

**Reprint
as at 20 October 2011**



**Local Government (Infringement
Fees for Offences: Marlborough
District Council Navigation
Bylaws) Regulations 2003**

(SR 2003/161)

Local Government (Infringement Fees for Offences: Marlborough District Council Navigation Bylaws) Regulations 2003: revoked, on 20 October 2011, by regulation 6 of the Local Government (Infringement Fees for Offences—Marlborough District Council Navigation Bylaw 2009) Regulations 2011 (SR 2011/330).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 7th day of July 2003

Present:

Her Excellency the Governor-General in Council

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.

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.

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Regulations

- 1 Title**

These regulations are the Local Government (Infringement Fees for Offences: Marlborough District Council Navigation Bylaws) Regulations 2003.
- 2 Commencement**

These regulations come into force on 1 August 2003.
- 3 Interpretation**

In these regulations, unless the context otherwise requires,—
Act means the Local Government Act 1974
provision means a provision of the Marlborough District Council Navigation Bylaws 2002.
- 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.

Schedule 1
Infringement offences and fees under
Marlborough District Council Navigation
Bylaws 2002

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Provision	Description of offence	Fee (\$)
cl 2.3(i)	Operating propulsion system in breach of requirements	100
cl 2.3(ii)	Diving from, or swimming near, a commercial jetty or wharf or other designated area	100
cl 2.3(iii)	Placing any obstruction in any waters	100
cl 2.3(iv)	Obstructing access by water to any maritime facility	100
cl 2.3(v)	Sounding whistle, siren, or horn in breach of requirements	100
cl 2.4(i)	Tying to navigation aid without prior written permission of Harbourmaster	100
cl 2.4(ii)	Damaging, removing, or defacing navigation aids	100
cl 2.4(iii)	Erecting, displaying, or maintaining any device that may be mistaken for a navigation aid	100
cl 2.5	Discharging a firearm in breach of requirements	200
cl 2.6(i)	Anchoring in obstruction of a vessel or maritime facility	100
cl 2.6(ii)	Anchoring in prohibited anchorage	100
cl 2.7(ii)(a)	Cutting, breaking, destroying, or unlawfully detaching the mooring of any vessel	100

Provision	Description of offence	Fee (\$)
cl 2.7(ii)(b)	Cutting, breaking, destroying, or unlawfully detaching the fastening of any vessel lying in a dock or maritime facility	100
cl 2.8(i)	Failing to maintain a vessel in seaworthy condition	200
cl 2.9(i)	Impeding a seaplane in the process of taking off or landing	200
cl 2.9(ii)	Operating a seaplane on the region's waters without a permit	200
cl 2.10(i)	Towing, mooring, placing, or leaving a log in tidal water without written permission	100
cl 3.1(i)	Failing to report accidents or collisions	200
cl 3.2(i)(e)	Impeding with a vessel less than 500 gross tonnes any vessel of 500 gross tonnes or more	200
cl 3.3(xii)	Impeding the passage of vessels greater than 500 gross tonnes with a vessel less than 500 gross tonnes	100
cl 3.5(viii)	Failing to carry and consult appropriate nautical chart in vessels 6 metres or more in length	100
cl 3.9(2)(i)	Failing to obtain a Hot Work Permit at least 2 hours before commencing work	100
cl 3.9(2)(iii)	Permitting hot work to commence before the Harbourmaster is satisfied that the requirements of a Hot Work Permit are met	100
cl 4.1(ii)	Failing to operate a required marine farm light during hours of darkness	200
cl 4.1(v)	Failing to keep maritime structure or facility in state of repair to avoid danger to navigation	100
cl 5.2(i)	Failing to carry required personal flotation devices	100
cl 5.2(ii)	Failing to ensure that all those on board are wearing personal flotation devices as required	100

Provision	Description of offence	Fee (\$)
cl 5.3(ii)	Allowing under-aged person to operate vessel capable of exceeding 10 knots	100
cl 5.4(i)	Exceeding vessel speed limit in certain areas	200
cl 5.4(ii)	Exceeding vessel speed limit displayed on official notice boards	200
cl 5.4(iii)	Exceeding 5 knots while any part of a person is extended over the fore part or bow of the vessel	200
cl 5.4(iv)	Causing or allowing self to be towed by a vessel in certain areas	200
cl 5.5(i)	Towing a person without a person responsible for notifying a mishap	100
cl 5.5(ii)	Causing or allowing self to be towed without a person responsible for notifying a mishap	100
cl 5.6(i)	Operating, between sunset and sunrise, a vessel towing a person	200
cl 5.6(ii)	Allowing self to be towed by a vessel between sunset and sunrise	200
cl 5.7(iv)	Obstructing a person while that person is using a reserved area for the purpose for which it was reserved	100
cl 5.7(v)	Undertaking an activity other than a priority activity while the priority activity is taking place	100
cl 5.8(i)	Failing to obtain written permission for special events	100
cl 5.9	Engaging in diving operations without displaying Flag A	200

Schedule 2
Marlborough District Council Navigation
Bylaws infringement offence notice

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Section 699A, Local Government Act 1974

Notice No:

Enforcement authority

[Specify enforcement authority.]

To

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 (\$)
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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].

The infringement fee(s) is (or are) payable to: [specify address of enforcement authority].

Payment. 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 Marlborough District Council.

Important: Please read the statement of rights printed overleaf.

Statement of rights

If, after reading this statement, you do not understand anything, 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 (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant 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 may be made at the places indicated on the front page 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 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 on the front page of this 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 (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 that 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 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 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 front of this notice.

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: Marlborough District Council Navigation Bylaws) Amendment Regulations 2006 (SR 2006/258).

Martin Bell,
Acting for Clerk of the Executive Council.

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Notes

1 *General*

This is a reprint of the Local Government (Infringement Fees for Offences: Marlborough District Council Navigation Bylaws) Regulations 2003. The reprint incorporates all the amendments to the regulations as at 20 October 2011, 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—Marlborough District Council Navigation Bylaw 2009) Regulations 2011 (SR 2011/330): regulation 6

Local Government (Infringement Fees for Offences: Marlborough District Council Navigation Bylaws) Amendment Regulations 2006 (SR 2006/258)
