



Draft Consolidated Bylaw

Chapter 5

NAVIGATION SAFETY

January 2005

Amended August 2006

Pursuant to Section 684B of the Local Government Act 1974, the Tasman District Council makes the following bylaw.

THIS PAGE IS BLANK

TABLE OF CONTENTS

1.	PRELIMINARY PROVISIONS	1
1.1	Title and commencement	1
1.2	Areas within which this Bylaw applies.....	1
1.3	Definition of terms.....	1
2.	GENERAL MATTERS	7
2.1	Personal Flotation Devices (Lifejackets).....	7
2.2	Persons to avoid swimming or diving around wharves	9
2.3	Use of vessel engine around wharves, ramps	9
2.4	Vessels to be serviceable or removed	9
2.5	Seaplanes.....	10
2.6	Anchoring and Obstructions	10
2.7	Structures	10
2.8	Prohibited anchorages.....	11
2.9	Notification of collisions or accidents	11
2.10	Damage to buoys.....	12
2.11	Vessels not to sound whistles.....	12
3.	OPERATING REQUIREMENTS	13
3.1	Minimum age for operating powered vessels	13
3.2	Speed of vessels	13
3.3	Wake	15
3.4	Lookouts on vessel used for water skiing and towing any person	15
3.5	Water skiing or towing between sunset and sunrise	15
3.6	Conduct in access lanes.....	15
3.7	Marking of access lanes	16
3.8	Speed of vessels in anchorages and other specified areas.....	16
3.9	Reserved areas	17
3.10	Temporary events.....	17
3.11	Flags and signals.....	18
3.12	Vessels carrying explosives.....	18
3.13	River safety rules	19
3.14	Distance from vessels Showing B Flag and Defence premises	19
3.15	Duty of master of a vessel under 500 Gross Tonnes.....	19
3.16	Collision prevention	20
4.	MOORINGS AND SAFE BERTHING OF VESSELS	20
4.1	Moorings.....	20
4.2	Person on board to ensure vessel berthed safely.....	21
4.3	Master of vessel berthing at Tarakohe to Contact Harbour Manager	21
5.	ADMINISTRATIVE MATTERS	21
5.1	Revocation of Bylaw	21
5.2	Permanent speed upliftings	21
5.3	Application to master/owner	22
5.4	Commercial operations (including rental vessels).....	22
5.5	Fees and charges	24
5.6	Penalties, Offences and Infringements	25
5.7	Cargo, wharves, stores and appliances.....	26
5.8	Harbour dues.....	30

SCHEDULES

Schedule 1:Fees 32
Schedule 2: Location-specific information..... 36
Schedule 3: Infringement Fines and offences..... 47
Schedule 4: Maritime Rules Part 22: Collision prevention 51

APPENDIX 1: Powers Of A Harbourmaster 95

1. PRELIMINARY PROVISIONS

1.1 Title and commencement

1.1.1 This Bylaw is the Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety 2005.

1.1.2 This Bylaw comes into force on 1 January 2005.

1.2 Areas within which this Bylaw applies

The Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety 2005 shall apply to all waters within the District.

1.3 Definition of terms

In this Bylaw, unless the context otherwise requires:

Access Lane	means an access lane referred to in clause 3.6 and Schedule 2 Clause 3 of this bylaw.
Act	means the Local Government Act 1974.
Aircraft	means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth.
Anchorage	in relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by the Council or not.
Anchoring	means the securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the site or anchorage.
Beacon	means a light or mark set up in a prominent position as a navigation mark or a warning to vessels.
Buoy	means an anchored float serving as a navigation or locational mark, or to indicate reefs, other hazards or a mooring.
Commercial Raft	means a raft that is not a pleasure raft.
Commercial Vessel	means a vessel that is not: (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail.

Council	means the Tasman District Council as constituted under the Act.
Crew	means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in port.
Director Of Maritime Safety	means the person who is for the time being the Director of Maritime Safety under Section 439 of this Act.
District	means the Tasman District or Tasman Region as constituted under the Local Government Act 1974.
Enforcement Officer	means a person appointed as an Enforcement Officer under Section 650B of the Act.
Explosive	means an explosive or an authorised explosive as defined in section 222 of the Hazardous Substances and New Organisms Act 1996, other than explosives of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class as defined in Schedule 7 of the Hazardous Substances and New Organisms Act 1996.
Fishing Vessel	means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research:
Flag A	means flag A of the International Code of Signals (the divers flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, or a rigid equivalent:
Flag B	means flag B of the International Code of Signals, a burgee (swallow-tailed) flag coloured in red, or a rigid equivalent:
Foreshore	means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.
Harbourmaster	is the person(s) appointed by the Tasman District Council pursuant to Section 650B of the Act as Harbourmaster and who may exercise authority under this Bylaw and all relevant associated legislation; and includes any deputy of a Harbourmaster.

Honorary Enforcement Officer	means a person appointed as an Honorary Enforcement Officer under Section 650B of the Act and includes persons appointed by Tasman District Council as Honorary Launch Wardens.
Inspector	has the same meaning as in the Explosives Act 1957 or in any regulations made pursuant to the Hazardous Substances and New Organisms Act 1996 that replace that Act.
Internal Waters	means the internal waters of New Zealand as defined by section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977.
Length	in relation to a vessel, means overall length.
Lifejacket	means a personal floatation device that meets New Zealand Standard 5823:2001, or a national or international standard that the Director of Maritime Safety is satisfied provides an equivalent level of safety.
Marine Farm	Means any structure situated in the area controlled by this Bylaw for any of the purposes of enhancement, breeding, hatching, cultivating, rearing, or ongrowing of fish, shellfish, aquatic life or seaweed for harvest; whether any such purpose includes farming or the taking or holding of spat, or is investigative, experimental, or commercial in nature.
Master	means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.
Mooring	means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating structure; and includes any wire, rope, buoy, or other device attached or connected to the weight; but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.
Mooring Area	means the area from time to time designated by the Council as a mooring management area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage.
Navigable Waters	means any waters, whether coastal or inland, which are able to be navigated; and includes harbours.
Navigate	means the act or process of managing or directing the course of a vessel on, through, over, or under the water.

- New Zealand Waters** means:
- (a) the territorial sea of New Zealand; and
 - (b) the internal waters of New Zealand; and
 - (c) all rivers and other inland waters of New Zealand.
- Oil** means petroleum in any form including crude oil, fuel oil, sludge, oil refuse; and includes spirit produced from oil and oil mixed with water and refined products (within the meaning of Section 222 of the Maritime Transport Act 1994).
- On The Surface Of The Water** in respect of a seaplane that is taking off from, or alighting on the water, means the seaplane is in contact with the water surface.
- Owner**
- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
 - (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
 - (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:
 - (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible
 - (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship
 - (f) in relation to any dock, wharf, quay, or slipway, includes a lessee of the dock, wharf, quay, or slipway.
- Person In Charge Of A Vessel** means the master.
- Personal Flotation Device** means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:
- (a) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001; or
 - (b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001:

Personal Water Craft (PWC)	is a powered vessel that: <ul style="list-style-type: none"> (a) has a fully enclosed hull; and (b) does not take on water if capsized; and (c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.
Pilot	in relation to any vessel, means any person not being the master, or a member of the crew of the vessel who has the conduct of the vessel.
Pleasure Craft	Means a vessel that is used exclusively for the owner's pleasure, or as the owner's residence, and is not offered or used for hire or reward; but does not include: <ul style="list-style-type: none"> (a) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business; (b) a vessel that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward; (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.
Powered Vessel And Power-Driven Vessel	means any vessel propelled by machinery.
Powered Manually By Means Of Paddles	means powered by a craft's occupant(s) using single or double bladed oars as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements.
Proper Speed	means speed through the water.
Publicly Notify	means to publish a notice in one or more daily newspapers circulating in the region the waters of which are subject to an application under clause 3.10 or 5.2 of this bylaw.
Recognised Authority	means an authority that the Director considers is competent to certify a personal flotation device's compliance with a standard.
Recreational Craft	means a vessel that is: <ul style="list-style-type: none"> • a pleasure craft; or • solely powered manually; or • solely powered by sail

Regional Council	has the meaning given to the term “regional council” in section 2 of the Local Government Act 1974; and includes any territorial authority referred to in section 16(1) of the Local Government Amendment (No 2) 1999.
Reserved Area	means a permanently reserved area referred to in this bylaw for a specified navigation safety purpose.
River	includes a stream and any modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides.
Reward	Means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.
Seaplane	Means a flying boat or any other aircraft designed to manoeuvre on the water, and under this Bylaw is deemed to be a vessel when operating on the water.
Seaworthy	Means being in a fit condition or readiness to safely undertake a sea voyage.
Shore	When referring to distance from shore, means distance from the water’s edge.
Structure	<ul style="list-style-type: none"> (a) means any building, equipment, device, or other facility made by people and which is fixed to land; and (b) includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline of the foreshore; but (c) does not include navigation buoys.
Support Vessel	means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.
Territorial Sea	means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.
The Act	means the Maritime Transport Act 1994

- Vessel** means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:
- (a) a barge, lighter, or other like vessel
 - (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates
 - (c) a submarine or other submersible
 - (d) a seaplane while it is on the surface of the water.

2. GENERAL MATTERS

2.1 Personal Floatation Devices (Lifejackets)

- 2.1.1 No person in charge of a recreational craft may use it unless there are on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
- 2.1.2 Subclause 2.1.1 and 2.1.6 shall not apply to:
- (a) any surfboard or similar unpowered craft; and
 - (b) any sailboarder or windsurfer, if a wetsuit is worn at all times; and
 - (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body dive suit is worn at all times; and
 - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director; and
 - (e) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence.
 - (f) any person in charge of a craft solely powered manually by means of paddles that is a pleasure craft until 21 March 2010, if a serviceable buoyancy aid designed to be worn on the body and appropriate to the activity is carried at all times for each person on board; and
 - (g) any person in charge of a craft solely powered manually by means of paddles that is not a pleasure craft until 21 March 2007, if a serviceable buoyancy aid designed to be worn on the body and appropriate to the activity is carried at all times for each person on board.

- 2.1.3 The Director may approve a national sporting organisation for the purposes of clause 2.1.2.(d) if that organisation has in place a safety system that the Director is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.
- 2.1.4 Subject to clause 2.1.5, clause 2.1.1 shall not apply in respect of any sporting event, training activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft and the recreational craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.

In this rule buoyancy aid means:

- (a) a buoyancy aid as defined in NZ Standard 5823:1989 or NZ Standard 5823:2001;¹ or
 - (b) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in paragraph (a) and that provides a minimum of 53 newtons of buoyancy.
- 2.1.5 Without limiting the effect of clause 2.1.4, the Harbourmaster may exempt persons from Subclause 2.1.1, provided that the Harbourmaster is satisfied that adequate precautions have been arranged for rescuing from the water any persons participating in the event or activity. The Harbourmaster may grant an exemption, subject to such conditions as the Harbourmaster considers appropriate in the interests of navigation safety, and must give the person written notice of each exemption.
- 2.1.6 Despite clause 2.1.4, no person in charge of a pleasure craft may use that craft, or allow it to be used, in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of persons on board, unless every person on board and any person being towed by the craft is wearing a lifejacket of an appropriate size for that person.
- 2.1.7 No person in charge of a vessel may use it to tow any person and no person may cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal flotation device of an appropriate size for that person.
- 2.1.8 Clause 2.1.7 does not apply to a person:
- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under clause 2.1.3; or
 - (b) participating in a sporting event that is administered by a national sporting organisation approved under clause 2.1.3.

¹ NZS 5823:1989 and NZS 5823:2001 define a buoyancy aid as any device designed to assist a person to remain afloat in water until rescue is effected. Any type of buoyancy aid categorised in the Standard meets the requirements of this rule.

2.2 Persons To Avoid Swimming Or Diving Around Wharves

- 2.2.1 No person may dive, swim or undertake other related activities, from Tarakohe Wharf, or Motueka Wharf or within 30 metres of these structures, or any other such areas in the waterway as the Harbourmaster may from time to time determine, unless the person does so in accordance with the prior written consent of the Harbourmaster.
- 2.2.2 The Harbourmaster may give consent subject to such conditions as he considers appropriate in the interests of navigation safety.

2.3 Use of Vessel Engine Around Wharves, Ramps

- 2.3.1 No person may operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading to or from a boat trailer at any ramp, in such a way that it may damage any property, scour the bed of the waterway, or injure any person. However, this Bylaw does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.
- 2.3.2 Crew members of any commercial vessel must:
- (a) be stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or is testing a propulsion system; and
 - (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.

2.4 Vessels To Be Serviceable Or Removed

- 2.4.1 The master and owner of any vessel anchored or moored in any navigable waters must keep the vessel in a serviceable and operational condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in a non-operational state.
- 2.4.2 If, in the opinion of the Council, any vessel is a navigation hazard by reason of it being neglected or unseaworthy, or has potential to become a navigation hazard by reason of it being unseaworthy:
- (a) the Council may give a written direction to the owner and master of the vessel to remove it from the navigable waterway within a reasonable time specified in the direction; and
 - (b) the owner and master are each responsible for ensuring the direction is complied with.
- 2.4.3 If the owner or master of the vessel fails to shift the vessel in accordance with a direction given under Subclause 2.4.2, the Council may shift that vessel to a position where it is no longer a hazard, or remove it from the water. The costs incurred may be recovered from

the owner, master, or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.

2.4.4 No person may operate any vessel in circumstances where persons on board have been advised by the Harbourmaster or an Enforcement Officer or a member of the Police that the vessel is unseaworthy, except to comply with the directions of that official to proceed to a safe area.

2.4.5 The person in charge of the vessel described in clause 2.4.4. above, must, on request by the Harbourmaster or Enforcement Officer or member of the Police, navigate the vessel immediately by the shortest and safest route, to a safe area nominated by that official.

2.5 Seaplanes

2.5.1 No person navigating a vessel may impede a seaplane in the process of landing or taking off.

2.5.2 No person may take-off, land, or attempt to take-off or land any seaplane or other aircraft in any area identified in Schedule 2, Clause 1 without the permission of the Harbourmaster.

2.6 Anchoring And Obstructions

2.6.1 No person may anchor a vessel so as to:

- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
- (b) create a hazard to other vessels at anchor.

2.6.2 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that:

- (a) the vessel is securely fastened to the dock, wharf or landing place; and
- (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any tidal conditions.

2.6.3 No person may place any obstruction, including any fishing apparatus, in any waters that is likely to:

- (a) restrict navigation; or
- (b) cause injury or death to any person; or
- (c) cause damage to any vessel or any property.

2.7 Structures

2.7.1 In addition to the requirements of section 200 of the Maritime Transport Act 1994 and any conditions of a resource consent for a marine farm or other structure situated to seaward of mean high water spring tide,

every marine farm or other structure situated to seaward of mean high water spring tide shall display such lights and radar reflectors as may be required by the Harbourmaster provided that such lights and radar reflectors shall be in accordance with the standards set out in the System of Buoyage and Beaconage for New Zealand, or any replacement rule or guideline, made under the Maritime Transport Act 1994.

- 2.7.2 The owner of every marine farm or other structure situated to seaward of mean high water spring tide shall ensure that any lights fitted as required by clause 2.7.1 are operational at all times during the hours of darkness.
- 2.7.3 The Harbourmaster or Enforcement Officer or a person authorised by the Harbourmaster may at any time enter any structure or maritime facility for the purpose of inspecting the structure or maritime facility.
- 2.7.4 Where the Harbourmaster or Enforcement Officer, during an inspection of any structure or maritime facility finds, or is advised by the person authorised by the Harbourmaster referred to in clause 2.7.3, that the structure or maritime facility poses a danger to navigation, he or she may issue an infringement notice to the owner.
- 2.7.5 The owner of any structure or maritime facility must at all times keep the structure or maritime facility in good repair, such that the structure or maritime facility does not pose a danger to navigation.

2.8 Prohibited Anchorages

- 2.8.1 No person may anchor or moor any vessel within any prohibited anchorage.
- 2.8.2 The prohibited areas to which this Bylaw applies are those prescribed in Schedule 2, Clause 2.

2.9 Notification Of Collisions Or Accidents

- 2.9.1 The master of any vessel that:
- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waterway; or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation, or to give rise to danger to other vessels or property; or
 - (c) in any manner gives rise to an obstruction; or
 - (d) causes any damage to any navigation aid or structure or to anything on the structure;

must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994, as soon as practicable report the

occurrence to the Harbourmaster and within 24 hours, provide the Harbourmaster with full written details of the occurrence.

2.9.2 Full written details required under Subclause 2.9.1 must include:

- (a) a full description of any injury to persons and their names and their addresses; and
- (b) a full description of any damage to vessels, navigation aid or structures; and
- (c) the names and addresses of persons in charge of the vessel; and
- (d) the time and date of the occurrence; and
- (e) an outline of events relating to the occurrence.

2.9.3 If an incident described in Subclause 2.9.1 involves damage to a vessel that affects or is likely to affect its seaworthiness, the master may not move the vessel except:

- (a) to clear the main navigational channel, or to moor or anchor in safety; or
- (b) in accordance with the directions of the Harbourmaster.

2.10 Damage To Navigation Aids

2.10.1 No person may tie a vessel to any aid to navigation without the written permission of:

- (a) if the aid to navigation is operated by a local authority or port company, the harbourmaster; or
- (b) if the aid to navigation is operated by the Maritime Safety Authority, the Director.

