

Reprint
as at 3 August 2017



Local Government (Infringement Fees for Offences— Lake Taupo Navigation Safety Bylaw) Regulations 2010 (SR 2010/416)

Local Government (Infringement Fees for Offences—Lake Taupo Navigation Safety Bylaw) Regulations 2010: revoked, on 3 August 2017, by regulation 6 of the Maritime Transport (Infringement Fees for Offences—Lake Taupō Navigation Safety Bylaw 2017) Regulations 2017 (LI 2017/149).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 15th day of November 2010

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 subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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—Lake Taupo Navigation Safety Bylaw) Regulations 2010.

2 Commencement

These regulations come into force on 16 December 2010.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Local Government Act 1974

provision means a provision of the Lake Taupo Navigation Safety Bylaw 2010.

- (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.

Schedule 1

Infringement offences and fees under Lake Taupo Navigation Safety Bylaw 2010

Provision	Description of offence	Fee (\$)
2.1	Permitting person under age of 15 to navigate powered vessel without direct supervision	200
2.2	Failing to comply with requirements as to personal flotation devices	200
2.3.1	Failing to keep vessel in seaworthy condition	200
2.3.2	Failing to follow Harbourmaster's directions	200
2.4	Failing to observe requirements as to mooring vessels	200
2.4.8	Failing to observe ramp permit requirements	200
2.5	Failing to adequately moor or secure vessels	200
2.6	Failing to observe requirements as to anchoring	200
2.7	Failing to observe requirements as to aids to navigation	200
2.8	Failing to observe restrictions on use of vessel engine	200
2.9	Obstructing navigation	200
2.10	Failing to notify Harbourmaster of accidents	200
2.11	Failing to observe speed limits	200
2.12	Failing to observe the requirements of Maritime Rule 22	200
2.13	Failing to observe requirements as to diving from vessels	200
2.14	Failing to observe requirements as to wakes	200
2.15.1 to 2.15.2	Failing to observe registration requirements for personal watercraft	200
2.15.3	Failing to observe change of ownership requirements for personal watercraft	200
2.16	Failing to observe vessel marking requirements	200
3.1	Failing to observe requirements as to lookouts when towing	200
3.2	Failing to observe requirements as to speed limits when towing	200
3.3	Failing to observe requirements as to conduct in access lanes	200
3.4	Towing between sunset and sunrise	200
4.1	Failing to observe restrictions as to jumping, diving, and swimming	100
4.2	Failing to observe restrictions as to reserved areas	200
5.1	Failing to observe restrictions as to seaplanes	200
6.1	Failing to observe restrictions as to events	200
7.1.1(a)	Failing to comply with Harbourmaster directions	200

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Schedule 1: amended, on 21 October 2011, by regulation 4 of the Local Government (Infringement Fees for Offences—Lake Taupo Navigation Safety Bylaw) Amendment Regulations 2011 (SR 2011/329).

Schedule 2
Form of notice for Lake Taupo Navigation Safety Bylaw 2010
infringement offence

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Form

Lake Taupo Navigation Safety Bylaw 2010 infringement offence notice

Section 699A, Local Government Act 1974

Notice No:

Enforcement authority

[*Specify enforcement authority.*]

Person served

Full name:

Full address:

Telephone number:

Occupation:

Date of birth:

Gender:

Maritime document No (*if applicable*):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

Vessel description:

**Bylaw offence
provision**

Offence

**Infringement fee payable
(\$)**

Payment of infringement fee(s)

The infringement fee is/fees 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*].

*Select one.

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 authorised by the enforcement authority.

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 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 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 after this notice is served on you, 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 this notice within 28 days after you are served with 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).

The letter must be signed by you and delivered to the enforcement authority at the address specified in this infringement notice and in a reminder notice in respect of the offence before or within 28 days after the service of the reminder notice, or within such further time as the enforcement authority may allow.

- 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 being served with 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 paying an infringement fee, please indicate—

- (a) the date of the infringement offence; and
- (b) the infringement notice number; and
- (c) 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.

Michael Webster,
for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Local Government (Infringement Fees for Offences—Lake Taupo Navigation Safety Bylaw) Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Maritime Transport (Infringement Fees for Offences—Lake Taupō Navigation Safety Bylaw 2017) Regulations 2017 (LI 2017/149): regulation 6

Local Government (Infringement Fees for Offences—Lake Taupo Navigation Safety Bylaw) Amendment Regulations 2011 (SR 2011/329)