



THE LAKE TAUPO REGULATIONS 1976, AMENDMENT NO. 2

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 27th day of November 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Lake Taupo Regulations 1976, Amendment No. 2, and shall be read together with and deemed part of the Lake Taupo Regulations 1976* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Harbourmaster and wardens—(1) Regulation 4 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclauses:

“(2A) There may also be appointed, under the State Services Act 1962 or otherwise, a person suitably qualified to be Deputy Harbourmaster who, subject to the directions (if any) of the Harbourmaster, shall have and may exercise all the rights and powers of the Harbourmaster.

“(3) Where—

“(a) There is neither a Harbourmaster nor a Deputy Harbourmaster; or

“(b) There is—

“(i) Only a Harbourmaster or a Deputy Harbourmaster and he is; or

“(ii) Both a Harbourmaster and a Deputy Harbourmaster and they are both,—

or, in the opinion of the Secretary, he or they may be, for whatever reason, unable to perform his or their duties under these regulations for any period,—

the Secretary may appoint any person Acting Harbourmaster for a specified period; and in that case that person shall, for the purposes of these regulations, be deemed to be the Deputy Harbourmaster during that period.”

(2) Regulation 4 (4) of the principal regulations is hereby amended by adding the words “, to hold that office until either the expiration of such period (not exceeding 3 years) as may be specified when he is appointed from the date of his appointment, his dismissal by the Secretary, or his resignation, whichever is the soonest; but any warden may from time to time be reappointed”.

(3) Regulation 2 of the principal regulations is hereby consequentially amended by omitting from the definition of the term “Harbourmaster” the words “his deputy and any warden acting under his authority or that of his deputy”, and substituting the words “, the Deputy Harbourmaster, any Acting Harbourmaster, and any warden acting under the authority of any of them”.

3. Warden’s powers—Regulation 5 of the principal regulations is hereby amended by omitting the words “regulation 4 (4) of”.

4. Mooring areas—Regulation 7 (1) of the principal regulations is hereby amended by omitting the words “(other than a place where the taking of trout is prohibited under any regulations then in force)”.

5. Private moorings—Regulation 9 (2) of the principal regulations is hereby amended by adding the words “unless that place is within an area set apart under regulation 7 (1) of these regulations”.

6. Use of wharves and facilities—(1) Regulation 10 (1) of the principal regulations (as amended by regulation 2 of the Lake Taupo Regulations 1977, Amendment No. 1) is hereby further amended by omitting the words “provided, erected, or controlled by the Crown”, and substituting the words “controlled by the Secretary”.

(2) Regulation 2 of the Lake Taupo Regulations 1977, Amendment No. 1 is hereby consequentially revoked.

7. Refund or alternative facility where facility unusable—The principal regulations are hereby further amended by inserting, after regulation 28, the following regulation:

“28A. (1) Where—

“(a) Because of any lowering, by whatever cause, of the level of the lake, any berthing facility or mooring in respect of which a permit has been issued under those regulations; or

“(b) Because of its condition (being a condition for which the permit holder is not responsible), any such berthing facility; or

“(c) Because of circumstances within the control of the Harbourmaster, any such mooring—

has, in the opinion of the Harbourmaster, become incapable of safe and reasonably convenient use, an alternative facility or mooring situated in

the vicinity of the original facility or mooring, may be made available to the permit holder until the original facility or mooring again becomes usable; and in that case the permit concerned shall, until the original facility or mooring again becomes usable, be deemed for the purposes of these regulations to be a permit in respect of that alternative facility or mooring.

“(2) Where, in any case to which subclause (1) of this regulation applies, no suitable alternative facility or mooring in the vicinity of the unusable facility or mooring can be made available and the person concerned so applies within 6 months of the end of the period for which the facility or site was unusable, there may be refunded to him such proportion of any fee paid by him in respect of the unusable facility or mooring as relates to the period for which it was unusable.”

8. Annual fees—(1) The First Schedule to the principal regulations is hereby amended by revoking clause 3 (as substituted by regulation 3 (1) of the Lake Taupo Regulations 1977, Amendment No. 1), and substituting the following clause:

“3. *Fees for licences for commercial vessels—* \$75 per vessel.”

(2) Clause 5 of the said First Schedule is hereby amended by omitting the word “provided”, and substituting the word “controlled”.

(3) Regulation 3 (1) of the Lake Taupo Regulations 1977, Amendment No. 1 is hereby consequentially revoked.

9. Fees for periods of less than one year—(1) Clause 1 of the Second Schedule to the principal regulations is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) \$4 per vessel for a permit valid for one week.”

(2) Clause 2 of the said Second Schedule is hereby amended by adding the following paragraph:

“(c) One eighth of the appropriate annual fee, per month.”

(3) The said Second Schedule is hereby further amended by adding the following clause:

“3. *Fees for permits to use moorings provided by Harbourmaster—*

“(a) \$1.50 per vessel for a permit valid for one day:

“(b) \$6.00 per vessel for a permit valid for one week:

“(c) Either \$12.50, or 50c per 300 mm or part thereof of the length of the craft to be moored, calculated on the basis of its overall length including all permanent extrusions, whichever is the greater, for a permit valid for one month.”

P. G. MILLEN,
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 make miscellaneous amendments to the Lake Taupo Regulations 1976. In particular, they provide for the appointment of a permanent Deputy Harbourmaster and temporary Acting Harbourmasters, allow for rebates of fees paid for mooring and berthing where certain circumstances have made facilities unusable, reduce the annual fee payable by commercial vessels from a scale of fees calculated on the basis of length to a flat fee of \$75, and institute several new fees.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 November 1978.

These regulations are administered in the Department of Internal Affairs.