2.10.2 No person may damage, remove, deface or otherwise interfere with an aid to navigation.

2.10.3 No person may erect, maintain or display any beacon, light, mark, buoy or other device which may be used or mistaken as a recognised navigation aid without the written permission of the Council and the Maritime Safety Authority.

2.11 Vessels Not To Sound Whistles

2.11.1 No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any harbour area, except as a navigation safety signal. However, nothing in this Bylaw precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf.

3. OPERATING REQUIREMENTS

3.1 Minimum Age For Operating Powered Vessels

- 3.1.1 No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 3.1.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 3.1.3 Subclause 3.1.1 and 3.1.2 does not apply in respect of any person who has a written exemption from the Tasman District Council Harbourmaster issued in accordance with the Tasman District Council Navigation Safety Bylaw or from the Director.
- 3.1.4 The Harbourmaster may issue an exemption in accordance with clause 3.1.3 of this Bylaw that is valid for any specified place or places within the District to a person under the age of 15 years for transport, training, competitions or other sporting events, if the Harbourmaster considers that the person:
- (i) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
 - (ii) is aware of relevant navigation safety rules and navigation safety bylaws; and
 - (iii) will be under adequate supervision during the proposed activity or activities;

3.2 Speed Of Vessels

- 3.2.1 No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
- (a) within 50 metres of any other vessel, raft, or person in the water; or
 - (b) within 200 metres of the shore or of any structure; or
 - (c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).
- 3.2.2 No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.

- 3.2.3 No person may cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in clause 3.2.1.
- 3.2.4 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.
- 3.2.5 Clause 3.2.1(a) of this bylaw shall not apply to:
- (a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
 - (b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
 - (c) a craft training for or participating in competitive rowing or paddling; or
 - (d) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
 - (e) a vessel operating in accordance with a speed uplifting:
 - (i) established under clause 3.10 of this bylaw; or
 - (ii) established under clause 5.2 of this bylaw; or
 - (iii) established for any river by this bylaw.
 - (iv) established for any water ski access lane or area reserved for water skiing defined in Schedule 2 of this bylaw.
- 3.2.6 Clause 3.2.1(b) shall not apply to:
- (a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, this bylaw provides otherwise; or
 - (b) a vessel operating in accordance with a speed uplifting:
 - (i) established under clause 3.10 of this bylaw; or
 - (ii) established under clause 5.2 of this bylaw; or
 - (iii) established for any river by this bylaw; or

- (c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- (d) a craft training for or participating in competitive rowing or paddling; or
- (e) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

3.3 Wake

3.3.1 Subject to Clause 3.2 of this Bylaw, every person who propels or navigates a recreational craft must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels, persons or structures.

3.4 Lookouts On Vessel Used For Water Skiing Or Towing Any Person

3.4.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is:

- (a) ten years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.4.2 No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:

- (c) ten years of age or older; and
- (d) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.5 Water Skiing Or Towing Between Sunset And Sunrise

3.5.1 No person may operate, between sunset and sunrise, a vessel that is towing any person, whether that person is on water skis, aquaplane, surfboard or similar object, or who is barefoot skiing, or who is on a paraglider or similar object.

3.5.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

3.5.3 Clauses 3.5.1 and 3.5.2 do not apply to the towing of another vessel as a result of breakdown or other emergency provided both the towing vessel and the vessel being towed show the appropriate navigation lights.

3.6 Conduct In Access Lanes

3.6.1 No person may propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared except by the most direct

route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.

3.6.2 No person may:

- (a) while being towed by a vessel in an access lane, cause himself or herself or any water ski, aquaplane or other similar object, on or by which he or she is being towed; or
- (b) cause any object that is being towed by a vessel in an access lane;

to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.

3.6.3 No person within an access lane may proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.

3.6.4 No person may obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.

3.6.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

3.6.6 The access lanes to which this Bylaw applies are those prescribed in Schedule 2, Clause 3.

3.7 Marking Of Access Lanes

3.7.1 Where an access lane is defined by these bylaws, Council must ensure that:

- (a) the access lane is demarcated on shore by orange posts with horizontal black bands; and
- (b) if the access lane is marked at its outer edge, it is marked by orange buoys with black bands; and
- (c) an adequate sign or signs are provided in the vicinity of the access lane that declare the purpose of that lane.

3.8 Speed Of Vessels In Anchorages And Other Specified Areas

3.8.1 No person may propel or navigate a vessel (including a vessel towing someone or some object) at a proper speed exceeding 3 knots in the anchorages or areas specified and during the periods specified for those anchorages or areas in Schedule 2, Clause 4.

3.8.2 No person may propel or navigate a vessel (including a vessel towing someone or some object) at a proper speed exceeding 15 knots in the access lane provided for vessels travelling between Grossi Point and the Mapua Bar referred to in Schedule 2, Clause 5.(i).

3.9 Reserved Areas

- 3.9.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 3.9.2 If any person is using a reserved area for the purpose for which it is reserved, no other person may enter, remain in or use the area for any other purpose.
- 3.9.3 Where a reserved area is defined by this bylaw, Council will ensure that:
- (a) adequate signs are provided in the vicinity of the area that:
 - (i) define the area; and
 - (ii) declare the purpose for which the area has been reserved; and
 - (b) if the reserved area is demarcated on shore, it is marked by black posts with white horizontal bands; and
 - (c) if the reserved area is marked at sea it is marked by black buoys with white bands.
- 3.9.4 The reserved areas to which this Bylaw applies are those prescribed in Schedule 2, Clause 5.
- 3.9.5 Activities in reserved areas within Kaiteriteri Bay.
- (a) Within Kaiteriteri Bay areas are reserved for a variety of purposes and other areas are defined within which particular activities are prohibited. These various areas, activities and prohibited activities shall be as defined in the second schedule clause 5 (c).
 - (b) No person shall undertake any activity defined as prohibited by Second Schedule Clause 5 (c) in those areas in which they are prohibited by Clause 5 (c).

3.10 Temporary Events

- 3.10.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in the area where these navigation safety bylaws apply may apply to the Harbourmaster:
- (a) to temporarily suspend the application of any part of clause 3.2 of this bylaw during the conduct of the race, speed trial, competition or other organised water activity; and
 - (b) to temporarily reserve the area for the purpose of that activity.
- 3.10.2 If the Harbourmaster is satisfied that an application may be granted without endangering the public, and that any consultation with affected parties that the Harbourmaster considers necessary has been undertaken, he or she may grant the application for a specified period or periods and subject to such conditions as he or she may specify in the interests of maritime safety.

- 3.10.3 No grant of an application under clause 3.10.2 shall have effect unless, not less than 7 days or more than 14 days before the commencement of the activity, the applicant publicly notifies the period of the activity and details of the suspension or reserved area.

3.11 Flags and signals

- 3.11.1 The master of any vessel that has on board, or who intends to load or unload, 27 kilograms or more of explosives in a harbour area as defined in clause 3.15.2 of this bylaw must display code Flag B by day and an all round red light at the masthead or where it can best be seen by night.
- 3.11.2 The master of any tanker in a harbour area as defined in clause 3.15.2 of this bylaw must display code Flag B by day and an all round red light at the masthead or where it can best be seen by night.
- 3.11.3 Every person diving from a vessel must ensure that flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.
- 3.11.4 The master of every vessel from which dive operations are in progress must ensure that flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.

3.12 Vessels Carrying Explosives

- 3.12.1 The master of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load explosives must hoist on the vessel a red flag or the Flag B of the International Code by day and a red light by night.
- 3.12.2 The master of any vessel in any port, harbour, roadstead, or anchorage, or the pilot for the time being in charge of the vessel, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading explosives, except:
- (a) with the permission of an inspector, or of the Harbourmaster; or
 - (b) for the purpose of loading or unloading that other vessel; or
 - (c) for the purpose of rendering assistance to that other vessel in an emergency.
- 3.12.3 The master of any vessel carrying explosives in any port, harbour, roadstead, or anchorage, or the pilot for the time being in charge of the vessel, must not allow that vessel to approach within 200 metres of any other vessel, except:
- (a) with the permission of an inspector, or of the Harbourmaster; or
 - (b) for the purpose of loading or unloading that other vessel; or
 - (c) for the purpose of rendering assistance to that other vessel in an emergency.

- 3.12.4 Nothing in this clause applies to any vessel which:
- (a) is carrying not more than 27 kilograms of explosives; or
 - (b) is carrying no explosives other than explosives of the first division of the sixth class (ammunition), or the second division, or the third division of the seventh class (firework), as defined by the Explosives Act 1957.

3.13 River Safety Rules

- 3.13.1 A person in charge of a vessel on a river must:
- (a) ensure that the vessel keeps to the starboard (right) side of the river channel; and
 - (b) if going upstream, give way to any vessel coming downstream; and
 - (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

3.14 Distance From Vessels Showing Flag B And Defence Premises

- 3.14.1 Where possible, the master of a vessel must not allow that vessel to approach within 200 metres of:
- (a) an oil tanker or any other vessel that is showing flag B by day or a red all round light by night; or
 - (b) any wharf, quay, pier, jetty, or premises belonging to the Crown erected or used in connection with defence works or defence purposes under the Defence Act 1990, unless:
 - (i) a different distance is prescribed in respect of the wharf, quay, pier, jetty or premises by the New Zealand Defence Force; or
 - (ii) the master is authorised to approach within 200 metres by the Defence Officer in charge of the wharf, quay, pier, jetty or premises.

3.15 Duty Of Master Of A Vessel Under 500 Gross Tonnage

- 3.15.1 The master of a vessel under 500 gross tonnage must not allow the vessel to impede the navigation of any vessel of 500 gross tonnage or more if the vessels are in a harbour area.
- 3.15.2 For the purposes of this rule a harbour area is an area defined as such in bylaws. If a regional council defines a harbour area in bylaws, the council must inform Land Information New Zealand of the defined area so that it may be marked on any applicable nautical chart.

² A vessel over 500 gross tonnage is likely to be over 50 m in length overall.

3.16 Collision Prevention

- (i) No person may operate any ship in breach of Maritime Rule Part 22: Collision Prevention -made under the Maritime Transport Act 1994. A copy of Maritime Rule Part 22 is contained in Schedule 4 of this Bylaw
- (ii) Every person commits an offence against this clause who fails to comply with the Maritime Rule referred to in 3.16(i).

4. MOORINGS, AND SAFE BERTHING OF VESSELS

4.1 Moorings

- 4.1.1 No person may place a mooring or berth in any waterway, whether in a mooring area or not, without a resource consent to do so, granted by Council under the Resource Management Act 1991.
- 4.1.2 Notwithstanding 4.1.1, no person shall place a mooring within Tarakohe Harbour without written permission from the Harbourmaster.
- 4.1.3 The owner of any marine structure used for mooring or berthing vessels shall have that marine structure inspected by a competent person to report on its condition and advise of any work necessary to ensure that it is structurally sound and fit for purpose. The frequency that such inspections shall be undertaken is specified in the first schedule of these bylaws
- 4.1.4 The owner of any marine structure for which any report required by 4.1.3 is completed shall provide the Harbourmaster with a written copy of such inspection report within 3 months of the date of the inspection.
- 4.1.5 Where any report required by 4.1.3 identifies that repair or other work is necessary to render the marine structure safe or suitable for its intended purpose, the owner shall provide the Harbourmaster with evidence that the necessary work has been completed within 6 months from the date of the inspection.
- 4.1.6 The Harbourmaster may remove or authorise the removal of any unauthorised mooring of any vessel and all costs of so doing are a debt by the owner of such vessel to the Council.
- 4.1.7 No person may anchor or moor any vessel or raft in or over any mooring for which a resource consent is current unless they are the holder of a current coastal permit to use that mooring, or are permitted to use the mooring pursuant to the terms and conditions of the coastal permit relating to that mooring.
- 4.1.8 The Council is not liable in any event for the position, insufficiency of or insecurity of any mooring site or other mooring site allocated by the Harbourmaster.

- 4.1.9 The Council is not responsible for any damage or loss that may arise to any vessel permitted to use the authorised mooring, including damage that is caused by:
- (a) any breaking away or defect in the owner's moorings or any part of them; or
 - (b) the act of any person in causing damage to the owner's moorings or any part of them, where the damage is caused by any vessel moored to such moorings, or by any perils of the seas, or by navigation of any vessel within the mooring site, or any other cause.
- 4.1.10 Notwithstanding the provisions of clause 4.1.3. the Harbourmaster or nominated delegate has the right to inspect or require inspections of any mooring and can require the owner to upgrade or repair the mooring as considered appropriate.

4.2 Person on board to ensure vessel berthed safely

- 4.2.1 The owner or master of a vessel berthed at a wharf must ensure that it is securely fastened at all times, and if required by the Harbourmaster, maintain a person on board to keep watch.

4.3 Master of any vessel berthing at Tarakohe to contact Harbour Manager.

- 4.3.1 The master of any vessel wishing to berth at Port Tarakohe shall communicate with the Tarakohe Harbour Manager not more than 24 hours prior to entry in to Tarakohe harbour limits on Marine VHF Radio Channel 28 or 60 or by telephone. This provision shall not apply to the master of any vessel that has an existing arrangement for berthage for that vessel with the Tarakohe Harbour Manager.

5. ADMINISTRATIVE MATTERS

5.1 Revocation of Bylaw

- 5.1.1 The following Bylaw and all amendments to that Bylaw made under section 684B of the Local Government Act 1974.

Tasman District Council Navigation Safety Bylaw November 2002, incorporating amendments of October 2003.

5.2 Permanent speed upliftings

- 5.2.1 A person may apply to have any speed limit prescribed by this Bylaw uplifted from waters specified in the application, by application in writing to the Council.
- 5.2.2 An application under Subclause 5.2.1 must not be granted unless the Council is satisfied that:
- (a) the application has been publicly notified; and

- (b) affected persons have had reasonable opportunity to comment on the application; and
- (c) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process; and
- (d) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
- (e) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.

5.2.3 The Council must consult with the Director of Maritime Safety before granting any application made under Subclause 5.2.1 and must notify the Director of Maritime Safety when it grants such an application and must give public notice of the speed uplifting.

5.2.4 The Council may grant an application in accordance with Subclause 5.2.2 for a specified period or periods and subject to such conditions as Council may specify in the interests of maritime safety.

5.3 Application to master/owner

5.3.1 Where any clause in this Bylaw imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.

5.3.2 Where any clause of this Bylaw imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are deemed severally to have committed an offence against this Bylaw. If any such clause is complied with by either the master or the owner then, for the purposes of this Bylaw, compliance by one is deemed to be compliance by the other.

5.4 Commercial Operations (Including Rental Vessels)

5.4.1 Licence required for commercial operation

(a) No person shall operate a commercial service, whether scheduled, non-scheduled, or offering rental vessels, without first obtaining from Council a licence to do so. Council may, at its discretion, waive this requirement for small-scale operations such as (but not limited to) canoes or dinghies hired on an hourly basis from campgrounds in the District.

(b) No such licence will be issued if Council is of the opinion that the operation is likely to:

- (i) diminish the level of safety for other activities in the vicinity;

- (ii) cause congestion, or jostling for position, or any other unsafe practice, at points of embarkation/disembarkation or at any place en route.

5.4.2 Licence in addition to requirements of other legislation

- (a) No licence shall be issued by Council unless any authorisation required under any other Act or Regulations in relation to the vessel, its equipment or its manning has been obtained and is currently valid.
- (b) No licence issued by Council will remain valid beyond the expiry date of any authorisation given under other legislation relating to the vessel, its equipment or its manning.

5.4.3 Where no other requirements

- (a) For any class of vessel or master for which no authorisation is required under other legislation, written application must be made to Council to establish the seaworthiness of the vessel, the adequacy of its safety equipment, the competence of its operator, and the overall safety of the proposed operation.
- (b) Additional professional advice may be sought by the Council, the cost of which will be recovered from the applicant.

5.4.4 Licence not transferable

- (a) Every licence issued by Council under Clause 5.5 shall apply only to the vessel(s) and operator(s) named in the licence, and only to the operation described in the licence: the licence is not transferable.

5.4.5 Licence to be available

- (a) Every licence issued by Council must be available for inspection at any time by the Harbourmaster or an Enforcement Officer or Honorary Launch Warden, or any prospective client of the operation.

5.4.6 Licence fees

- (a) The Council shall be entitled to charge a fee in respect of every commercial operation licence issued by it. The fees payable in respect of every commercial operation licence shall be those listed in Schedule 1 forming part of this Bylaw.

5.4.7 Limitations of licence

- (a) A commercial operation licence and licence fee does not convey any mooring, berthage or landing rights, or other concession. Separate authorisation is required for these.

5.4.8 Terms and conditions

- (a) The terms and conditions of any licence issued by Council may include, but are not limited to:
- (i) defining points of embarkation/disembarkation;
 - (ii) defining the area or route of operations;
 - (iii) limiting the number of passengers or quantity of freight;
 - (iv) whether the operation is limited to daylight hours, or by weather conditions;
 - (v) in the case of rental vessels, whether a rescue craft must be in attendance or not;
 - (vi) specifying safety equipment;
 - (vii) in the case of rental vessels, specifying what level of instruction must be given to hirers;
 - (viii) requiring a number or name or other distinctive marking to be displayed on the vessel to the satisfaction of the Harbourmaster;
 - (ix) in the case of small paddle-powered vessels such as kayaks or waka, requiring the vessel to show a brightly coloured flag or paddle blades to enhance visibility when underway to the satisfaction of the Harbourmaster;
 - (x) in the case of small paddle-powered vessels such as kayaks or waka, requiring the hull of the vessel to be of a colour that contrasts with the marine environment to enhance visibility when underway to the satisfaction of the Harbourmaster.
- (b) A licence may be cancelled if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.

