

1958/64



THE MOTOR LAUNCH REGULATIONS 1958

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 13th day of May 1958

Present:

THE RIGHT HON. W. NASH PRESIDING 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. (1) These regulations may be cited as the Motor Launch Regulations 1958.

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

2. In these regulations, unless the context otherwise requires,—

“Motor launch” includes an outboard motor boat and a speed boat; and, for the purposes of regulations 9, 10, 11, 12, 13, and 14 of these regulations, also includes any other vessel while towing water skis or an aquaplane or other similar object:

“Proper speed” means speed over the ground as distinct from speed through the water:

“Seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water:

“Supervising officer”, in relation to any harbour to which these regulations apply, means the Harbourmaster as defined in the General Harbour Regulations 1954,* and includes the deputy of the Harbourmaster; and, in relation to any harbour where there is no Harbourmaster, means any officer of the Marine Department or other person from time to time appointed by the Minister to discharge the duties of supervising officer under these regulations, either for a particular harbour or harbours or for all harbours to which these regulations apply:

Expressions defined in the Harbours Act 1950 have the meanings so defined.

3. These regulations shall not be in force in a harbour where there is a Harbour Board.

4. No person shall propel or navigate a motor launch not having a silencing device that is efficient and is affixed to the engine in such a manner that the exhaust is discharged through the silencing device.

5. No person shall propel or navigate a motor launch having any mechanism or device attached thereto that enables the exhaust to be discharged otherwise than through a silencing device.

6. No person shall propel or navigate a motor launch the silencing device of which is by reason of disrepair or otherwise ineffective to prevent undue noise from the working of the engine.

7. No person shall propel or navigate a motor launch the engine of which causes undue noise by reason of—

- (a) The disrepair of the engine or any other part of the motor launch; or
- (b) The manner in which the motor launch is loaded; or
- (c) The construction or condition of any part of the motor launch or its machinery.

8. No person being the owner or in charge of a motor launch shall cause or permit the motor launch to be propelled or navigated in breach of any of the provisions of the regulations 4 to 7 of these regulations.

9. No person shall propel or navigate a motor launch or seaplane on the surface of the water at a proper speed greater than five miles an hour—

- (a) When passing through a recognised anchorage for yachts or small boats; or
- (b) When passing within 200 yards of any piling, walling, wharf, jetty, mole, boat landing, slip, dry dock, graving dock, pontoon, pier, quay, breakwater, dam, or embankment or any similar work placed in navigable or tidal waters; or
- (c) When passing within 200 yards of the edge of the water.

10. No person shall cause any water ski or aquaplane or other object towed by any motor launch or seaplane to be pulled, propelled, navigated, or manoeuvred at a proper speed greater than five miles an hour, or ride upon any such water ski, aquaplane, or other object so towed,—

- (a) When passing through a recognised anchorage for yachts or small boats; or
- (b) When passing within 200 yards of any piling, walling, wharf, jetty, mole, boat landing, slip, dry dock, graving dock, pontoon, pier, quay, breakwater, dam, or embankment or any similar work placed in navigable or tidal waters; or
- (c) When passing within 200 yards of the edge of the water.

11. No person shall create a nuisance arising from the speed, use, or management of a motor launch or of a seaplane on the surface of the water or of a water ski, aquaplane, or other object towed by any motor launch or seaplane.

12. (1) The Minister may from time to time, by notice in the *Gazette*, upon such terms and conditions and for such period or periods as he thinks fit, declare that such defined area or areas of any harbour as he thinks fit shall be an access lane or access lanes within which the provisions of regulations 9 and 10 of these regulations shall not apply.

(2) No person shall in any such access lane pull, propel, navigate, or manoeuvre any motor launch or seaplane on the surface of the water or any water ski, aquaplane, or other object towed by a motor launch or seaplane, except by the most direct route and on that side of the fairway in the access lane which lies on the starboard or right-hand side of the motor launch or seaplane.

13. In any case where in his opinion there are special circumstances that so justify, the Minister may from time to time, by notice in the *Gazette*, upon such terms and conditions and for such period or periods as he thinks fit, declare that these regulations or any specified provisions thereof shall not apply in respect of such defined area or areas of any harbour as he thinks fit.

14. (1) On the occasion of any yacht, launch, or boat race or speed trial, the supervising officer may declare these regulations or any specified provisions thereof to be suspended for such period and in respect of such defined portion of any harbour as he thinks fit.

(2) The person on whose application these regulations or part thereof are suspended under subclause (1) of this regulation shall cause notice of the suspension and of the portion of the harbour affected to be advertised, not less than four nor more than ten clear days before the commencement of the period of suspension, in a newspaper circulating in the district in which the harbour is situated.

15. Any person who does any act in contravention of or fails to comply with any provision of these regulations or of any terms and conditions imposed by the Minister under regulation 12 or regulation 13 of these regulations is liable on summary conviction to a fine not exceeding £50.

16. The General Harbour Motor Launch Bylaws 1934* are hereby revoked.

T. J. SHERRARD,
Clerk of the Executive Council.

**Gazette*, 30 August 1934, p. 2744

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations replace with some changes the General Harbour Motor Launch Bylaws 1934. The substantial amendments are as follows:

- (a) The term "motor launch" in regulation 2 now includes a speed boat and, for the purposes of regulations 9 to 14, any other vessel while towing water skis or any other similar object.
- (b) The restriction as to speed through yacht or small-boat anchorages and within 200 yards of harbour works or of the shore are now applied to seaplanes also. The 200 yards is now to be measured from the actual edge of the water for the time being and not from high-water mark.
- (c) The restrictions as to speed also apply to water skis, aquaplanes, and other objects towed by motor launches or seaplanes, and will apply notwithstanding that the towing vessel may itself be outside the restricted limits.
- (d) Provision is made in regulation 12 for the constitution of an access lane in which the speed restrictions do not apply, to enable the towing vessels to have access to the shore. Vessels using an access lane, and water skis, aquaplanes, and other objects towed by them, are required to keep to their starboard side of the access lane.
- (e) By regulation 13 the Minister of Marine may exclude parts of harbours from all or any provisions of the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 May 1958.

These regulations are administered in the Marine Department.