, or damage property	200
5.1.1	Failing to register personal water craft	200
5.1.2	Failing to display, or adequately display, personal water craft registration number	200
5.1.3	Failing to complete change of ownership or deregistration within specified time frame	200
5.2.2	Allowing a person under 15 years of age to operate power-driven vessel capable of exceeding speed of 10 knots without required direct supervision	200
5.3.1	Operating vessel at speed exceeding 5 knots within specified areas	200
5.3.2	Operating vessel at speed exceeding 5 knots when part of person is extended over fore part, bow, or side of vessel	200
5.3.3	Causing or allowing self to be towed by vessel at speed exceeding 5 knots in specified areas	200
5.3.4	Operating vessel at speed exceeding 5 knots in contravention of Harbourmaster's or Enforcement Officer's direction	300

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**Maritime Transport (Infringement Fees for Offences—
Manawatū River and Tributaries Navigation Safety
Bylaw 2022) Regulations 2023**

Schedule 1

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Bylaw offence provision	Description of offence	Fee (\$)
5.3.5	Operating vessel at speed exceeding 5 knots in specified areas at specified times of year	200
5.3.6	Permitting vessel to continue onwards after water ski or similar object dropped by person being towed	200
5.4.1	Failing to ensure wake of recreational craft does not cause danger or risk of damage to other vessel or structure, or harm to other person	200
5.6.1	Failing to use lookout 10 years of age or over on vessel towing person at speed exceeding 5 knots	200
5.6.2	Being towed by vessel at speed exceeding 5 knots without lookout 10 years of age or over	200
5.7.1	Towing person between sunset and sunrise	200
5.7.2	Being towed between sunset and sunrise	200
5.8.2	Obstructing person using reserved area for the purpose for which it has been reserved	200
5.8.3	Entering into, remaining in, or using reserved area when person is using reserved area for the purpose for which it is reserved	200
5.9.1	Damaging, removing, defacing, or interfering with aid to navigation	300
6.2.5	Failing to give public notice specifying the period of activity and details of suspension of speed restriction or reserved area	200
6.4.4	Failing to stop vessel and supply details to Harbourmaster, Enforcement Officer, or Honorary Enforcement Officer	200

Schedule 2
Form of infringement notice for Manawatū River and Tributaries
Navigation Safety Bylaw 2022

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Form
Manawatū River and Tributaries Navigation Safety Bylaw 2022 infringement
notice

Section 330, Maritime Transport Act 1994

Infringement notice No:

Enforcement authority

This infringement notice is issued by the Manawatū–Whanganui Regional Council.

Address for correspondence:

Notice issued by: [*full name*], who is a person duly authorised by the Manawatū–Whanganui Regional Council.

Details of person infringement notice issued to

Full name:

Full address:

Date of birth:

*Gender:

*Occupation:

*Telephone number:

Maritime document No (if applicable):

*Specify only if known.

Details of alleged infringement offence

Date:

Time:

Place:

Vessel name:

Vessel description:

For each offence, specify the following:

Bylaw offence provision	Description of offence	Infringement fee payable (\$)
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Service details

This infringement notice was served by [*method of service*] on [*date*].

Payment of infringement fee

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

*Select one.

The infringement fee(s) may be paid to [*specify address of the Manawatū–Whanganui Regional Council*] by [*specify method(s)*].

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

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 4 to 6):
- what to do if you want to query this notice (*see* paragraphs 8 to 14).

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.

Payments

- 2 If you pay the infringement fee in full as shown above in **Payment of infringement fee**, no further enforcement action will be taken for the offence. Please note that, unless you have an arrangement as described in paragraph 3, part payment of an infringement fee is not sufficient to avoid further enforcement action for the offence.

- 3 If the Manawatū–Whanganui Regional Council offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement,—
- (a) the time to pay will be agreed with the Manawatū–Whanganui Regional Council;
 - (b) the enforcement action in paragraphs 4 to 6 may be taken if you default on a payment;
 - (c) you can't request a court hearing about the infringement offence (*see* paragraph 13).

What happens if you do not pay on time

- 4 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 8 for your ability to do this), you will be served with a reminder notice (unless the Manawatū–Whanganui Regional Council decides to take no further action to require payment for the alleged offence). Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs as set out in paragraph 5.
- 5 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice,—
- (a) the Manawatū–Whanganui Regional Council may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
 - (b) if so, you will become liable to pay court costs as well as a fine.
- 6 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 7 You have a complete defence against proceedings for the alleged infringement offence if the infringement fee has been paid in full to the Manawatū–Whanganui Regional Council in the manner specified in this notice before, or within 28 days after, a reminder notice for the alleged offence is served on you. Late payment or payment made in any other manner is not a defence.

Further action you may take

- 8 You may—
- (a) ask the Manawatū–Whanganui Regional Council to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence, but have a court consider written submissions as to penalty or otherwise.

- 9 To take an action listed in paragraph 8, you must write to the Manawatū–Whanganui Regional Council at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that the Manawatū–Whanganui Regional Council allows.
- 10 If, in your written communication to the Manawatū–Whanganui Regional Council referred to in paragraph 9, you deny liability for the alleged offence and request a court hearing, the Manawatū–Whanganui Regional Council will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless the Manawatū–Whanganui Regional Council decides to take no further action to require payment for the alleged offence).
- Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.
- 11 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the Manawatū–Whanganui Regional Council,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the submissions you wish the court to consider.
- 12 If you take the action in paragraph 11, the Manawatū–Whanganui Regional Council will file your written communication with the court (unless the Manawatū–Whanganui Regional Council decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.
- Note:** The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.
- 13 If the Manawatū–Whanganui Regional Council offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 8(b) and (c) and 10 to 12 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 14 When writing, please specify—
- (a) the date of the alleged infringement offence; and

- (b) the infringement notice number; and
- (c) your full name and address for replies; and
- (d) 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).

Note: All correspondence regarding the infringement offence must be directed to the Manawatū–Whanganui Regional Council at the address shown on this notice. 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 front of this notice.

Further details of your rights and obligations

- 15 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Rachel Hayward,
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 13 July 2023, specify in *Schedule 1* which breaches of the Manawatū River and Tributaries Navigation Safety Bylaw 2022 are infringement offences for the purposes of section 33O of the Maritime Transport Act 1994. These regulations also prescribe the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

These regulations also revoke the Local Government (Infringement Fees for Offences: Manawatu River and Tributaries Navigation and Safety Bylaw 2010) Regulations 2010.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 15 June 2023.
These regulations are administered by the Ministry of Transport.