5.4.9 Existing licences

- (a) Licences in existence at the date of this Bylaw coming into effect will remain valid until 30 October 2005, or the expiry date stated in the licence, whichever is the sooner.

5.5 Fees And Charges

5.5.1 The fees and charges specified in Schedule 1 for functions undertaken by the Council under this Bylaw must be paid on demand by the specified person to the Council.

5.5.2 The Council may, by resolution, amend Schedule 1.

- 5.5.3 Fees and charges specified include GST and are maximum charges and Council shall have the power to reduce such charges when in the Council's view special circumstances warrant a lesser charge being made.

5.6 Penalties, Offences and Infringements

5.6.1 Offences

Any person who breaches or fails to comply in any respect with any provision of these Bylaws commits an offence.

5.6.2 General Defence

- (i) It shall be a defence to any prosecution for a breach of these Bylaws if the defendant proves:
- (a) that-
 - (1) the action or event to which the prosecution or infringement relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property; and
 - (2) the conduct of the defendant was reasonable in the circumstances; and
 - (3) the effects of the action or event were adequately mitigated by the defendant after it occurred.
 - (b) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural event, mechanical failure, or sabotage, and in each case either
 - (1) the action or event could not reasonably have been foreseen or been provided against by the defendant; and
 - (2) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred
- (ii) Except with the leave of the Court, clause 5.6.2 (i) above of these Bylaws does not apply unless, within 7 days after the service of summons or within such further time as the Court may allow, the defendant delivers to the Council a written notice:
- (a) stating that he or she intends to rely on clause 5.6.2 (i); and
 - (b) specifying the facts that support his or her reliance on clause 5.6.2 (i) (a)(1) or 5.6.2 (i) (b)(1) of this Bylaw.

5.6.3 Infringements

- (i) If a person is observed committing an infringement offence (as set out in Schedule 3, Infringement Offences and Fines, of these

Bylaws) by the Harbourmaster or an Enforcement Officer, or the Harbourmaster or Enforcement Officer have reasonable cause to believe such an offence has been committed by that person, an infringement notice in respect of that offence may be served on that person.

- (ii) The Harbourmaster or Enforcement officer may deliver the infringement notice (or a copy of it) to the person alleged to have committed the offence personally or by post, addressed to that person's last known place of residence or business.

5.7 Cargo, wharves, stores and appliances

5.7.1 Ability to restrict activities on wharves etc

- (a) Council shall have the right to determine the times, places, order and mode of the landing, warehousing, stowing and depositing of goods and the landing and embarking of passengers on any of its wharves.

5.7.2 Provisions relating to landing or storage of goods

- (a) No goods shall be landed, or placed, or left upon a wharf or in a store without the permission of the Council.

In this part of this Bylaw "wharf" shall mean any wharf or jetty owned by or under control of the Council.

- (b) If any goods are landed or placed, or left upon a wharf or in a store without the permission of the Council, the Council may move the goods from the wharves and the consignor or consignee shall pay all costs of moving or removing the goods.
- (c) All goods on a wharf or in a store shall be placed, positioned or stacked in such manner as the Council may authorise.

No goods shall impede the working of a wharf or store.

- (d) Where any goods on a wharf or in a store are not placed, positioned or stacked in such a manner authorised by the Council or where such goods impede a wharf or store, or where such goods constitute a danger, the Council may move and/or restack the said goods and the consignor or consignee shall pay the cost of moving and/or restacking such goods.
- (e) If in the opinion of the Council it is desirable that any goods on a wharf or in a store should be moved and/or restacked, the Council may direct the consignor or consignee to move and/or restack the same. If the consignor or consignee does not move or restack the said goods as directed, the Council may cause such goods to be moved and/or restacked. The consignor or consignee shall pay the cost of moving and/or restacking such goods.

5.7.3 Liability to supply bills of lading etc

- (a) The master, owner or agent of every vessel seeking to load or unload within the area that is the subject of this Bylaw shall give to the Council two copies of the bills of lading, freight lists or manifests of vessel's cargo and in every respect a proper account of all goods intended to be unshipped from such vessel. The master, owner or agent of such vessel shall in addition provide the name or names of the owners or consignees to whom all or any of the goods in such vessel are intended for delivery to. Such bills of lading, freight lists or manifests and other documents or accounts shall contain full and true particulars of the weights and measurements of such cargo.
- (b) Where goods are landed which are not recorded on the bills of lading, freight lists, manifests, or other documents provided to the Council under subparagraph (a) hereof, then the master, owner or agent of every such vessel shall forthwith provide to the Council two copies of a supplementary freight list or manifest which shall provide a full and true account of such additional goods landed.
- (c) Such bills of lading, freight lists, manifest or other accounts shall be duly certified as correct, and be in a form satisfactory to the Council. The master, owner or agent of every vessel shipping any goods shall forthwith supply to the Council a manifest giving a full and true account of such goods duly certified as correct and in a form satisfactory to the Council.
- (d) Whenever, through the absence, insufficiency or incorrectness of the bills of lading, freight lists, or manifests delivered to the Council it becomes necessary for the Council to measure or weigh the goods landed, the cost of such measuring or weighing shall be paid by the owner, master or agent of the vessel landing such goods.

5.7.4 Power to search vessels

- (a) It shall be lawful for the Harbourmaster to board and search any vessel in order to ascertain the dues payable in respect of any goods therein, and no person shall hinder the officer or refuse to allow him/her to board or search any vessel.

5.7.5 Dangerous goods

- (a) All goods of a dangerous, hazardous or flammable character shall be removed by the owner, agent or consignee. Any such person, company or other entity failing to do so will be held responsible for any damage or loss caused thereby or arising out of the handling or moving of the same, in addition to being liable to the penalty provided for breach of this Bylaw and the Council shall not be responsible for any damage or loss which may accrue to such goods. All such goods not so removed may be removed by the

Council to the Council's dangerous goods store and the owners of such goods shall pay all costs of their removal and storage.

- (b) The Council shall not be responsible for the safe custody of packages containing acids, chemicals or other dangerous goods, and the consignee will be held responsible for any loss or damage caused thereby or arising out of the handling or moving of the same.
- (c) No goods or articles of any description, which in the opinion of the Council are likely to occasion damage to any wharf or shed, or to the goods thereon or therein, shall be placed on any such wharf, or in any such store. If any such goods are so placed in breach of this Bylaw they shall be immediately removed from the Council's premises by the person, or by the Council at the expense of the person on whose behalf they shall have been so placed, and no responsibility for loss or damage to such goods whilst on the Council's premises or in the course of such removal shall rest on the Council.

5.7.6 Decaying goods not to be placed on wharves

- (a) No person shall place or leave upon any wharf or in any store any goods which are in a state of decay.
- (b) If any goods are placed or left upon any wharf or in any store, if in the opinion of the Council such goods are in a state of decay, or are otherwise unfit to remain on any wharf or in any store, the Council may:
 - (i) direct the consignor or consignee to forthwith remove the same; and/or
 - (ii) move the same to another part of the wharf or store, or to another store, or remove the same from the wharf, or destroy the same and the consignor or consignee shall pay the cost of moving, removing or destroying such goods.
- (c) The consignor or consignee of any goods referred to in paragraph (b) of this Bylaw shall pay the cost of:
 - (i) remedying any loss or damage caused by such goods;
 - (ii) fumigating, cleansing or otherwise restoring any wharf or store, or goods affected by such goods to the condition such wharf, store or goods were in before they were so affected.

5.7.7 Council to take charge of goods

- (a) Should any goods or cargo not be removed within a reasonable time by the consignee thereof, or the master, owner or agent of the vessel landing the same, or at the reasonable request of the Harbourmaster, then the Council may remove or cause the

removal of such goods or cargo to any other premises of the Council, or some other convenient places, and retain the same pending payment to the Council of any charges or dues lawfully payable to the Council in respect of such cargo or goods. Should a default be made in payment of any dues owing in respect of such goods then the Council may sell the same in the manner provided by the Act.

5.7.8 Council not bound to store goods

- (a) The Council shall not be bound to find storage room either in any store or on any wharf, for any goods when in the opinion of the Council, no sufficient or suitable accommodation is available. After notification to the owners, shippers or consignees of any goods, or to the master, owner or agent of the vessel discharging or receiving the same, that room is not available for the proper stowage of such goods within the stores, the Council shall not be held responsible for any loss or damage that may accrue to the goods, by the elements or otherwise, during the time they remain on the wharf.

5.7.9 Council not responsible for accidental loss

- (a) The Council shall not be responsible for loss or damage to goods while in its custody, by fire, water used in extinguishing fire, vermin, earthquake, theft, robbery or other like cause, except when due to the negligence of the Council.

5.7.10 Power to close wharves

- (a) The Council reserves the right to close the wharves or any portion of them whenever in its opinion it is advisable to do so, for the convenient working of the wharves and in the interest of public safety, and no person shall enter upon the wharf or portion of a wharf so closed without the consent of the Council.

5.7.11 Unauthorised persons not to board vessels in motion

- (a) No person other than an officer or a member of the crew of a vessel, an officer of the Council, or a Customs Officer or a member of the Police Force shall embark from a wharf upon a vessel when such vessel is in motion, or land upon a wharf from a vessel when such vessel is in motion.

5.7.12 Persons on wharves under control of Council

- (a) Every person when on any wharf or shed, or while using any mooring or anchorage, or while on any part of the sea or foreshore that is subject to this Bylaw shall obey any orders of the Harbourmaster given for the purpose of carrying out the powers of the Harbourmaster and Council under this Bylaw, which shall include any order by the Harbourmaster to such person to leave any wharf, mooring, anchorage or harbour area.

- (b) No person shall in any way obstruct traffic on any wharf or in any shed, or the movement of vessels within any area controlled by this Bylaw.

5.7.13 Complaints

- (a) Any complaints against any officer of the Council shall be made in writing to the Chief Executive.

5.7.14 Trans-shipping of Goods Within Regional Waters.

Where cargo, goods, merchandise or other material is trans-shipped in any location within the district and where wharfage is not otherwise payable, a trans-shipping charge as specified in the First Schedule clause 7 of this bylaw shall be paid to the Council on demand by the master, agent or owner of the vessel discharging the cargo.

5.7.15 Computation of charges

- (a) The wharfage and or demurrage/storage rate chargeable for and payable to the Council upon all goods, merchandise and other material passing over or being landed upon or shipped from any wharves under the control of the Council or trans-shipped at sea within the district shall be as prescribed in Schedule 1, unless exempted by statute.
- (b) All charges payable under this Bylaw shall (except where otherwise specially provided) be paid and payable to the Council at its office, and shall in the case coming within the provisions of the Act, be payable by the persons liable under the Act to pay same.
- (c) Any of the charges payable under this Bylaw may be exempted or reduced at the discretion of the Council.

5.8 Harbour Dues

5.8.1 Liability for costs of ensuring compliance with Bylaw

- (a) All costs, charges and expenses incurred by the Council in or about ensuring compliance with this Bylaw, or any part thereof, shall be paid to the Council on demand by the master, agent or owner.

5.8.2 Credit may be granted for dues

- (a) Credit may be given to responsible persons for dues payable by such persons upon and subject to the following conditions, subject to the applicant satisfying the Council as to his/her credit worthiness:
 - (i) accounts for dues accrued due in each month will be rendered on or before the tenth day of the succeeding month

and payment must be made within the following 10 days, and failing payment within that period being made to the Council, the account in default may at the option of the Council be closed and the credit stopped;

- (ii) all payments must be made at the office of the Council at 189 Queen Street, Richmond or at such other place as the Council may from time to time determine.

5.8.3 No adjustment to be made without approval

- (a) No adjustment or alteration shall be made in any monthly account rendered by the Council, without the Council being first satisfied to the correctness or justice of the grounds upon which such adjustment or alteration is claimed.

5.8.4 Monthly accounts to be paid in full

- (a) All monthly accounts must be paid in full as rendered, and no deduction shall be made or allowed in respect of any contra account or of any claim which may exist against the Council.

5.8.5 Council may withdraw credit

- (a) Notwithstanding the granting of any credit, the Council shall be entitled at any time, or from time to time, to require immediate payment of the whole or any part of any sums due to the Council, or to cease giving credit at any time, or from time to time, either with or without the giving of any notice to the person in receipt of such credit.

5.8.6 Interest on overdue accounts

- (a) Where any account remains unpaid after the time specified in Subclause 5.8.5 above, an interest charge may be applied in respect of the total amount which is overdue.
- (b) Where an interest charge has previously been made, it shall become part of the outstanding total for purposes of calculating the interest charge for the current period. The rate of interest to be applied shall be as specified in Schedule 1 of this Bylaw.

SCHEDULE 1: FEES (INCLUSIVE OF GST)

1. Establishing and maintaining marine structures.

Owners or operators of marine structures which are established on the foreshore or seabed shall be liable for payment of the fees and provision of reports as follows:

	Type of Structure	Annual Charge	Frequency of Inspection and report to Council
(a)	Jetty, leaning pole berth, catwalk, pontoon berth	\$125	Five yearly
(b)	Swing, pile, or other mooring	\$65	Two yearly

2. Wharves, buildings etc.

- (a) Use or occupation of wharves, buildings, equipment or other facilities provided by Council and not otherwise included in this schedule: by negotiation.

3. Berthage

- (a) This fee is for berthage of a vessel at a Council-owned wharf, if berthage is available at the time required: payment of the berthage fee does not purchase permanent allocation of an exclusive berthage space.
- (b) The fee for commercial vessels allows berthage at all of Council's ports, except at any facility leased or licensed to another party.
- (c) The fee for non-commercial vessels applies only to their normal port of domicile.
- (d) Where charges are made per metre of vessel length for marina berths, moorings and finger berths located within Tarakohe Harbour, that length shall be based on the overall length, including fixtures or attachments such as bowsprits, self steering gear and davits and shall be rounded up to whole metres.
- (e) A deposit of \$50 must be lodged with any application for long term rental of a berth or mooring controlled by Council. The deposit will be credited to the applicant's first annual account once a berth becomes available and has been allocated to the applicant.

Berthage of a vessel at a Council Owned Wharf:

Commercial vessels and private recreational vessels (including fishing vessels, marine farming vessels, commercial passenger and/or cargo vessels):	
Period over which charge applies	Rate
Casual (daily)	\$2.00 per metre

Berthage of a vessel at a Council owned facility other than a wharf:

Type of berth and vessel	Charge (annual unless otherwise stated)	Minimum length charged
Marina: Recreational	\$200 per metre	8 metres
Piled walkway: commercial	\$180 per metre	8 metres
Floating up to 15 metre; commercial	\$220 per metre	10 metres
Floating over 15 metres; commercial	\$250 per metre	16 metres
Recreational visitor on mooring or marina berth, vessel 15 metres or less	\$10 per day	
Recreational visitor on mooring or marina berth, vessel more than 15 metres	\$15 per day	
Fore and aft mooring: outer arm	\$900	
Fore and aft mooring: inner basin	\$600	

4. Launching ramps

The fee for casual use of the launching ramp at Port Tarkohe.	\$5 per day
(Waivers, or charges for non-casual use, can be negotiated under Subclause 5.6.3.)	\$50 per annum

5. Fuel facilities

Pump sited on Council wharf, or property at Tarkohe. The lump sum charge is in lieu of wharfage.	\$3,600 per year
Elsewhere, and excluding wharfage.	\$50 per year

6. Wharfage for Ports of Tarakohe and Mapua

Type of Cargo		Rate
Fish and Shellfish	Includes all marine animals	\$6.00 per tonne
*Mussel and Spat	Alternative Backbone levy	Subject to negotiation with Aquaculture farmers but not less than \$1.00/m for mussels and 30c/m for spat and \$5500 for Ring Road
*Ring Road	Alternate to Wharfage	
Other, including General Cargo	Rates for large bulk by negotiation	\$3.70 per tonne
Fuel (other than use of fixed facility)	Fuel Transfer only	1.0 cents per litre

* Note: Backbone line and Ring Road levies are an alternative annual levy to payment of wharfage and will be subject to annual negotiation to ensure levies are comparable to relevant wharfage charges

7. Demurrage/ Storage* at Port Tarakohe

Type of storage	Period for application of charges	Rate
Open Storage	Daily	\$1/m ²
Fenced Storage	Daily	\$1.50/m ²
Standard Rubbish Skip	Annual	\$500
	Monthly	\$25
20' TEU Container	Annual	\$2000
	Monthly	\$200
40' FEU Container	Annual	\$4000
	Monthly	\$400

*Notes

No storage permitted on wharf structures unless specifically authorised. Demurrage/storage rates apply after 36 hrs of cargo/material arriving (allowance to be made for extenuating circumstances such as bad weather). Storage to be in assigned areas only. Bulk cargo in transit may have extended demurrage with approval of the Tarakohe Harbour Manager.

8. Trans-shipping of cargo at sea

Cargo, Goods, Merchandise or other Material	\$0.25 per tonne
---	------------------

9. Commercial Vessel operator's licence

Application fee Payable on initial application and in addition to the annual fee: (Plus reimbursement for any reasonable and necessary costs incurred by Council in assessing an application (e.g. evaluation of seaworthiness, qualifications and experience).	\$80
Annual fee For one power-driven vessel, and in addition to or exclusive of any power-driven vessel, up to a total of 15 kayaks, rafts, waka or similar vessels that are not power-driven:	\$220
For two power-driven vessels, and in addition to or exclusive of any power-driven vessel, up to a total of 30 kayaks, rafts, waka or similar vessels that are not power-driven:	\$440
For three or more power-driven vessels, and in addition to or exclusive of any power-driven vessel, 31 or more kayaks, rafts, waka or similar vessels that are not power-driven:	\$660

10. Interest on overdue accounts

Interest charged pursuant to clause 5.8.6. (b) shall be calculated at 12% per annum.

