

**Reprint  
as at 15 December 2012**



**Local Government (Infringement  
Fees for Offences: Northland  
Regional Council Navigation  
Safety Bylaw) Regulations 2008**

(SR 2008/37)

Local Government (Infringement Fees for Offences: Northland Regional Council Navigation Safety Bylaw) Regulations 2008: revoked, on 15 December 2012, by regulation 6 of the Local Government (Infringement Fees for Offences—Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012 (SR 2012/341).

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 25th day of February 2008

Present:

His Excellency the Governor-General in Council

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

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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.**

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## Regulations

- 1 Title**

These regulations are the Local Government (Infringement Fees for Offences: Northland Regional Council Navigation Safety Bylaw) Regulations 2008.
- 2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Interpretation**
  - (1) In these regulations, unless the context otherwise requires,—  
**Act** means the Local Government Act 1974  
**provision** means a provision of the Northland Regional Council Navigation Safety Bylaw 2007.
  - (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: Northland Regional Council Navigation Safety Bylaw) Regulations 2002 (SR 2002/387) are revoked.

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### **Schedule 1**

#### **Infringement offences and fees under Northland Regional Council Navigation Safety Bylaw 2007**

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<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.1.1	Failing to provide sufficient and accessible personal flotation devices on recreational craft when in use	100
cl 2.1.6	Failing to ensure persons on board recreational craft wear personal flotation devices in situations of danger or risk	100
cl 2.2.1	Swimming, jumping, diving, or other activities within certain areas	100
cl 2.3.1	Operating a vessel's propulsion system at a wharf or ramp in a way that may damage property, scour the waterway bed, or injure a person	100
cl 2.4.1	Failing to keep anchored or moored vessel in a seaworthy condition	100

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.4.2(a)	Failing to move an unseaworthy vessel that is a navigation hazard in accordance with a direction	200
cl 2.5.1	Impeding a seaplane when it is landing or taking off	200
cl 2.6.1	Failing to adequately anchor or moor a vessel in navigable waters	100
cl 2.6.2	Cutting, breaking, or destroying a vessel's mooring or fastening	100
cl 2.7.1	Anchoring or mooring in a prohibited anchorage	100
cl 2.8.1	Obstructing navigation of any waterway or access to certain places	100
cl 2.8.2	Placing an obstruction in any waters that is liable to restrict navigation or cause loss of life, injury, or damage	200
cl 2.8.3	Leaving equipment and other things extended over the side of a vessel so as to cause a hazard	200
cl 2.9.1	Failing to notify a collision, accident, or other matters to the Harbourmaster as required	100
cl 2.10.1	Tying up to a navigation aid without authorisation	100
cl 2.10.2	Damaging, removing, defacing, or interfering with a navigation aid or warning erected or authorised by the Harbourmaster	200
cl 2.10.3	Erecting, maintaining, or displaying without permission a beacon, buoy, or other device that may be used as or mistaken for a navigation aid	200
cl 2.11.1	Fitting or using sound or light signals not prescribed for the vessel	100
cl 2.11.2	Unauthorised use of blue flashing light or siren	100
cl 2.11.3	Unauthorised use of purple flashing light	100

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.12.3	Navigating a vessel under 500 gross tonnage or under 24 metres so as to impede the navigation of a vessel of 500 gross tonnage or more operating in harbour limits	200
cl 2.14.1	Discharging or dropping cargo or any other thing from a vessel, structure, or land that may constitute a danger to navigation or safety	200
cl 3.1.2	Owner allowing a person under 15 years to operate a powered vessel capable of exceeding 10 knots unless the person is under the direct supervision of a person over 15 years who is within immediate reach of the controls	100
cl 3.2.1	Exceeding speed limit in certain circumstances	200
cl 3.2.2	Propelling or navigating a vessel at more than 5 knots while a person has a part of his or her body extending from the vessel	100
cl 3.2.3	Allowing oneself to be towed by a vessel at a speed exceeding 5 knots in certain circumstances	200
cl 3.3.1	Propelling or navigating a recreational craft so that its wake causes unnecessary danger, damage, or harm	200
cl 3.4.1	Towing a person at a speed in excess of 5 knots without a person of appropriate age on board responsible for notifying mishaps	100
cl 3.4.2	Allowing oneself to be towed at a speed in excess of 5 knots without a person of appropriate age on board responsible for notifying mishaps	100
cl 3.5.1	Operating a vessel towing a person water skiing between sunset and sunrise	200
cl 3.5.2	Allowing oneself to be towed water skiing by a vessel between sunset and sunrise	200

