



# Local Government (Infringement Fees for Offences: Northland Regional Council Navigation Safety Bylaw) Regulations 2002

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 2nd day of December 2002

Present:

The Right Hon Helen Clark presiding 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.

### Contents

1	Title
2	Commencement
3	Interpretation
4	Infringement offences and fees
5	Infringement notices

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<b>Schedule 1</b>	
<b>Infringement offences and fees under Northland Regional Council Navigation Safety Bylaw</b>	

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<b>Schedule 2</b>	
<b>Northland Regional Council Navigation Safety Bylaw infringement offence notice</b>	

## Regulations

### 1 Title

These regulations are the Local Government (Infringement Fees for Offences: Northland Regional Council Navigation Safety Bylaw) Regulations 2002.

### 2 Commencement

These regulations come into force on 6 January 2003.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Local Government Act 1974

**provision** means a provision of the Northland Regional Navigation Safety Bylaw 2001.

### 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.

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## Schedule 1

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

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Provision	Description of offence	Fee (\$)
cl 2.1.1	Failing to carry personal floatation devices as required	100
cl 2.1.4	Failing to wear personal floatation devices when required	100
cl 2.2	Swimming, jumping, or diving around wharves, jetties, or other areas designated by the Council	100
cl 2.3.1	Operating propulsion system in a way that may damage property or injure a person	100
cl 2.4.1	Failing to keep vessel in a serviceable condition	100
cl 2.5.1	Impeding the passage of a seaplane when it is landing or taking off	200
cl 2.6.1	Anchoring vessel so that it obstructs the approach to a wharf, pier, jetty, or boat ramp	100
cl 2.6.2	Except in an emergency, cutting, breaking, destroying, or unlawfully detaching a vessel's mooring or fastening	100
cl 2.7	Anchoring in a prohibited anchorage	100
cl 2.8	Navigating, mooring, or anchoring a vessel, or entering, swimming, or diving in a prohibited area	100
cl 2.9.1	Obstructing access by water to a wharf, jetties, landing place, boat ramp, slipway, or mooring	100
cl 2.9.2	Placing an obstruction in any waters that is liable to restrict navigation, cause loss of life or injury, or damage	100
cl 2.10.1	Failing to notify a collision or accident as required	100
cl 2.11.1	Tying up to a navigation aid without permission	100
cl 2.11.2	Damaging, removing, defacing, or interfering with a navigation aid or warning	200
cl 2.11.3	Erecting, maintaining, or displaying a beacon, buoy, or other device that may be used as or mistaken for a navigation aid without permission	200
cl 2.12	Sounding a whistle in breach of requirements	100
cl 2.13.3	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	200
cl 2.14.1	Allowing cargo or any other thing to drop or be discharged from a vessel, structure, or land that may constitute a danger to navigation or safety	200
cl 3.1.2	Owner allowing an under-aged person to operate a powered vessel capable of exceeding 10 knots unless being trained to do so under the direct supervision of the Master	100
cl 3.2.1	Exceeding speed limit in certain conditions	200
cl 3.2.2	Propelling a vessel while a person is sitting in specified areas	100
cl 3.2.3	Allowing self to be towed by a vessel at a speed exceeding 5 knots in certain conditions	200
cl 3.3.1	Towing a person without a person responsible for notifying mishaps	100
cl 3.3.2	Allowing self to be towed without a person responsible for notifying mishaps	100
cl 3.4.1	Operating a vessel towing a person between sunset and sunrise	200

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 3.4.2	Allowing self to be towed by a vessel between sunset and sunrise	200
cl 3.6.3	Proceeding in an access lane in a manner that is dangerous	200
cl 3.6.4	Obstructing another person while that person is using an access lane	100
cl 3.8.4	Obstructing another person while that person is using a reserved area	100
cl 3.9.1	Conducting a race, speed trial, competition, or other organised water activity without permission if there is a need to temporarily suspend restrictions or reserve the area for the purpose of that activity	100
cl 3.10.1	Placing a mooring in any waters without a licence	100
cl 3.10.7	Mooring a vessel to a mooring without the approval of the owner	100
cl 3.10.9	Securing, or allowing to be secured, a vessel to any moored vessel in a manner that restricts navigation, causes loss of life or injury or damage	100
cl 3.11.1	Failing to display a unique number of a prescribed size on each side of a craft	100
cl 3.11.2	Failing to register unique number	100
cl 3.12.1	Failing to display flag A as required	200
cl 3.12.2	Operating divers without ensuring that flag A is displayed as required	200
cl 4.6.1	Failing to obtain a hot work permit as required	100
cl 4.6.4	Allowing work to commence before the Harbourmaster is satisfied that the requirements of a hot work permit have been met	200
cl 4.7.1	Transferring, or allowing to be transferred, hazardous goods in bulk or packaged from a vessel without giving the Harbourmaster at least 24 hours' notice	100
cl 5.3.1	Operating a commercial vessel that is not subject to Maritime Rules regarding commercial shipping without a safe operation licence	100
cl 5.3.2	Operating a vessel that requires a safe operation licence while that licence is temporarily suspended	200

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

*Section 699A, Local Government Act 1974*

Notice no:

**Enforcement authority**

[Specify enforcement authority.]

**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:

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].

**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 the Northland Regional 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 you wish to be considered by the Court.

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 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.

Marie Shroff,  
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 6 January 2003, specify which breaches of the Northland Regional Council Navigation Safety Bylaw 2001 are infringement offences for the purposes of section 699A of the Local Government Act 1974. It also prescribes the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

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**Local Government (Infringement Fees for  
Offences: Northland Regional Council  
Navigation Safety Bylaw) Regulations 2002**

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Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Department of Internal Affairs.

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