SCHEDULE 2: LOCATION-SPECIFIC INFORMATION

1. Schedule relating to Subclause 2.5.2, areas where seaplanes are prohibited from landing.
 - (a) Those areas identified by this Bylaw for anchoring, or mooring vessels, and those areas reserved for swimming, or in which powered vessels are prohibited.
 - (b) The whole of Waimea Inlet.
2. Schedule relating to Subclause 2.8.2, areas where anchoring is prohibited:
 - (a) Kaiteriteri: located as per the attached diagram labelled “Map 7: Kaiteriteri” and shown as access lanes.
 - (b) In Tarakohe Harbour Limits, all that area contained within a line drawn from the port lateral light on the inner breakwater of Tarakohe harbour to a point half a nautical mile east of the line prescribed by the harbour leads and lead lights where it transects the Tarakohe harbour limit, 3 nautical miles to seaward of the Abel Tasman Monument, then generally south west around the arc prescribed by the Tarakohe Harbour limits to a point half a nautical mile generally south west of the line prescribed by the harbour leads and lead lights where it transects the Tarakohe harbour limit, then generally south east to the starboard lateral light on the inner breakwater, then to the port lateral mark on the outer breakwater.

Note: Map 15 shows the area described above where anchorage is prohibited within Tarakohe Harbour Limits and also defines the area where anchoring near Tarakohe Harbour is encouraged provided weather and draft permits.
3. Schedule relating to Subclause 3.2.5 (e) (iv) and Subclause 3.2.6(a), water ski access lanes where the speed limit within 200 metres of shore or within 50 metres of another vessel is uplifted.
 - (a) Tata Beach: located as per the attached diagram labelled “Map 1: Tata Beach”, this water ski access lane is marked for year-round use with transit posts.
 - (b) Totaranui: located as per the attached diagram labelled “Map 2: Totaranui”, this water ski access lane is marked for year-round use with transit posts.
 - (c) Stilwell Bay: located as per the attached diagram labelled “Map 5: Stilwell Bay”, this water ski lane is marked with transit posts for use during a period which may extend from Labour Weekend through to the end of daylight saving the following year.
 - (d) Lake Rotoiti: located as per the attached diagram labelled “Map 14: Lake Rotoiti”, this water ski access lane is marked for year-round use with transit posts.
4. Schedule relating to speed of vessels in anchorages and other areas (Clause 3.8).

- (a) The Anchorage: located as per the attached diagram labelled “Map 4: The Anchorage”, this anchorage is marked with yellow buoys for a period which may extend from Labour Weekend through to the end of daylight saving the following year.
 - (b) Adele Island Anchorage: located as per the attached diagram labelled “Map 6 - Adele Island”, this anchorage is marked with yellow buoys for a period which may extend from Labour Weekend through to the end of daylight saving the following year.
 - (c) Port Motueka: located as per the attached diagram labelled “Map 8: Port Motueka”, the marked area adjacent to and including the marina, at any time.
5. Schedule relating to reserved areas including water ski, personal water craft (including jet-ski), swimming only, and powered craft prohibited areas (Clause 3.9).
- (a) Hunter Brown: located as per the attached diagram labelled “Map 11 - Hunter Brown/Traverse”, the speed limit is uplifted for the purpose of water skiing within this area. This reserved area is marked for year-round use with transit posts.
 - (b) Traverse: located as per the attached diagram labelled “Map 12: The Traverse”, the speed limit is uplifted for the purpose of water skiing and personal water craft use within the marked area. This reserved area is marked for year-round use with transit posts.
 - (c) Kaiteriteri: located as per the attached diagram labelled “Map 7: Kaiteriteri”:
 - (i) the speed limit is uplifted for the purpose of water skiing within the marked area. This reserved area is marked for year-round use with transit posts;
 - (ii) all vessels are prohibited in the area shown as “swimming only”;
 - (iii) all power-driven vessels are prohibited in area marked “Powered vessels prohibited”.
 - (iv) Personal Water Craft are prohibited from operating within the water ski area in Kaiteriteri Bay.
 - (d) Adele Island: located as per the attached diagram labelled “ Map 6 - Adele Island, the speed limit is uplifted for the purpose of water skiing within the marked area for a period which may extend from Labour Weekend through to the end of daylight saving the following year.
 - (e) The Anchorage: located as per the attached diagram labelled “Map 4: The Anchorage”, the speed limit is uplifted for the purpose of water skiing within the marked area for a period which may extend from Labour Weekend through to the end of daylight saving the following year.

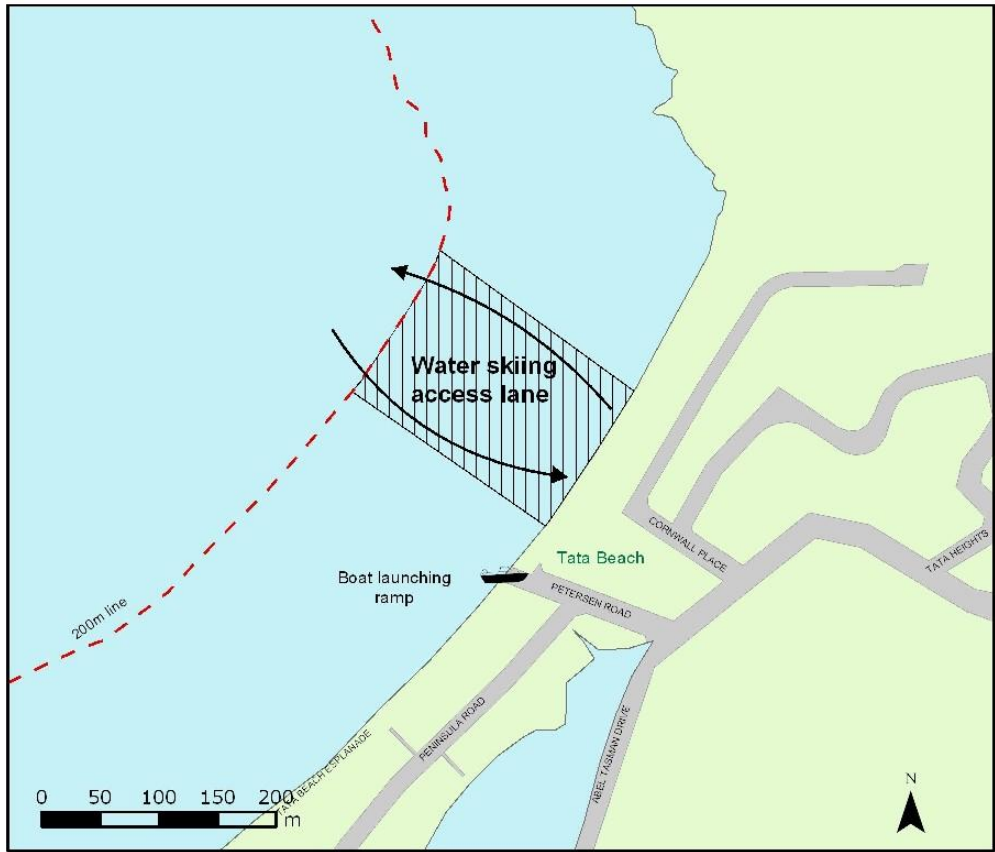
- (f) Torrent Bay: located as per the attached diagram labelled “Map 3: Torrent Bay”, the speed limit is uplifted for the purpose of water skiing one hour either side of high water within the marked area for a period which may extend from Labour Weekend through to the end of daylight saving the following year.
- (g) Kina Peninsula: located as per the attached diagram labelled “Map 9: Kina Peninsula”, the speed limit is uplifted for the purpose of water skiing within the marked area. This reserved area is marked for year-round use with transit posts.
- (h) Rabbit Island: located as per the attached diagram labelled “Map 13 - Rabbit Island”, the speed limit is uplifted for the purpose of water skiing within the marked area. This reserved area is marked for year-round use with transit posts.
- (i) Mapua Channel: located as per the attached diagram labelled “Map 10 - Mapua Channel”, this lane provides a reserved access lane for vessels travelling between Grossi Point and the Mapua Bar, and is located generally within 50 metres of the eastern shore of the Mapua Channel. While in this channel, vessels may travel at any speed of 15 knots or less for the purpose of transiting through the Mapua Channel. Towing of water skiers, aquaplane, or other similar objects is prohibited in this channel. Provisions relating to the control of nuisance from a vessel’s wake apply.
- (j) Lake Rotoiti, located as per the attached diagram labelled “Map 16 – Lake Rotoiti, all vessels are prohibited in the area shown as swimming only. This reservation applies from the beginning of December through to the end of Easter Monday each year. The area may be marked with buoys.

6. Schedule relating to Subclause 3.2.5 (e) (iii) and Subclause 3.2.6 (b) (iii) where the speed limit on rivers is uplifted.

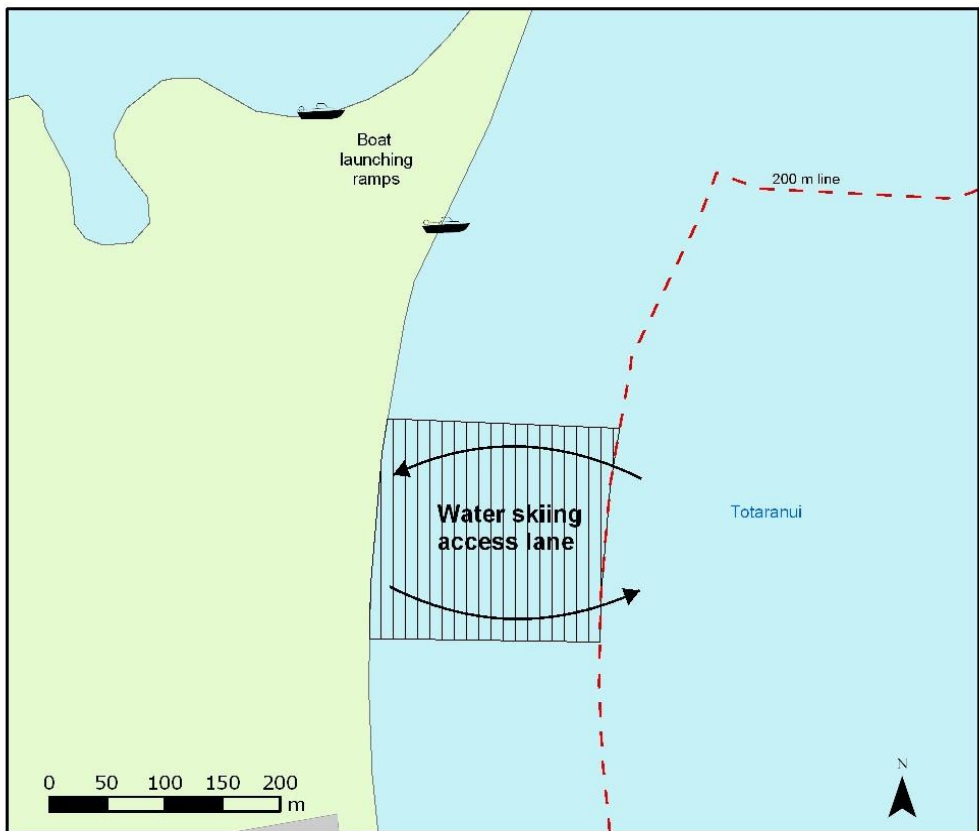
- (a) Aorere River: 1 September to 30 November, the speed limit is uplifted only from Brown River confluence to Rockville.
- (b) Aorere River: 1 December to 31 August, the speed limit is uplifted only from Brown River confluence to the sea.
- (c) Buller River: the speed limit is uplifted only for the waters and all tributaries downstream from the confluence of the Buller and the Mangles River to the boundary of the region.
- (d) Takaka River: the speed limit is uplifted only between the source of the river to the State Highway Bridge at Waitapu, when the flow measured at Kotinga exceeds 60 cumecs (see note).
- (e) Motueka River: the speed limit is uplifted only from the Tapawera Bridge to the State Highway Bridge at Motueka.
- (f) Waimea and Wairoa Rivers: the speed limit is uplifted only from the confluence of the Lee River to the sea when the flow at Wairoa at Irvines is at least 45 cumecs (see note).

Note:

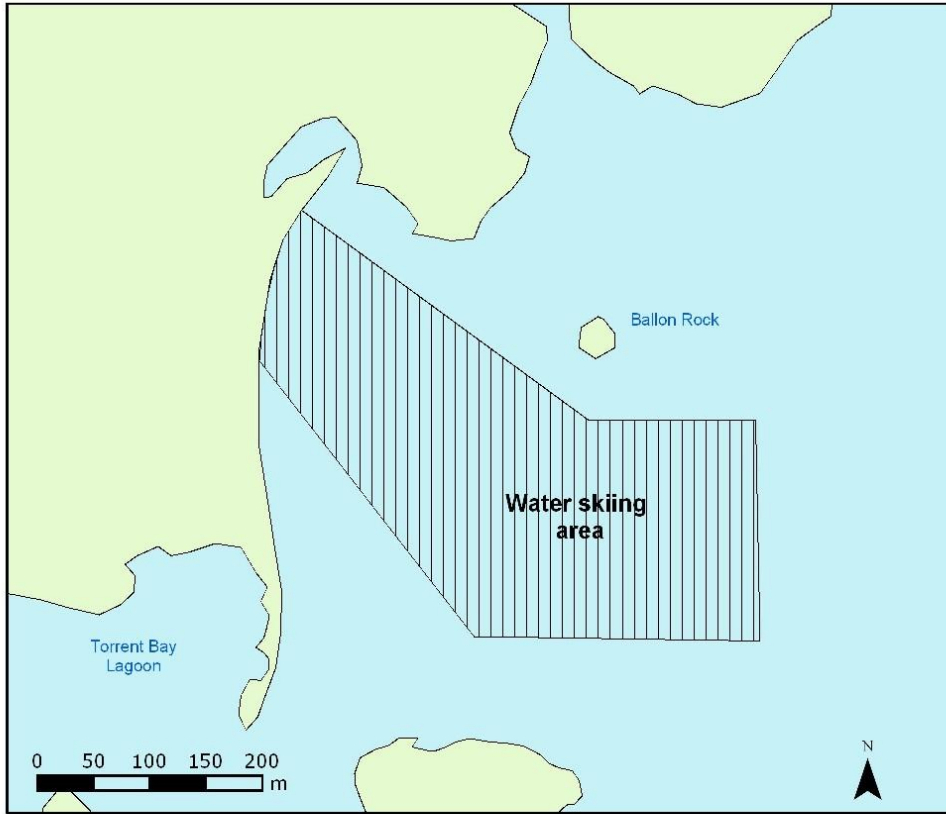
Flow levels in these rivers can be determined by telephoning the automatic river gauge reports at (03) 543-8555.



