

**Reprint  
as at 16 December 2010**



**Local Government (Infringement  
Fees for Offences: Bay of Plenty  
Regional Navigation and Safety  
Bylaws) Regulations 2004**

(SR 2004/387)

Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation and Safety Bylaws) Regulations 2004: revoked, on 16 December 2010, by regulation 6 of the Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation Safety Bylaw 2010) Regulations 2010 (SR 2010/414).

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 8th day of November 2004

Present:

Her Excellency the Governor-General in Council

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Department of Internal Affairs.**

Pursuant to section 699A of the Local Government Act 1974, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### **Regulations**

- 1 Title**

These regulations are the Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation and Safety Bylaws) Regulations 2004.
- 2 Commencement**

These regulations come into force on 9 December 2004.
- 3 Interpretation**
  - (1) In these regulations, unless the context otherwise requires,—

**Act** means the Local Government Act 1974

**provision** means a provision of the Bay of Plenty Regional Navigation and Safety Bylaws 2004.
  - (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 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 Revocation**

The Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation and Safety Bylaws) Regulations 2002 (SR 2002/338) are revoked.

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**Schedule 1**

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**Infringement offences and fees under Bay of Plenty Regional Navigation and Safety Bylaws**

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.1.1	Failing to carry lifejackets as required	100
cl 2.1.5	Towing a person, or being towed, without a properly secured personal floatation device of appropriate size	100
cl 2.1.7	Failing to wear personal floatation device as required if danger or risk to safety of persons aboard	100
cl 2.2	Swimming or diving off or around wharves	100
cl 2.3	Using propulsion system inappropriately while lying at a wharf or while loading to or from a boat trailer at a ramp	100
cl 2.4.1	Failing to keep vessel in seaworthy condition	100
cl 2.5	Impeding passage of a seaplane when it is landing or taking off	200

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.6	Mooring, anchoring, or securing vessel inadequately	100
cl 2.7	Anchoring in a prohibited anchorage	100
cl 2.9.1	Obstructing access to waterways	100
cl 2.9.2	Obstructing waterways	200
cl 2.11.1	Failing to notify Harbourmaster of a collision or accident	100
cl 2.12.1	Tying up to a navigation aid or warning without written permission of Harbourmaster	100
cl 2.12.2	Damaging, removing, defacing, or interfering with a navigation aid or warning	200
cl 2.12.3	Erecting, maintaining, or displaying a beacon, buoy, or device as a navigation aid without permission	200
cl 2.13	Sounding whistle in breach of requirements	100
cl 2.14	Using distress signals without sufficient cause	200
cl 2.15	Discharging, or allowing the discharge of, anything in the water anywhere that constitutes a danger to navigation safety	200
cl 3.1.1	Operating a vessel capable of exceeding 10 knots if under-aged and unsupervised	100
cl 3.1.2	Allowing an under-aged person to operate vessel capable of exceeding 10 knots	200
cl 3.2.1	Exceeding speed limit in certain conditions	200
cl 3.2.2	Propelling or navigating a vessel while person sitting in specified areas	200
cl 3.2.3	Causing or allowing self to be towed in certain conditions	200
cl 3.2.4	Failing to recover a dropped water ski or any floating object that may cause danger to any other person or vessel	100
cl 3.2.8	Allowing wake to cause unnecessary danger or risk of damage	100
cl 3.4.1	Towing a person without a person responsible for notifying mishap	100
cl 3.4.2	Causing or allowing self to be towed without a person responsible for notifying mishap	100

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 3.5.1	Operating, between sunset and sunrise or in restricted visibility, a vessel towing a person	200
cl 3.5.2	Allowing self to be towed by a vessel between sunset and sunrise	200
cl 3.6.1	Failing to follow the most direct route through an access lane and failing to keep to that side of an access lane that lies to the starboard of the vessel	100
cl 3.6.2	Allowing self to be towed from a vessel that fails to follow most direct route through the access lane and failing to keep to that side of an access lane that lies to the starboard of the vessel	100
cl 3.6.3	Proceeding in an access lane in a manner that is dangerous	200
cl 3.6.4	Obstructing a person while that person is using an access lane for the purpose for which it was declared	100
cl 3.6.5	Using an access lane for a purpose other than that for which it was declared	100
cl 3.8.2	Obstructing a person while that person is using a reserved area for the purpose for which it was reserved	100
cl 3.9.1	Failing to obtain written permission for a special event	100
cl 3.11.1	Placing a mooring in any waters unless licensed by Council	100
cl 3.11.6	Refusing to upgrade or allow an inspection of a mooring as directed	100
cl 3.11.7	Anchoring of a vessel in a manner that obstructs a licensed mooring	100
cl 3.11.9	Mooring a vessel other than the vessel named in the licence	100
cl 3.11.14	Parting with possession of, or assigning, or allowing another person or vessel to use a licensed mooring without written permission of Harbourmaster	100
cl 4.5.1	Failing to obtain a hot work permit before carrying out welding or flame-cutting	200