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 3.7.3	Proceeding in an access lane in a manner that is dangerous to any person or vessel in the access lane	200
cl 3.7.4	Obstructing another person using an access lane	100
cl 3.11.1	Obstructing a person using a reserved area for the purpose for which it is reserved	100
cl 3.13.1	Operating a vessel in breach of Maritime Rule 22	100
cl 3.15.1	Failing to display appropriate flag while diving operations in progress	200
cl 3.15.2	Diving without ensuring that appropriate flag is displayed	100
cl 3.15.3	Failing to remain within 200 metres horizontal radius of appropriate flag while diving	100
cl 3.16.1	Placing a mooring in any waters without a mooring licence	100
cl 3.16.11	Failing to keep and maintain a mooring in a proper state of condition and repair	100
cl 3.16.12	Mooring a vessel to a mooring without the written approval of the owner	100
cl 3.16.14	Securing, or allowing to be secured, a vessel to any moored vessel in a manner that restricts navigation or causes loss of life, injury, or damage	100
cl 3.17.1	Failing to display a unique number of a prescribed size on each side of a personal water craft	100
cl 3.17.2	Failing to register unique personal water craft number	200
cl 4.6.1	Failing to obtain a hot work permit as required	200
cl 4.6.4	Allowing work to commence or continue if the Harbourmaster has forbidden hot work operations to commence or continue	100

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 4.7.1	Transferring hazardous goods between sunset and sunrise without written permission from the Harbourmaster	100
cl 5.3.2	Operating a vessel for hire or reward in certain areas without a licence issued by the Harbourmaster	200

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**Schedule 2**  
**Northland Regional Council Navigation**  
**Safety Bylaw 2007 infringement offence**  
**notice**

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Form

*Section 699A, Local Government Act 1974*

Notice No:

**Enforcement authority** [*specify*]

**To**

Name: [*full name*]

Address:

Occupation:

Date of birth:

Maritime document No (if applicable):

**Alleged infringement offence(s) details**

Date:

Time:

Place:

Vessel name:

Vessel description:

1 Bylaw offence provision:

Offence:

Infringement fee payable (\$):

2 Bylaw offence provision:

- Offence:  
Infringement fee payable (\$):
- 3 Bylaw offence provision:  
Offence:  
Infringement fee payable (\$):

**Time for payment of infringement fee(s)**

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

**To whom payable**

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

**Method of payment**

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

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

Issued by: [*full name*], who is a person duly authorised by the Northland Regional Council.

**Important**

Please read the statement of rights printed over the page.

**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 (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 place 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 an 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 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 full 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.

Rebecca Kitteridge,  
for Clerk of the Executive Council.

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### **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 the 28th day after the date of their notification in the *Gazette*, specify which breaches of the Northland Regional Council Navigation Safety Bylaw 2007 are infringement offences for the purposes of section 699A of the Local Government Act 1974. They also prescribe the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 28 February 2008.

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## Notes

### **1** *General*

This is a reprint of the Local Government (Infringement Fees for Offences: Northland Regional Council Navigation Safety Bylaw) Regulations 2008. The reprint incorporates all the amendments to the regulations as at 15 December 2012, 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—Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012 (SR 2012/341): regulation 6

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