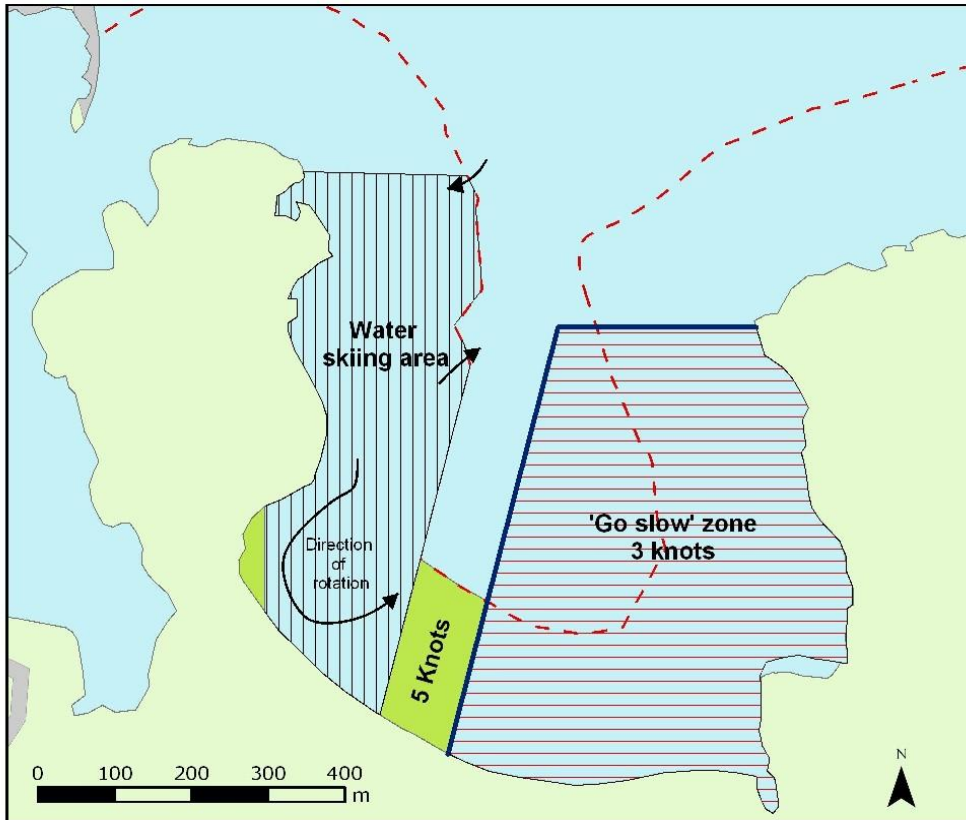
Map 1 - Tata Beach



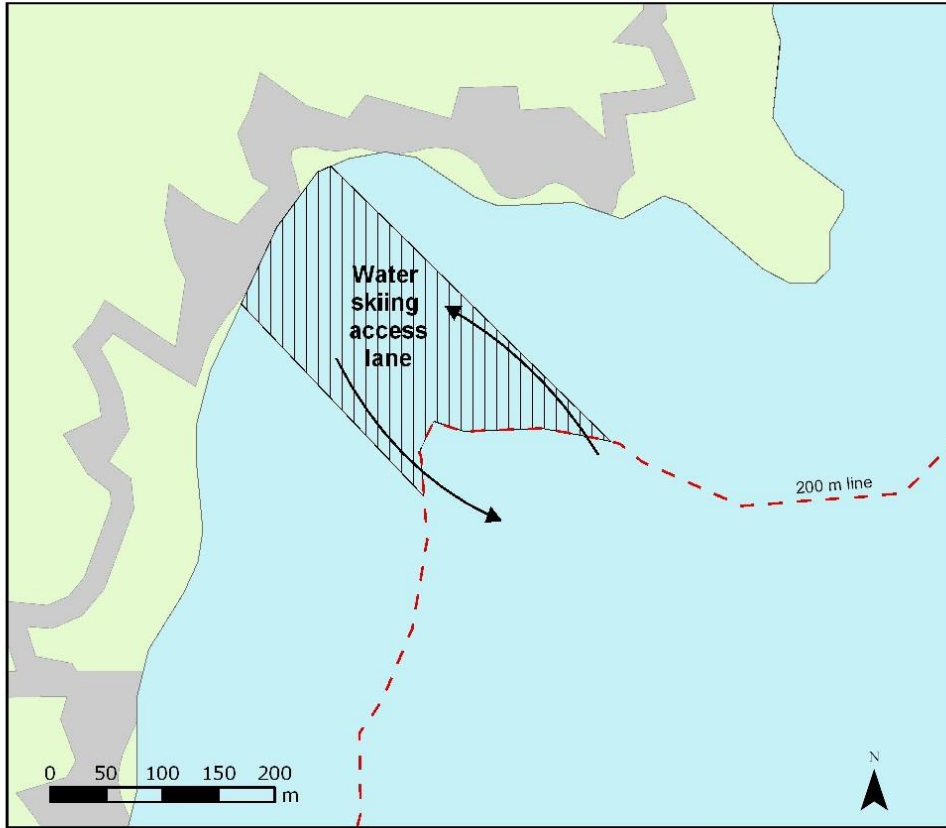
Map 2 - Totaranui



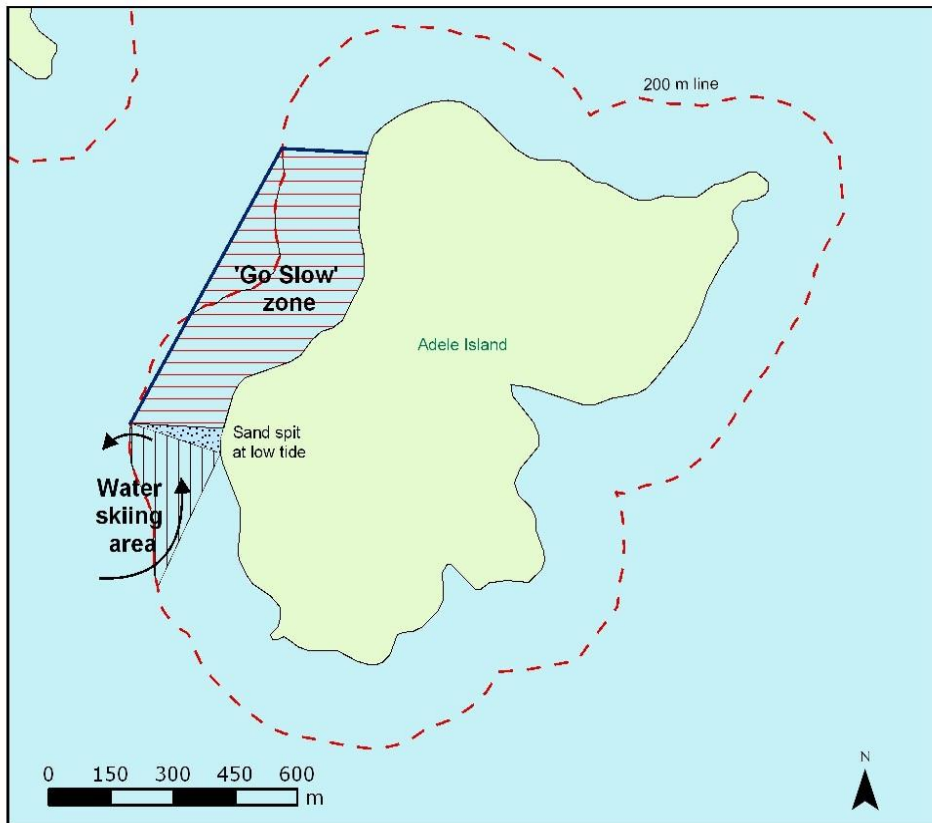
Map 3 - Torrent Bay



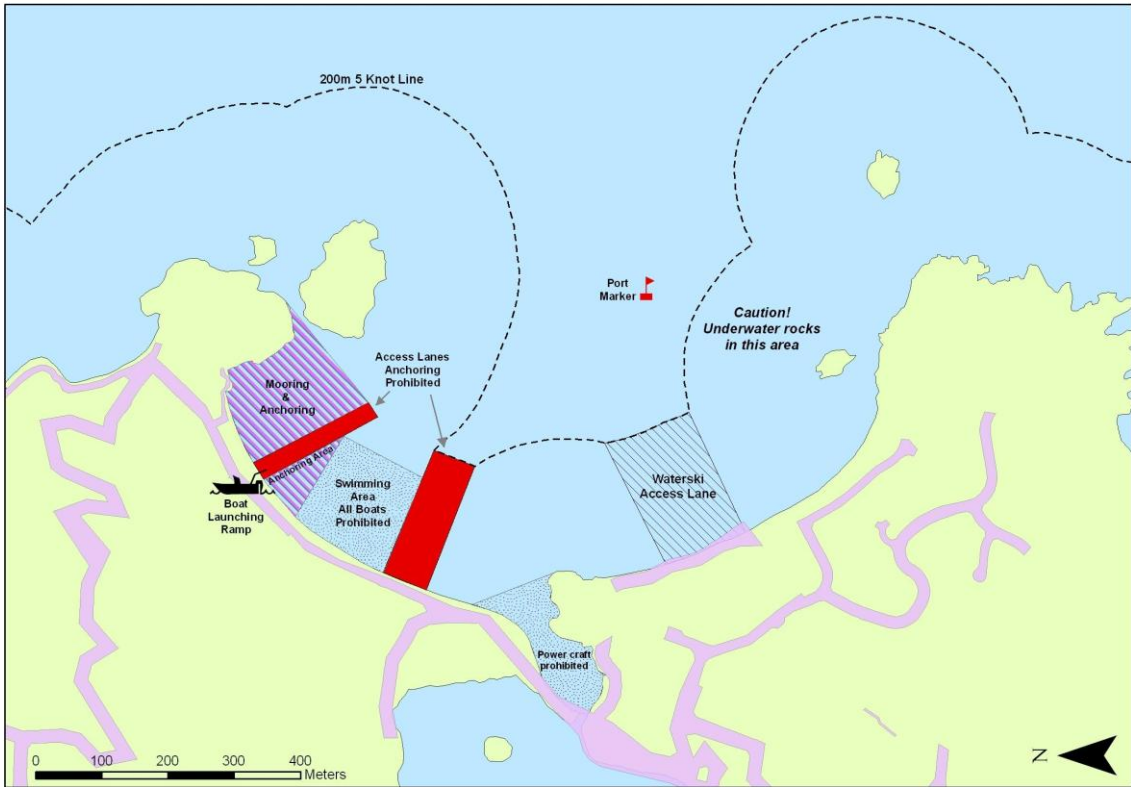
Map 4 - The Anchorage



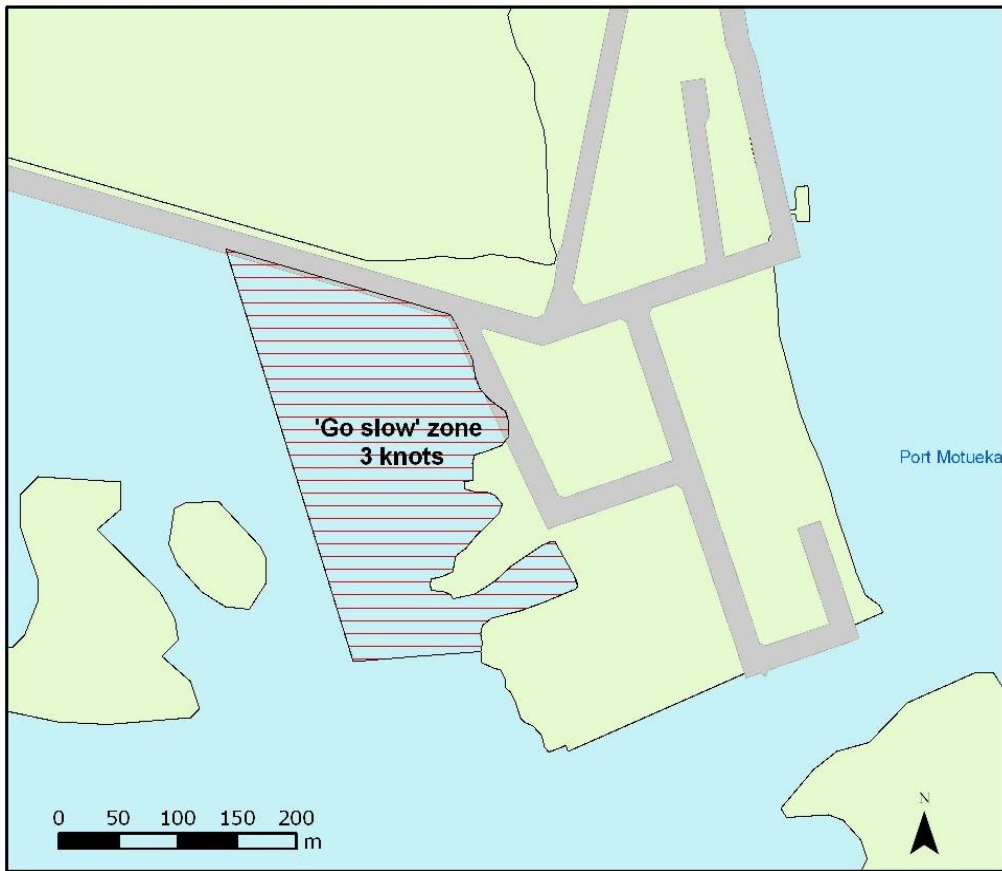
Map 5 - Stillwell Bay



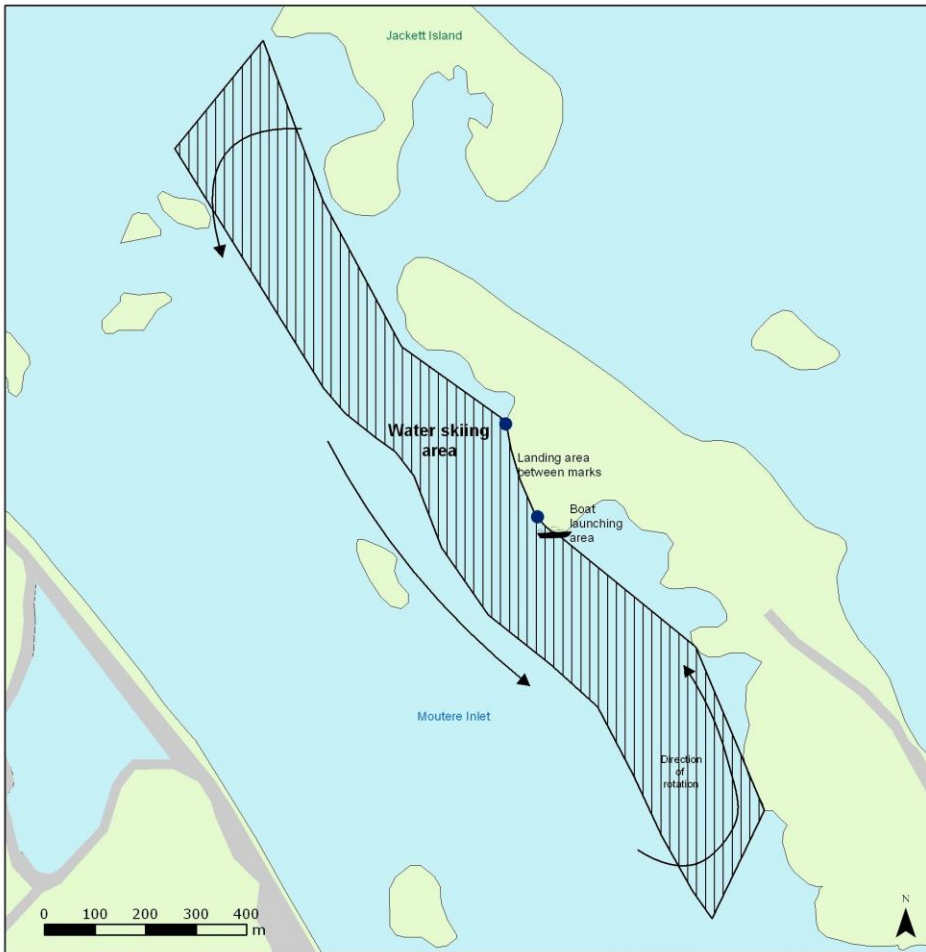
Map 6 - Adele Island



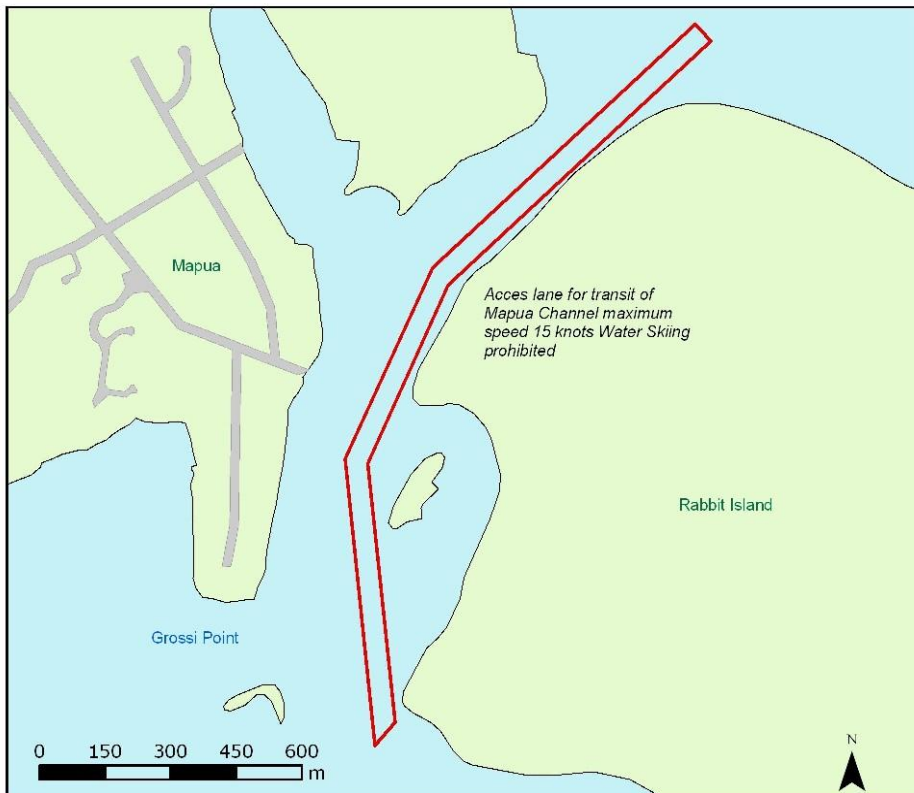
Map 7 - Kaiteriteri



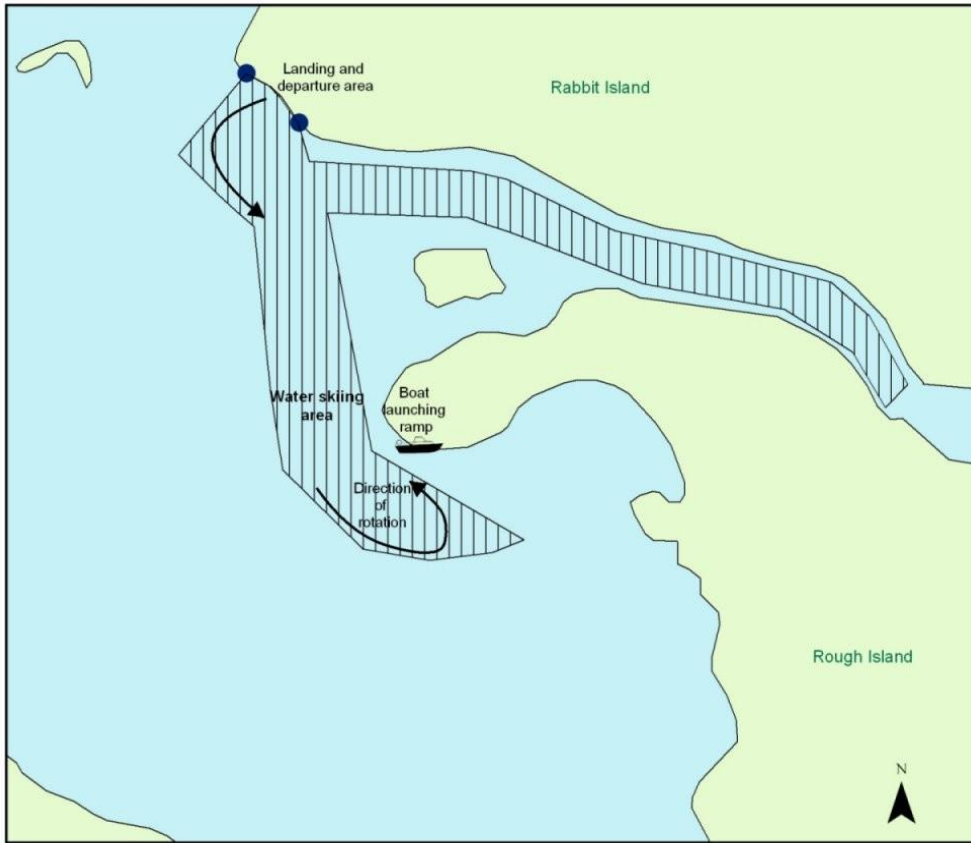
Map 8 - Port Motueka



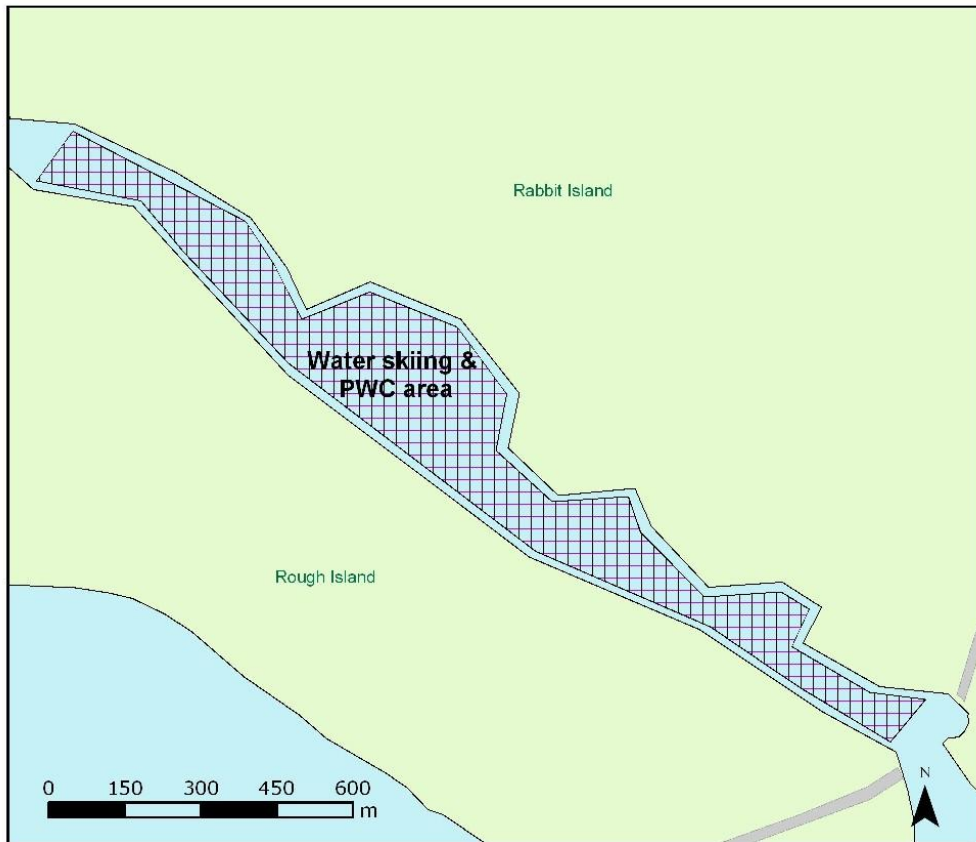
Map 9 - Kina Peninsula



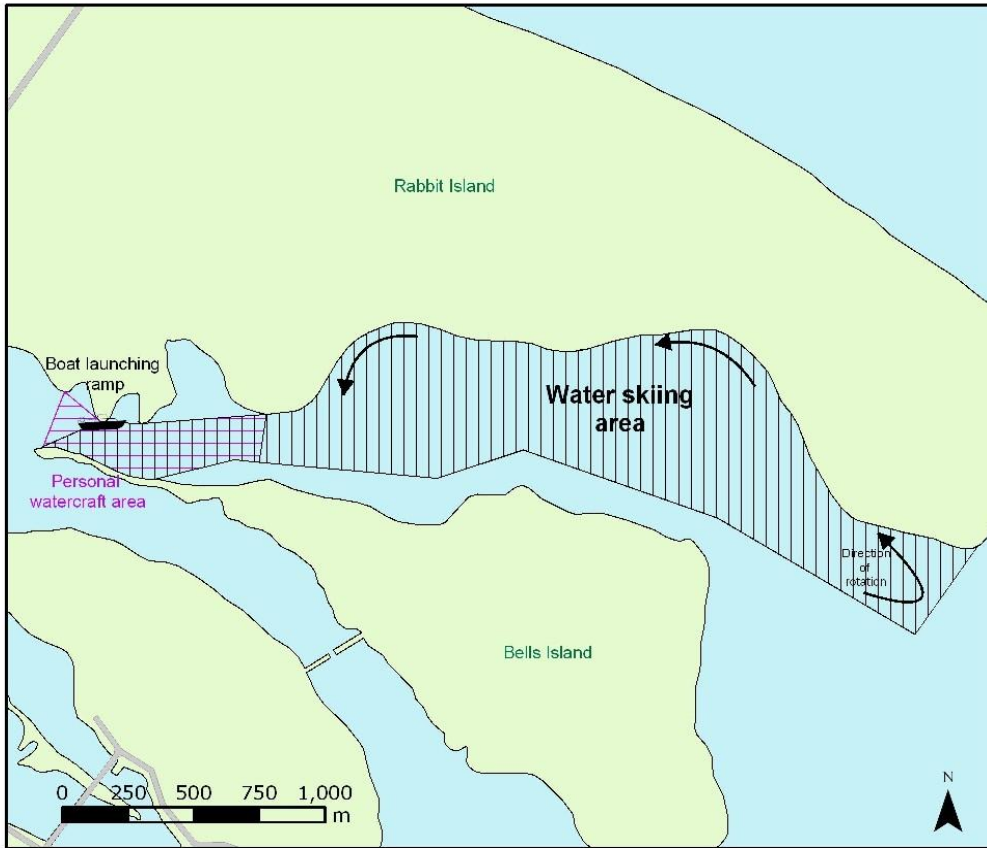
Map 10 - Mapua Channel



Map 11 - Hunter Brown/ Traverse



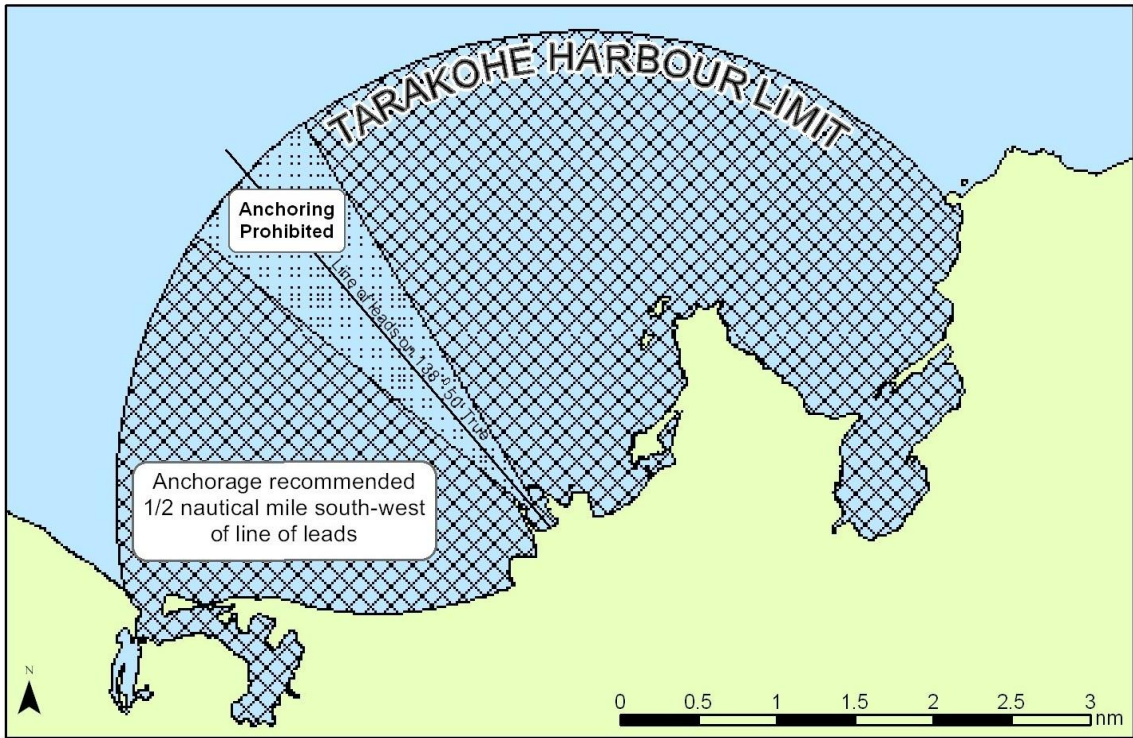
Map 12 - Traverse



Map 13 - Rabbit Island



Map 14 - Lake Rotoiti



Tarakohe Harbour - Map 15



Map 16 – Lake Rotoiti

SCHEDULE 3: INFRINGEMENT OFFENCES AND FINES**(Relates to clause 5.6)**

Description of Bylaw Provision	Bylaw Clause number	Offence Description	Fine
Personal Flotation Devices.	2.1.1	Failure to provide sufficient accessible Personal Flotation Devices.	\$100
	2.1.6 2.1.7	Failure to wear Personal Flotation Devices in accordance with requirements.	\$100
Swimming or diving near wharves.	2.2	Swimming or diving without permission in breach of requirement.	\$100
Use of vessel engine around wharves, ramps.	2.3.1	Operating propulsion system in breach of requirement.	\$100
Vessels to be serviceable and seaworthy.	2.4.1	Not maintaining a ship in a seaworthy condition without written permission.	\$200
	2.4.4	Operation of an unseaworthy vessel in breach of advice.	\$200
Seaplanes	2.5.1	Impeding a seaplane taking off or landing	\$200
	2.5.2	Operating a seaplane without permission in locations they are prohibited.	\$200
Anchoring and Obstructions	2.6.1(a)	Anchoring so as to obstruct the approach to wharfs piers or jetty	\$100
	2.6.1(b)	Anchoring so as to create a hazard to other vessels	\$100
	2.6.3	Placing an obstruction likely to restrict navigation or cause damage to vessels or property, or injury or death to any person	\$100
Structures	2.7.2	Inoperative marine farm light.	\$200
	2.7.4	Structure poses danger to navigation	\$100

Description of Bylaw Provision	Bylaw Clause number	Offence Description	Fine
Prohibited Anchorages	2.8.1	Anchoring a vessel in a prohibited anchorage	\$100
Notification of accidents collisions and incidents	2.9	Failure to report as required	\$200
Damage to navigation aids	2.10.1	Tying a vessel to a navigation aid without written permission from the Harbourmaster	\$100
	2.10.2	Damaging, removing or defacing navigation aids	\$100
	2.10.3	Erecting, displaying or maintaining any beacon, light, mark, buoy or device without permission.	\$100
Vessels not to sound whistles	2.12	Sounding whistle in breach of requirements	\$100
Minimum age for operating powered vessels	3.1.2	owner of a power driven vessel that is capable of a proper speed exceeding 10 knots allowing a person who is under the age of 15 years to be in charge of or propel or navigate that vessel, in contravention of this provision	\$100
Speed of Vessels	3.2.1(a)	Exceeding 5 knots within 50 metres of another vessel or person in the water.	\$200
	3.2.1.(b)	Exceeding 5 knots within 200 metres of shore	\$200
	3.2.1.(c)	Exceeding 5 knots within 200 metres of a vessel flying Flag A (divers flag)	\$200
	3.2.2	Exceeding 5 knots while any person has a portion of there body extending over the fore part or bow of a vessel.	\$200
	3.2.3	Person allowing themselves to be towed by a vessel at a speed exceeding 5 knots in breach of clause 3.2.1.(a) to (c)	\$200

Description of Bylaw Provision	Bylaw Clause number	Offence Description	Fine
	3.3	Navigating a recreational craft in such a manner that its wake causes unnecessary danger or risk of damage to other vessels, persons or structures.	\$100