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 4.5.2	Failing to take appropriate precautions while hot work operations are being carried out	200
cl 4.5.4	Allowing work to begin before Harbourmaster is satisfied that requirements of a hot work permit have been met	200
cl 4.6	Failing to ensure that vessel berthed safely	100
cl 5.3.1	Operating without a licence a vessel not subject to Maritime Rules	100
cl 5.3.3	Operating a vessel granted a navigation and safety licence while that licence is suspended	200
cl 6.1.3	Failing to call when entering harbour	200
cl 6.1.4	Transiting harbour entrance during hours of darkness or restricted visibility without ability to communicate with Tauranga Port Radio	200
cl 6.3	Failing to comply with directions for navigating in Tauranga Harbour	200
cl 6.3.4	Navigating a vessel so as to impede navigation of any vessel of 500 gross tonnage or more, or any hovercraft or any seaplane	200
cl 6.4.1	Failing to call prior to departure	100
cl 6.5	Failing to carry and consult required navigational documents	200
cl 7.1.1	Attempting to cross the bar or negotiate the entrance channel of Whakatane Harbour at the same time as another vessel	200
cl 7.1.2	Failing to observe the bar unworkable signal	200

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**Schedule 2**

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**Bay of Plenty Regional Navigation and Safety Bylaws infringement offence notice**

*Section 699A, Local Government Act 1974*

Notice No:

**Enforcement authority**

*[Specify enforcement authority.]*

**Person served**

Name: *[full name]*

Full address:

Occupation:

Date of birth:

Maritime document No *(if applicable)*:

**Alleged infringement offence(s) details**

Date:

Time:

Place:

Vessel name:

Vessel description:

Bylaw offence provision	Offence	Infringement fee payable (\$)
1		
2		
3		

**Payment of infringement fee(s)**

The infringement fee(s) is *(or are)* payable to the enforcement authority within 28 days after *[date this notice is delivered personally, or served by post]* at the following address: *[specify address of enforcement authority]*.

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

Cheques or money orders must be made out to the [*specify enforcement authority*] and must be crossed and marked not transferable or account payee only.

Issued by: [*full name*], being a person duly authorised by the Bay of Plenty Regional Council.

**Important:** Please read the following statement of rights:

### **Statement of rights**

If, after reading this statement, you do not understand anything in it, you should consult a lawyer immediately.

- 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 section 21(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.

### *Payments*

- 2 If you pay the infringement fee for an alleged offence within 28 days of the service on you of this notice, no further enforcement action will be taken for that offence. Payments must be made at the address indicated above.

### *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 at the address shown on the front page of this notice within 28 days after service on you



of a reminder notice. 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 above 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 (refer to 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 (refer to paragraphs 6 and 9).

Any such letter must be personally signed.

- 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). There is no provision for an oral hearing before the court if you follow this course of action.

*Non-payment of fee*

- 7 If you do not pay the infringement fee and do not request a hearing in respect of an alleged offence within 28 days after the service on you of this notice, you will (unless the enforcement authority decides otherwise) be served with a reminder notice.

- 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 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 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 above.

**Note:** All queries and correspondence regarding the infringement offence(s) must be directed to the enforcement authority named in this notice at the address shown.

Schedule 2: amended, on 10 October 2006, by regulation 4 of the Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation and Safety Bylaws) Amendment Regulations 2006 (SR 2006/253).

Diane Morcom,  
Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 11 November 2004.

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## Notes

### **1** *General*

This is a reprint of the Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation and Safety Bylaws) Regulations 2004. The reprint incorporates all the amendments to the regulations as at 16 December 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2** *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3** *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4      *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5 *List of amendments incorporated in this reprint (most recent first)***

Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation and Safety Bylaw 2010) Regulations 2010 (SR 2010/414)

Local Government (Infringement Fees for Offences: Bay of Plenty Regional Navigation and Safety Bylaws) Amendment Regulations 2006 (SR 2006/253)

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