



Local Government (Infringement Fees for Offences: Manawatu River and Tributaries Navigation and Safety Bylaws) Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 8th day of November 2004

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.

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**Infringement offences and fees under
Manawatu–Wanganui Regional Council
Manawatu River and Tributaries
Navigation and Safety Bylaws 2004**

Schedule 2
Manawatu–Wanganui Regional Council
Manawatu River and Tributaries
Navigation and Safety Bylaws
Infringement Offence Notice

Regulations

1 Title

These regulations are the Local Government (Infringement Fees for Offences: Manawatu River and Tributaries 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 Manawatu–Wanganui Regional Council Manawatu River and Tributaries 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.

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**Schedule 1
Infringement offences and fees under
Manawatu–Wanganui Regional Council Manawatu
River and Tributaries Navigation and Safety
Bylaws 2004**

Provision	Description of offence	Fee (\$)
cl 2.1.1	Failing to carry sufficient personal flotation devices on recreational craft	200
cl 2.1.5	Failing to ensure persons on board recreational craft wear flotation devices	200
cl 2.2.1	Operating propulsion system of a vessel at wharf, jetty, pier, or ramp in a way that may cause damage or injury	100
cl 2.3.1	Diving, swimming, or other related activities near wharf, jetty, pier, or ramp	100
cl 2.4.1	Anchoring vessel so as to cause obstruction	100
cl 2.4.2	Cutting, breaking, destroying, or unlawfully detaching moorings or fastenings of vessel	200
cl 2.4.3	Failing to ensure safe means of access to vessel	100
cl 2.5.1	Obstructing access by water to wharf, landing place, boat ramp, or mooring	100
cl 2.5.2	Placing obstruction in waters if liable to restrict navigation, injure persons, or damage property	200
cl 3.1.2	Permitting person under 15 years to be in charge of, propel, or navigate power driven vessel	100
cl 3.2.1	Exceeding 5 knots in specified areas	200
cl 3.2.2	Exceeding 5 knots while any part of a person is extended over fore part, bow, or side of vessel	100
cl 3.2.3	Exceeding 5 knots while being towed in specified areas	200
cl 3.2.4	Exceeding 5 knots in contravention of harbourmaster's direction	200
cl 3.2.5	Exceeding 5 knots in specified areas at certain times of year	200
cl 3.2.6	Failing to recover dropped water ski or similar object	100
cl 3.3.1	Failing to ensure wake does not cause danger or risk of damage to other vessel or structure, or harm to person	200
cl 3.5.1	Towing a person without a person on board responsible for notifying a mishap	100
cl 3.5.2	Being towed without a person on board responsible for notifying a mishap	100
cl 3.6.1	Towing a person between sunset and sunrise	200
cl 3.6.2	Being towed between sunset and sunrise	200
cl 3.7.1	Obstructing person using reserved area	100
cl 4.2.5	Failing to attend to a public notice in a form acceptable to the harbourmaster	100
cl 4.4.4	Failing to stop vessel and supply name and address	100

Schedule 2

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**Manawatu–Wanganui Regional Council Manawatu
River and Tributaries 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]

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 Manawatu–Wanganui 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 may 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.

Diane Morcom,
Clerk of the Executive Council.

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 9 December 2004, specify which breaches of the Manawatu–Wanganui Regional Council Manawatu River and Tributaries Navigation and Safety Bylaws 2004 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*.

**Local Government (Infringement Fees for
Offences: Manawatu River and
Tributaries Navigation and Safety Bylaws)
Regulations 2004**

2004/389

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.