Lookouts on vessels used for water skiing or towing any person	3.4.1	Towing a water skier or person in breach of requirements.	\$100
	3.4.2	Allowing oneself to be towed by a vessel in breach of requirements	\$100
Waterskiing or Towing between sunset and sunrise.	3.5.1	Towing a water skier or person in breach of requirements.	\$200
	3.5.2	Allowing oneself to be towed by a vessel in breach of requirements	\$200
Conduct in access lanes	3.6.1.	Failing to manoeuvre a vessel in an access lane other than the most direct route and on the starboard side of the access lane.	\$100
	3.6.3	Proceeding in a manner dangerous to other vessels or persons	\$100
Conduct in access lanes	3.6.4	Obstructing persons or vessels making legitimate use of the access lane.	\$100
	3.6.5	Undertaking an activity in an access lane other than the priority while the priority activity is taking place.	\$100
Speed of vessels continued	3.8.1	Exceeding 3 knots in anchorages and areas specified in schedule 2 clause 4.	\$100
Conduct in reserved areas	3.8.2	Exceeding 15 knots in the access lane between Grossi Point and Mapua Bar	\$100
	3.9.1	Obstructing persons or vessels making legitimate use of the reserved area.	\$100

Description of Bylaw Provision	Bylaw Clause number	Offence Description	Fine
Conduct in reserved areas continued	3.9.2	Undertaking an activity in a reserved area other than the priority while the priority activity is taking place.	\$100
	3.9.5 (b)	Activity undertaken within an area in which it is prohibited.	\$100
Displaying a diving flag	3.11.3	Person diving from a vessel and not displaying flag A clearly as required.	\$200
	3.11.4	Master of a vessel from which dive operations are in progress and not displaying flag A clearly as required.	\$200
Collision prevention	3.16.(ii)	Operating a vessel in breach of Maritime Rule Part 22 as reproduced in appendix 4 of this bylaw.	\$100
Moorings and Structures	4.1.3	Failure to have a structure inspected at the required frequency.	\$100
	4.1.4	Failure to provide inspection reports to harbourmaster	\$100
	4.1.5	Unauthorised use of a mooring.	\$100
Entry to Tarakohe Harbour	4.3.1	Vessel wishing to berth in Tarakohe harbour failing to communicate as required.	\$200
Commercial Operations	5.4.1(a)	Operating a commercial vessel operation without a current licence from Council	\$200
Landing of goods	5.7.2 (a)	Goods landed or left upon a wharf without Council permission	\$200
	5.7.6 (a)	Placing or leaving goods that are in a state of decay upon any wharf.	\$200
Conduct of persons in areas controlled by the bylaw.	5.7.12	Failure to obey any orders of the Harbourmaster given for the purpose of carrying out legitimate activities involving vessels or other traffic.	\$200

SCHEDULE 4 (RELATES TO CLAUSE 3.16)

Maritime Rules

PART 22

COLLISION PREVENTION

Part Objective

Part 22 gives effect to the Convention on the International Regulations for Preventing Collisions at Sea, 1972, to which New Zealand is party. The Part provides the steering and sailing rules (rules of the road) for ships, as well as standards for the installation, performance and use of lights for collision avoidance and the sound and light signals used for communication of safety information.

The rules of Part 22 apply to-

- New Zealand ships, including pleasure craft, wherever they are
- foreign ships, including pleasure craft, in New Zealand waters
- ships of the Defence Force and foreign defence forces in New Zealand waters
- seaplanes when manoeuvring on the surface of New Zealand waters
- craft in inland waters, such as lakes and rivers

The authority for making Part 22 is found in sections 36(g) and 36(u) of the Maritime Transport Act 1994.

