



Maritime (Offences) Amendment Regulations 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 17th day of February 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 201 of the Maritime Transport Act 1994, 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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3	Schedule 1 amended	Items added to Schedule 1 of principal regulations

Regulations

1 Title

- (1) These regulations are the Maritime (Offences) Amendment Regulations 2003.
- (2) In these regulations, the Maritime (Offences) Regulations 1998¹ are called “the principal regulations”.

¹ SR 1998/444

2 Commencement

These regulations come into force on 21 March 2003.

3 Schedule 1 amended

Schedule 1 of the principal regulations is amended by adding the items set out in the Schedule to these regulations.

Schedule Items added to Schedule 1 of principal regulations

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Provision	Brief description	Maximum penalty on summary conviction for individual (\$)	Maximum penalty on summary conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
<i>Part 91</i> Rule 91.4(1)	<i>Navigation safety rules</i> No person in charge of recreational craft may use craft unless sufficient personal flotation devices for each person are on board	1,000	-	100	-
Rule 91.4(6)	No person in charge of recreational craft may use craft where risk to safety of persons on board unless every person on board is wearing properly secured personal flotation device	1,000	-	100	-
Rule 91.4(7)	No person in charge of vessel may use vessel to tow and no person may be towed unless person being towed wears properly secured personal flotation device	1,000	-	100	-
Rule 91.5(2)	Owner of power driven vessel that is capable of proper speed exceeding 10 knots must not allow any person under the age of 15 years to be in charge of or propel or navigate vessel	1,000	1,000	100	100

Provision	Brief description	Maximum penalty on summary conviction for individual (\$)	Maximum penalty on summary conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 91.6(1)	No person may propel or navigate vessel at proper speed exceeding 5 knots within 50 metres of another vessel or raft or person in water, or within 200 metres of shore or structure, or within 200 metres of vessel or raft flying divers flag	2,000	—	200	—
Rule 91.6(2)	No person may propel or navigate power driven vessel at proper speed exceeding 5 knots while any person is extended over certain parts of vessel	1,000	—	100	—
Rule 91.6(3)	No person may allow himself or herself to be towed by vessel at proper speed exceeding 5 knots in any circumstances specified in rule 91.6(1)	2,000	—	200	—
Rule 91.6(4)	No person in charge of vessel may permit vessel to continue without recovering dropped water ski or similar object, or ensuring dropped ski is clearly visible to other water users	1,000	—	100	—
Rule 91.7	Person who propels or navigates recreational craft must ensure wake of craft does not cause unnecessary danger or risk of damage to other vessels, persons, or structures	1,000	—	100	—
Rule 91.8(1)	No person in charge of vessel may use vessel to tow any person at speed exceeding 5 knots unless there is at least 1 other person on board who is looking out for person being towed	1,000	—	100	—

Provision	Brief description	Maximum penalty on summary conviction for individual (\$)	Maximum penalty on summary conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 91.8(2)	No person may allow himself or herself to be towed by vessel unless there is at least 1 other person on board who is looking out for person being towed	1,000	–	100	–
Rule 91.9(1)	No person may operate, between sunset and sunrise, vessel that is towing any person on water skis or similar object	2,000	–	200	–
Rule 91.9(2)	No person may allow himself or herself to be towed in the circumstances described in rule 91.9(1)	2,000	–	200	–
Rule 91.10(1)	No person may propel, navigate, or manoeuvre vessel in access lane except by most direct route and on side of access lane that lies to starboard side of vessel	1,000	–	100	–
Rule 91.10(2)	No person may, while being towed by vessel in access lane, allow himself or herself or the object that is being towed to travel except by the most direct route and on side of access lane that lies to starboard side of vessel	1,000	–	100	–
Rule 91.10(3)	No person within access lane may proceed in manner that is dangerous to any vessel or other person in access lane	2,000	–	200	–
Rule 91.10(4)	No person may obstruct any other person who is using access lane for proper purpose	1,000	–	100	–
Rule 91.10(5)	No person may use access lane improperly	1,000	–	100	–

Provision	Brief description	Maximum penalty on summary conviction for individual (\$)	Maximum penalty on summary conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 91.12(1)	No person may obstruct any person who is using reserved area for proper purpose	1,000	–	100	–
Rule 91.12(2)	No person may use reserved area for improper purpose	1,000	–	100	–
Rule 91.13(1)	No person may anchor vessel so as to obstruct other vessels or obstruct approach to wharf, pier, or jetty, or to create hazard to other vessels at anchor	1,000	–	100	–
Rule 91.13(2)	Owner or master of moored vessel must ensure that vessel is securely fastened to dock, wharf, or landing place, and that an adequate and safe means of access to vessel is provided	1,000	1,000	100	100
Rule 91.13(3)	No person may place any obstruction in any waters that is likely to restrict navigation, or cause injury or death to any person, or damage any vessel or property	1,000	–	100	–
Rule 91.14(1)	No person may tie vessel to navigation aid without appropriate written permission	1,000	–	100	–
Rule 91.14(2)	No person may damage, remove, or interfere with navigation aid	2,000	–	200	–
Rule 91.15	Master of vessel must not allow vessel to approach within 200 metres of vessel showing flag B by day or red all round light by night or defence area	1,000	–	100	–

Provision	Brief description	Maximum penalty on summary conviction for individual (\$)	Maximum penalty on summary conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 91.16(1)	Master of vessel under 500 gross tonnage must not impede navigation of vessel of 500 gross tonnage or more if vessels in harbour area	2,000	—	200	—
Rule 91.17	Person in charge of vessel on river must— (a) ensure vessel keeps to starboard side of river channel; and (b) if going upstream, give way to vessel coming downstream; and (c) not operate vessel unless river and weather conditions permit safe operation of vessel	1,000	—	100	—
Rule 91.18(1)	Master of vessel that has on board, or intends to load or unload, 27 kilograms or more of explosives in harbour area must display code flag B by day and all round red light at masthead or where it can best be seen by night	1,000	—	100	—
Rule 91.18(2)	Master of tanker in harbour area must display code flag B by day and all round red light at masthead or where it can best be seen by night	1,000	—	100	—
Rule 91.18(3)	Person diving from vessel must ensure that flag A is displayed so it can be clearly identified by watchkeeper of another vessel at distance in excess of 200 metres	1,000	—	100	—

Provision	Brief description	Maximum penalty on summary conviction for individual (\$)	Maximum penalty on summary conviction for body corporate (\$)	Infringement fee for individual (\$)	Infringement fee for body corporate (\$)
Rule 91.18(4)	Master of vessel from which dive operations are in progress must ensure flag A is displayed so it can be clearly identified by watchkeeper of another vessel at distance in excess of 200 metres	1,000	-	100	-

Marie Shroff,
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 21 March 2003, amend Schedule 1 of the Maritime (Offences) Regulations 1998 by specifying in that schedule—

- the breaches of provisions in new Part 91 of the Maritime Rules (which relates to navigation safety) that constitute offences; and
 - the maximum penalty on summary conviction in respect of each of those offences; and
 - the infringement fee in respect of each of those offences.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 20 February 2003.

These regulations are administered in the Ministry of Transport.