Part 22

General

		52
22.1	Entry into Force	52
22.2	Definitions	52
22.3	Application	56

Section 1-Steering and Sailing

		58
22.4	Application of Subsection 1	58
22.5	Look-Out	58
22.6	Safe Speed	58
22.7	Risk of Collision	59
22.8	Action to Avoid Collision	59
22.9	Narrow Channels	60
22-10	Traffic Separation Schemes	61
22-11	Application of Subsection 2	63
22-12	Sailing Vessels	63
22.13	Overtaking	63
22-14	Head-On Situation	64
22-15	Crossing Situation	64
22-16	Action by Give-Way Vessel	64
22-17	Action by Stand-On Vessel	64
22.18	Responsibilities Between Vessels	65
22-19	Conduct of Vessels in Restricted Visibility	66

Section 2-Lights and Shapes

		67
22.20	Application of Section 2	67
22-21	Definitions Relating to Section 3	67
22.22	Visibility of Lights	68

22-23	Power-Driven Vessels Underway	69
22-24	Towing and Pushing	70
22.25	Sailing Vessels Underway and Vessels Under Oars	72
22.26	Fishing Vessels	73
22.27	Vessels Not Under Command or Restricted in Their Ability to Manoeuvre	74
22.28	Vessels Constrained by Their Draught	75
22.29	Pilot Vessels	75
22.30	Anchored Vessels and Vessels Aground	76
22.31	Seaplanes	76
Section 3-Sound and Light Signals		76
22.32	Definitions Relating to this Section	76
22.33	Equipment for Sound Signals	77
22.34	Manoeuvring and Warning Signals	77
22.35	Sound Signals in Restricted Visibility	79
22.36	Signals to Attract Attention	80
22.37	Distress Signals	80
(See also page 92 Appendix 3 to Operating Procedures and Training-Distress Signals)		
Section 4		80
22.38	Vessels of Special Function	80
22.39	Observance of Part 22	81
22.40	Responsibility	81
Appendix 1 Positioning and Technical Details of Lights and Shapes		82
Appendix 2 Additional Signals for Fishing Vessels Fishing in Close Proximity		89
Appendix 3 Technical Details of Sound Signal Appliances		90
Appendix 3 to Operating Procedures and Training -Distress Signals		92

General

22.1 Entry into Force

Part 22 comes into force on the 1st day of February 1998.

22.2 Definitions

(1) In this Part-

"Act" means the Maritime Transport Act 1994:

'Aircraft' has the same meaning as in the Civil Aviation Act 1990:

"All practicable steps" in relation to achieving any result in any circumstances, means all steps to achieve the result that are reasonably practicable to take in the circumstances, having regard to-

- (a) the nature and severity of the harm that may be suffered if the result is not achieved; and
- (b) the current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the end result is not achieved; and
- (c) the current state of knowledge about harm of that nature; and
- (d) the current state of knowledge about the means available to achieve the result, and about the likely efficacy of those means; and
- (e) the availability and cost of each of the means referred to in paragraph (d) of this definition:

"Breadth" means greatest breadth of a vessel:

"Crew" means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port):

"Director" means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

"Distress" means that a vessel or a person is in grave and imminent danger and requires immediate assistance:

"Dracone" means a large flexible cylindrical container, towed by a vessel, used for transporting liquids:

"Foreign ship" means any ship that is not a New Zealand ship

'Harbour' has the same meaning as in the Local Government Act 1974:

'High speed craft'	means a ship in respect of which a High Speed Craft Safety Certificate has been issued in compliance with the <i>International Code of Safety for High Speed Craft</i> adopted by Resolution MSC 36(63) of the International Maritime Organization's Maritime Safety Committee dated June 1994, as amended by that committee from time to time:
'Length'	in relation to a vessel, means the vessel's overall length:
"Master"	means any person (except a pilot) having command or charge of any ship:
"Mile"	means a standard nautical mile of 1852 metres:
'New Zealand Defence Force'	has the same meaning as the term "Defence Force" in section 2 (1) of the Defence Act 1990:
'New Zealand ship'	means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:
'New Zealand waters'	means- <ul style="list-style-type: none"> (a) the territorial sea of New Zealand; and (b) the internal waters of New Zealand; and (c) all rivers and other inland waters of New Zealand:
"On the surface of the water"	in respect of a seaplane that is taking off from, or alighting on the water, means the seaplane is in contact with the water surface:

"Owner"	<ul style="list-style-type: none"> (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship: (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship: (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996: (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible: (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:
"Part"	means a grouping of rules made under the Maritime Transport Act 1994:
"Power-driven vessel"	means any vessel propelled by machinery:
"Restricted visibility"	means any condition in which visibility is restricted by fog, mist, falling show, heavy rainstorms, sandstorms, or other similar causes:
"Rules"	includes maritime rules and marine protection rules:
"Sailing vessel"	means any vessel under sail; as long as propelling machinery, if fitted, is not being used:
"Seaplane"	includes a flying boat and any other aircraft designed to manoeuvre on the water:
"Ship"	<p>means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes-</p> <ul style="list-style-type: none"> (a) a barge, lighter, or other like vessel: (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates: (c) a submarine or other submersible:
"Territorial sea of New Zealand" or 'territorial sea"	means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977:

"Traffic separation scheme"	means a scheme published by the International Maritime Organization that separates traffic navigating in one direction in an area from traffic navigating in the opposite or approximately opposite direction in that area:
"Trawling"	means the dragging through the water of a dredge net or other apparatus used as a fishing appliance:
"Underway"	means that a vessel is not at anchor, or made fast to the shore, or aground:
"Vessel"	means a ship or a seaplane while it is on the surface of the water:
"Vessel constrained by its draught"	means a power-driven vessel severely restricted in "ability to deviate from the course it is following due to its draught in relation to the available depth and width of water:
"Vessel engaged in fishing"	means any vessel fishing with nets, lines, trawls, or other fishing apparatus which restrict manoeuvrability but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict the vessel's manoeuvrability:
"Vessel not under command"	means a vessel which through some exceptional circumstance is unable to manoeuvre as required by this Part and is therefore unable to keep out of the way of another vessel:
"Vessel restricted in its ability to manoeuvre"	means a vessel which from the nature of its work is restricted in its ability to manoeuvre as required by this Part and is therefore unable to keep out of the way of another vessel and includes but is not limited to- <ul style="list-style-type: none"> (a) a vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline: (b) a vessel engaged in dredging, surveying or underwater operations: (c) a vessel engaged in replenishment or transferring persons, provisions or cargo while underway: (d) a vessel engaged in the launching and recovery of aircraft: (e) a vessel engaged in mine clearance operations: (f) a vessel engaged in a towing operation that severely restricts the towing vessel and its tow in their ability to deviate from their course:

- "Warship"**
- (a) means a ship belonging to the armed forces of a State and bearing the external marks distinguishing the nationality of ships of that State, being a ship-
 - (i) under the command of an officer duty commissioned by the Government of that State whose name appears in the appropriate service list or its equivalent; and
 - (ii) crewed by crew subject to regular armed forces discipline; and
 - (b) includes a ship requisitioned under section 10 of the Defence Act 1990; but
 - (c) does not include any ship operated by the New Zealand Defence Force that operates, for the time being, for a commercial purpose.
- (2) For the purposes of this Part, vessels are **in sight of one another** only if one can be observed visually from the other.

22.3 Application

- (1) Subject to rule 22.3(2), Part 22 applies to-
- (a) New Zealand ships; and
 - (b) All vessels in New Zealand waters; and
 - (e) All warships while in New Zealand waters.
- (2) A ship-
- (a) the keel of which was laid or which was at a corresponding stage of construction before the 5th day of July 1977 (being the date of entry into force of the Collision Regulations Order 1976); and
 - (b) which complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960,
- is exempted from the requirements:
- (i) of Appendix 1.2(a)(i)(ii),(b),(c),(d),(e),(h),(i) and (k), Appendix 1.3(a) and (c), and Appendix 1.4(a) and (b) in relation to the repositioning of lights as a result of conversion from imperial to metric units and rounding off of measurement figures; and
 - (ii) of Appendix 1.3(1) in relation to the repositioning of masthead lights on vessels less than 150 metres in length; and
 - (iii) to reposition all-round lights resulting from the prescription of Appendix 1.9(3).

- (3) Nothing in this Part will interfere with the operation of any special rules made by the New Zealand Government or in the case of foreign ships, the Government of its flag State, relating to additional station or signal lights, shapes, or whistle signals for warships and ships proceeding under convoy, or with respect to additional station or signal lights for fishing ships engaged in fishing as a fleet.

Additional station or signal lights, shapes, or whistle signals must, as far as possible, be such that they cannot be mistaken for any light, shape, or signal authorised elsewhere in this Part.

Section 1-Steering and Sailing

SUBSECTION 1-CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

22.4 Application of Subsection I

Rules in this subsection apply in any condition of visibility.

22.5 Look-Out

Every vessel must at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions, so as to make a full appraisal of the situation and the risk of collision.

22.6 Safe Speed

Every vessel must at all times proceed at a safe speed so that proper and effective action to avoid a collision can be taken and the vessel can be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed, the following factors must be among those taken into account-

- (1) For all vessels-
 - (a) the state of visibility:
 - (b) the traffic density, including concentrations of fishing vessels or any other vessels:
 - (c) the manoeuvrability of the vessel, with special reference to stopping distance and turning ability in the prevailing conditions:
 - (d) at night, the presence of background light such as from shore lights or from the back scatter of the vessel's own lights:
 - (e) the state of wind, sea, and current, and the proximity of navigational hazards:
 - (f) the draught in relation to the available depth of water.

- (2) Additionally, for vessels with operational radar-
 - (a) the characteristics, efficiency, and limitations of the radarequipment:
 - (b) any constraints imposed by the radar range scale in use:
 - (c) the effect on radar detection of the sea state, weather, and other sources of interference:

- (d) the possibility that small vessels, ice, and other floating objects may not be detected by radar at an adequate range:
- (e) the number, location, and movement of vessels detected by radar:
- (f) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

22.7 Risk of Collision

- (1) Every vessel must use all available means appropriate to the prevailing circumstances and conditions to determine if the risk of collision exists. If there is any doubt, such risk must be considered to exist.
- (2) Proper use must be made of radar equipment, if fitted and operational, including long-range scanning to obtain early warning of the risk of collision and radar plotting or equivalent systematic observation of detected objects.
- (3) Assumptions must not be made on the basis of scanty information, especially scanty radar information.
- (4) In determining if the risk of collision exists, the following considerations must be among those taken into account-
 - (a) such risk must be considered to exist if the compass bearing of an approaching vessel does not appreciably change; and
 - (b) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

22.8 Action to Avoid Collision

- (1) Any action to avoid collision must, if the circumstances of the case allow, be positive, made in ample time and with due regard to the observance of good seafaring practice.
- (2) Any alteration of course or speed or both to avoid collision must, if the circumstances of the case allow, be large enough to be readily apparent to another vessel observing visually or by radar. A succession of small alterations of course or speed or both should be avoided.
- (3) If there is sufficient sea-room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that-
 - (a) it is made in good time; and
 - (b) it is substantial; and
 - (c) it does not result in another close-quarters situation.

- (4) Action taken to avoid collision with another vessel must be such as to result in passing at a safe distance. The effectiveness of the action must be carefully checked until the other vessel is finally past and clear.
- (5) If necessary, to avoid collision or to allow more time to assess the situation, a vessel must slacken its speed or take all way off by stopping or reversing its means of propulsion.
- (6)
 - (a) A vessel that, by any rules in this Part, is obliged not to impede the passage or safe passage of another vessel must, when required, take early action to allow sufficient sea-room for the safe passage of the other vessel.
 - (b) A vessel that is required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision. It must, when taking action, have full regard to the action which may be required of itself and the other vessel by this section of Part 22.
 - (c) A vessel the passage of which is not to be impeded remains fully obliged to comply with this section of Part 22 when the two vessels are approaching one another so as to involve risk of collision.

22.9 Narrow Channels

- (1) A vessel proceeding along the course of a narrow channel or fairway must keep as near to the outer limit of the channel or fairway which lies on its starboard side as is safe and practicable.
- (2) A vessel of less than 20 metres in length or a sailing vessel must not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.
- (3) A vessel engaged in fishing must not impede the passage of any other vessel navigating within a narrow channel or fairway.
- (4) A vessel must not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. If the vessels are in sight of one another, the latter vessel may use the following sound signal as prescribed in rule 22.34(4) if in doubt as to the intention of the crossing vessel-

At least five short and rapid blasts on the whistle. This may be supplemented by a light signal of at least five short and rapid flashes.
- (5) If vessels are in sight of each other in a narrow channel or fairway, when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the following provisions apply
 - (a) the vessel intending to overtake must signal its intention by sounding one of the following sound signals prescribed in rule 22.34(3)(a)-

- (i) two prolonged blasts followed by one short blast, to mean "I intend to overtake you on your starboard side"; or
 - (ii) two prolonged blasts followed by two short blasts, to mean "I intend to overtake you on your port side."; and
- (b) the vessel to be overtaken must, if in agreement, sound the following signal as prescribed in rule 22.34(3)(b) and take steps to permit safe passing:

four blasts consisting of one prolonged, one short, one prolonged, one short; and

- (c) if the vessel to be overtaken has any doubt, it may sound the following sound signal as prescribed in rule 22.34(4):

At least five short and rapid blasts on the whistle. This may be supplemented by a light signal of at least five short and rapid flashes.

This rule does not relieve the overtaking vessel of its obligation under rule 2.13 for overtaking vessels.

- (6) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction must navigate with particular alertness and caution, and must sound the following sound signal prescribed in rule 22.34(5):

one prolonged blast.

Such a signal must be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

- (7) Any vessel must, if the circumstances of the case allow, avoid anchoring in a narrow channel.

22.10 Traffic Separation Schemes

- (1) This rule applies to traffic separation schemes adopted by the International Maritime Organization but does not relieve any vessel of its obligations under any other rule in this Part.
- (2) A vessel using a traffic separation scheme must-
- (a) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane; and
 - (b) so far as practicable keep clear of a traffic separation line or separation zone; and
 - (c) normally join or leave a traffic lane at the termination of the lane; and
 - (d) when joining or leaving a traffic lane from either side, do so at as small an angle to the general direction of traffic as practicable.

- (3) As far as practicable, a vessel must avoid crossing traffic lanes. If obliged to do so it must cross on a heading as close as practicable to right angles to the general direction of traffic flow.
- (4) Subject to rule 22.10(5), a vessel must not use an inshore traffic zone when it can safely use the appropriate traffic lane within the adjacent traffic separation scheme.
- (5) A vessel may use the inshore traffic zone if it is-
 - (a) less than 20 metres in length; or
 - (b) a sailing vessel; or
 - (c) engaged in fishing; or
 - (d) *en route* to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone; or
 - (e) avoiding immediate danger.
- (6) Subject to rule 22.10(7), a vessel that is not crossing, joining, or leaving a lane must not normally enter a separation zone or cross a separation line.
- (7) A vessel may cross a separation line or enter a separation zone-
 - (a) in cases of emergency to avoid immediate danger; or
 - (b) to engage in fishing within the separation zone.
- (8) A vessel navigating in areas near the terminations of traffic separation schemes must do so with particular caution.
- (9) A vessel must as far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.
- (10) A vessel not using a traffic separation scheme must avoid it by as wide a margin as practicable.
- (11) A vessel engaged in fishing must not impede the passage of any vessel following a traffic lane.
- (12) A vessel of less than 20 metres in length or a sailing vessel must not impede the safe passage of a power-driven vessel following a traffic lane.
- (13) The following vessels are exempted from carrying out the requirements of this rule to the extent necessary to carry out their operations-
 - (a) a vessel restricted in its ability to manoeuvre, when engaged in an operation for the maintenance of navigational safety in a traffic separation scheme; and

- (b) a vessel restricted in its ability to manoeuvre, when engaged in an operation for the laying, servicing, or picking up of a submarine cable within a traffic separation scheme.

SUBSECTION 2- CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER

22.11 Application of Subsection 2

This subsection applies to vessels in sight of one another.

22.12 Sailing Vessels

- (1) For the purpose of rule 22.12 the windward side is defined as
 - (a) in the case of a square-rigged vessel, the side opposite to that on which the largest fore and aft sail is carried; or
 - (b) in any other case, the side opposite to that on which the mainsail is carried.
- (2) When two sailing vessels are approaching one another so as to involve risk of collision, one must keep out of the way of the other as follows-
 - (a) when each has the wind on a different side, the vessel which has the wind on the port side must keep out of the way of the other;
 - (b) when both have the wind on the same side, the vessel which is to windward must keep out of the way of the vessel which is to leeward;
 - (c) if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or starboard side, it must keep out of the way of the other.
- (3) Sailing vessels when operating propelling machinery must obey the rules for a power-driven vessel.

22.13 Overtaking

- (1) Despite anything contained in subsections 1 and 2 of section 1 of this Part, any vessel overtaking any other must keep out of the way of the vessel being overtaken.
- (2) A vessel will be considered to be overtaking when coming up to another vessel from a direction of more than 22.5 degrees abaft its beam, that is, in such a position where at night the sternlight, but neither of the sidelights of the vessel being overtaken, would be visible.
- (3) When a vessel is in any doubt as to whether it is overtaking another, it must assume that it is and act accordingly.
- (4) Any subsequent alteration of bearing between the two vessels-

- (a) does not make the overtaking vessel a crossing vessel within the meaning of this Part; and
- (b) does not relieve the overtaking vessel of its duty to keep clear of the overtaken vessel until it is finally past and clear.

22.14 Head-On Situation

- (1) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision, each must alter its course to starboard so that each passes on the port side of the other.
- (2) Such a situation will be considered to exist when a vessel sees the other ahead or nearly ahead and-
 - (a) by night, the masthead lights of the other vessel are in line or nearly in line and/or both sidelights are visible; or
 - (b) by day, the corresponding aspect of the other vessel is observed.
- (3) When a vessel is in any doubt as to whether such a situation exists, it must assume that it does and act accordingly.

22.15 Crossing Situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on its own starboard side must keep out of the way. The vessel required to keep out of the way must, if the circumstances of the case allow, avoid crossing ahead of the other vessel.

22.16 Action by Give-Way Vessel

Every vessel which is directed to keep out of the way of another vessel must, so far as possible, take early and substantial action to keep well clear.

22.17 Action by Stand-On Vessel

- (1) If one of two vessels is to keep out of the way, the other must keep its course and speed.
- (2) As soon as it becomes apparent to the stand-on vessel that the vessel required to give way is not taking appropriate action in compliance with this Part-
 - (a) it may take action to avoid collision by its manoeuvre alone; and
 - (b) if it is a power-driven vessel in a crossing situation, if the circumstances of the case allow, it must not alter course to port for a vessel on its own port side.

- (3) When, from any cause, the stand-on vessel finds itself so close that collision cannot be avoided by the action of the give-way vessel alone, it must take whatever action will best avoid collision.
- (4) This rule does not relieve the give-way vessel of its obligation to keep out of the way.

22.18 Responsibilities Between Vessels

Except where rules 22.9 (narrow channels), 22.10 (traffic separation schemes), and 22.13 (overtaking) require otherwise, the following rules apply-

- (1) a power-driven vessel under-way must keep out of the way of-
 - (a) a vessel not under command:
 - (b) a vessel restricted in its ability to manoeuvre:
 - (c) a vessel engaged in fishing:
 - (d) a sailing vessel; and
- (2) a sailing vessel under-way must keep out of the way of-
 - (a) a vessel not under command:
 - (b) a vessel restricted in its ability to manoeuvre:
 - (c) a vessel engaged in fishing; and
- (3) a vessel engaged in fishing when underway must, so far as possible, keep out of the way of-
 - (a) a vessel not under command:
 - (b) a vessel restricted in its ability to manoeuvre; and
- (4)
 - (a) any vessel other than a vessel not under command or a vessel restricted in its ability to manoeuvre must, if the circumstances of the case allow, avoid impeding the safe passage of a vessel constrained by its draught exhibiting either or both of the following signals as prescribed in rule 22.28:
 - (i) three all-round red lights in a vertical line:
 - (ii) a black cylinder; and
 - (b) a vessel constrained by its draught must navigate with particular caution and have full regard to that special condition.

- (5) A seaplane on the water must, in general, keep well clear of all vessels and avoid impeding their navigation. However, if the risk of collision exists, the seaplane must comply with the rules of this section.

SUBSECTION 3-CONDUCT OF VESSELS IN RESTRICTED VISIBILITY

22.19 Conduct of Vessels in Restricted Visibility

- (1) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.
- (2) Every vessel must proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility.
- (3) A power-driven vessel must have its engines ready for immediate manoeuvre.
- (4) Every vessel must have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsection 1 of this section.
- (5)
 - (a) A vessel which detects by radar alone the presence of another vessel must determine whether a close-quarters situation is developing and must determine if risk of collision exists. If so, it must take avoiding action in ample time.
 - (b) If such action consists of an alteration of course, the following must, as far as possible, be avoided:
 - (i) an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken; and
 - (ii) an alteration of course towards a vessel abeam or abaft the beam.
- (6) Except where it has been determined that there is no risk of collision, every vessel that-
 - (a) hears the fog signal of another vessel apparently forward of its beam; or
 - (b) cannot avoid a close-quarters situation with another vessel forward of its beam,

must-
 - (c) reduce its speed to the minimum at which it can be kept on its course; and
 - (d) if necessary, take all way off; and
 - (e) in any event navigate with extreme caution until the danger of collision is over.

Section 2- Lights and Shapes

22.20 Application of Section 2

- (1) This section is to be complied with in all weathers.
- (2) Lights required by this section are to be exhibited from sunset to sunrise. During this time the only other lights which may be exhibited are those lights which-
 - (a) cannot be mistaken for lights specified in this Part; and
 - (b) do not impair the visibility or distinctive character of lights specified in the rule; and
 - (c) do not interfere with the keeping of a proper look-out.
- (3) The lights specified must, if carried, also be exhibited during the day in restricted visibility. They may also be exhibited in all other circumstances where it is considered necessary.
- (4) The rules concerning shapes must be complied with by day.
- (5) The lights and shapes specified in this rule must comply with the provisions of Appendix 1 of this Part.

22.21 Definitions Relating to Section 3

In this section-

- "All-round light"** means a light showing an unbroken arc over the horizon of 360 degrees:
- "Flashing light"** means a light flashing at regular intervals at a frequency of 120 flashes or more per minute:
- "Masthead light"** means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an -arc of the horizon of 225 degrees and fixed to show the light from right ahead to 22.5 degrees (2 points) abaft the beam on both sides of the vessel:

"Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and fixed to show the light from right ahead to 22.5 degrees (2 points) abaft the beam on its respective side.

In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel:

"Sternlight" means a white light placed as close as practicable to the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed to show the light from right aft or 67.5 degrees (6 points) on both sides of the vessel:

"Towing light" means a yellow light having the same characteristics as the sternlight.

22.22 Visibility of Lights

Lights must have an intensity as specified in Appendix I of this Part. They must be visible at the following minimum ranges.

(1) In vessels of 50 metres or more in length-

a masthead light, 6 miles:

a sidelight, 3 miles:

a sternlight, 3 miles:

a towing light, 3 miles:

a white, red, green or yellow all-round light, 3 miles.

(2) In vessels of 20 metres or more in length but less than 50 metres in length-

a masthead light, 5 miles:

a sidelight, 2 miles:

a sternlight, 2 miles:

a towing light, 2 miles:

a white, red, green, or yellow all-round light, 2 miles.

(3) In vessels of 12 metres or more in length but less than 20 metres in length-

a masthead light, 3 miles:

- a sidelight, 2 miles:
- a sternlight, 2 miles:
- a towing light, 2 miles:
- a white, red, green or yellow all-round light, 2 miles.

(4) In vessel of less than 12 metres in length-

- a masthead light, 2 miles:
- a sidelight, 1 mile:
- a sternlight, 2 miles:
- a towing light, 2 miles:
- a white, red, green or yellow all-round light, 2 miles.

(5) In inconspicuous, partly submerged vessels, or objects being towed a white all round light, 3 miles.

(6) The signal light prescribed under rule 22.34 for signaling a manoeuvre-a white all-round light, 5 miles.

22.23 Power-Driven Vessels Underway

(1) Subject to 22.23(3), a power-driven vessel underway must exhibit-

- (a) a masthead light forward; and
- (b) a second masthead light abaft of and higher than the forward one,

EXCEPT that a vessel of less than 50 metres in length is not obliged to exhibit such light but may do so, and

- (c) sidelights; and
- (d) a sternlight.

(2) In addition to the lights prescribed in rule 22.23(1), an all-round flashing yellow light must be exhibited by-

- (a) air cushion vessels operating in the non-displacement mode; and
- (b) high speed vessels whilst operating within a harbour at or above a speed of 25 knots.

(3) (a) Instead of the lights prescribed in rule 22.23(1)-

- (i) a power-driven vessel of less than 12 metres in length may exhibit an all-round white light and sidelights; and
 - (ii) a power-driven vessel of less than 7 metres in length whose maximum speed does not exceed 7 knots may exhibit an all round white light, and must, if practicable, exhibit sidelights.
- (b) The masthead light or all-round white light on a power driven vessel of less than 12 metres in length may be displaced from the fore and aft centreline of the vessel if-
- (i) a centreline fitting is not practicable; and
 - (ii) sidelights are combined in one lantern which must be either:
 - (aa) carried on the fore and aft centreline of the vessel; or
 - (bb) located as nearly as practicable in the same fore and aft line as the masthead light or all-round white light.

22.24 Towing and Pushing

- (1) When towing, a power-driven vessel must exhibit-
- (a) instead of either of the masthead lights prescribed in rule 22.23(l)(a).and (b), two masthead lights in a vertical line,

EXCEPT that when the length of tow exceeds 200 metres measured from the stern of the towing vessel to the after end of the tow, 3 such lights in a vertical line must be carried; and
 - (b) sidelights; and
 - (c) a sternlight; and
 - (d) a towing light in a vertical line above the sternlight; and
 - (e) when the length of tow exceeds 200 metres, a black diamond shape where it can best be seen; and
 - (f) if the towing operation is such that it severely restricts the towing vessel and its tow in their ability to deviate from their course, in addition-
 - (i) three all-round lights in a vertical line where they can best be seen the highest and lowest being red and the middle one white; and
 - (ii) three black shapes in a vertical line where they can best be seen the highest and lowest being balls and the middle one a diamond. (rule 22.27(3)).

- (2) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they will be regarded as a power-driven vessel and must exhibit the lights prescribed in rule 22.23 for such vessels.
- (3) A power-driven vessel when pushing ahead or towing alongside, other than a composite unit must exhibit-
 - (a) instead of either of the masthead lights prescribed in rule 22.23(1)(a) and (b), two masthead lights in a vertical line; and
 - (b) sidelights; and
 - (c) a sternlight; and
 - (d) if the towing operation is such that it severely restricts the towing vessel and its tow in their ability to deviate from their course, in addition-
 - (i) three all-round lights in a vertical line where they can best be seen the highest and lowest being red and the middle one white,
 - (ii) three black shapes in a vertical line where they can best be seen the highest and lowest being balls and the middle one a diamond (rule 22.27(3)).
- (4) A vessel or object being towed, other than an inconspicuous, partly submerged vessel or object, or combination of such vessels or objects, must exhibit-
 - (a) sidelights; and
 - (b) a sternlight; and
 - (c) when the length of tow exceeds 200 metres, a black diamond shape where it can best be seen.

Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed, all possible measures must be taken to light the tow or at least to indicate its presence.

- (5) Any number of vessels being towed alongside or pushed in a group must be lighted as one vessel and-
 - (a) a vessel being pushed ahead, not being part of a composite unit, must exhibit sidelights at the forward end; and
 - (b) a vessel being towed alongside must exhibit a sternlight and, at the forward end, sidelights.
- (6) An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, must exhibit-
 - (a) if it is less than 25 metres in breadth-

- (i) one all-round white light at or near the forward end except in the case of dracones, which need not exhibit a light at or near the forward end; and
- (ii) one all-round white light at or near the after end; and
- (b) if it is 25 metres or more in breadth, 2 additional all-round white lights at or near the extremities of its breadth; and
- (c) if the length of towed object exceeds 100 metres, additional all-round white lights so that the distance between lights does not exceed 100 metres; and
- (d) a black diamond at or near the aftermost extremity of the last vessel or object being towed, and if the length of tow exceeds 200 metres, an additional black diamond shape where it can best be seen, and located as far forward as practicable.
- (7) If it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed, all possible measures must be taken to light the tow or at least indicate its presence.
- (8) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights for a towing or pushing ahead or towing alongside vessel (rule 22.24(1) or 22.24(3)), that vessel is not required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance.

All possible measures must be taken to indicate the relationship between the towing vessel and the tow as authorised in rule 22.36 "Signals to attract attention", in particular by illuminating the tow line.

22.25 Sailing Vessels Underway and Vessels Under Oars

- (1) A sailing vessel underway must exhibit:
 - (a) sidelights; and
 - (b) a sternlight.

A sailing vessel of less than 20 metres in length may combine the sidelights and sternlight into 1 tricoloured lantern carried at or near the top of the mast where it can best be seen.

- (2) In addition to the lights required in rule 22.25(1), a sailing vessel underway may exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line. The upper must be red and the lower green, BUT these lights must not be exhibited in conjunction with the tricoloured lantern.

- (3) (a) A sailing vessel of less than 7 metres in length must, if practicable, exhibit the sidelights and sternlight as prescribed in rule 22.25(1),
- BUT if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.
- (b) A vessel under oars may exhibit the lights prescribed in this rule for sailing vessels,
- BUT if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.
- (5) A vessel proceeding under sail when also being propelled by machinery must exhibit a black conical shape, apex downwards, forward where it can best be seen. At night it must exhibit the lights for a power-driven vessel prescribed in rule 22.23 instead of those prescribed in rule 22.25.

22.26 Fishing Vessels

- (1) A vessel engaged in fishing, whether underway or at anchor, must exhibit only the lights and shapes prescribed in rule 22.26.
- (2) A vessel engaged in trawling must exhibit-
- a) (i) two all-round lights in a vertical line, the upper being green and the lower white; or
- (ii) a black shape consisting of two cones with their apexes together in a vertical line one above the other; and
- (b) a masthead light abaft of and higher than the all-round green light,
- BUT a vessel of less than 50 metres in length is not obliged to exhibit such a light but may choose to do so; and
- (c) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.
- (3) A vessel engaged in fishing other than trawling must exhibit-
- (a) (i) two all-round lights in a vertical line, the upper being red and the lower white; or
- (ii) a black shape consisting of two cones with their apexes together in a vertical line one above the other; and
- (b) when there is outlying gear extending more than 150 metres horizontally from the vessel:
- (i) an all-round white light; or

- (ii) a cone apex upwards in the direction of the gear; and
- (c) in addition, when making way through the water, sidelights and a sternlight.
- (4) The additional signals described in Appendix 2 to this rule apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.
- (5) When not engaged in fishing, a vessel must not exhibit the lights or shapes prescribed by this rule, but only those prescribed for a vessel of its length.

22.27 Vessels Not Under Command or Restricted in Their Ability to Manoeuvre

- (1) A vessel not under command must exhibit-
 - (a) two all-round red lights in a vertical line where they can best be seen; and
 - (b) two black balls or similar shapes in a vertical line where they can best be seen; and
 - (c) when making way through the water, sidelights and a sternlight.
- (2) A vessel restricted in its ability to manoeuvre, other than a vessel engaged in mine clearance operations, must exhibit-
 - (a) three all-round lights in a vertical line where they can best be seen, the highest and lowest being red and the middle one white; and
 - (b) three black shapes in a vertical line where they can best be seen the highest and lowest of these shapes being balls and the middle one a diamond; and
 - (c) when making way through the water, a masthead light or lights, sidelights, and a sternlight; and
 - (d) when at anchor, the light, lights, or shape prescribed in rule 22.30 for vessels at anchor.
- (3) A power-driven vessel engaged in a towing operation which severely restricts the towing vessel and its tow in their ability to deviate from their course must display the lights or shapes prescribed in rules 22.24(i) and 22.27(2)(a) and (b).
- (4) A vessel engaged in dredging or underwater operations, which restrict its ability to manoeuvre, must exhibit the lights and shapes prescribed in rule 22.27(2)(a), (b), and (c).

In addition, when an obstruction exists, it must exhibit-

- (a) two all-round red lights or two black balls in a vertical line to indicate the side on which the obstruction exists; and

- (b) two all-round green lights or two black diamonds in a vertical line to indicate the side on which the vessel may pass; and
 - (c) when at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shapes prescribed in rule 22.30 for vessels at anchor.
- (5) If the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in rule 22.27(4), the following must be exhibited-
- (a) three all-round lights in a vertical line where they can best be seen the highest and lowest being red and the middle light white; and
 - (b) a rigid replica of the International Code flag "A" of-
 - (i) not less than one metre in height; or
 - (ii) in the case of a New Zealand ship of less than six metres in length operating in New Zealand waters, not less than 0.6 metres in height, with measures taken to ensure its all-round visibility.
- (6) A vessel engaged in mine clearance operations must display the following lights in addition to the lights prescribed in rule 22.23 or rule 22.30 for a power-driven vessel underway or at anchor- three all-round green lights or three black balls.
- One of these lights or shapes must be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within 1000 metres of the mine clearance vessel.
- (7) Vessels of less than 12 metres in length, except those involved in diving operations, are not required to exhibit the lights and shapes of rule 22.27.

22.28 Vessels Constrained by Their Draught

A vessel constrained by its draught may, in addition to the lights prescribed for power-driven vessels in rule 22.23, exhibit where they can best be seen, three all-round red lights in a vertical line or a black cylinder.

22.29 Pilot Vessels

- (1) A vessel engaged in pilotage duties must exhibit at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red, and
- (a) when under-way, sidelights and a sternlight; and
 - (b) when at anchor the light, lights or shape prescribed in rule 22.30 for vessels at anchor.

- (2) A pilot vessel when not engaged on pilotage duties must exhibit the lights or shapes prescribed for a vessel of its length.

22.30 Anchored Vessels and Vessels Aground

- (1) A vessel at anchor must exhibit where it can best be seen-
 - (a) in the fore part, an all-round white light or one black ball; and
 - (b) another all-round white light at or near the stern at a lower level than the light in the fore part;

BUT if the vessel is less than 50 metres in length it may exhibit an all-round white light where it can best be seen instead of the lights referred to in subparagraphs (a) and (b) of this paragraph.

- (2) A vessel of 100 metres or more in length must also use the available working or equivalent lights to illuminate its decks when at anchor. Any other vessel at anchor may do so also.
- (3) A vessel of less than 7 metres in length at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, is not required to exhibit the shape prescribed for a vessel at anchor.
- (4) A vessel aground must exhibit the white light or lights for a vessel at anchor prescribed in rule 22.30 (1), and in addition, where they can best be seen-
 - (a) two all-round red lights in a vertical line; and
 - (b) three black balls in a vertical line.
- (5) A vessel of less than 12 metres in length, when aground, is not required to exhibit the lights or shapes prescribed in 22.30(4) for a vessel aground.

22.31 Seaplanes

Where it is not practicable for a seaplane to exhibit lights and shapes as described in this section, a seaplane must exhibit lights and shapes that are as similar in characteristics and position as possible.

Section 3-Sound and Light Signals

22.32 Definitions Relating to This Section **In this section-**

"Prolonged blast" means a blast of from four to six seconds duration:

"Short blast" means a blast of about one second's duration:

"Whistle" means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Appendix 3 to this rule.

22.33 Equipment for Sound Signals

- (1) A vessel of 12 metres or more in length must be provided with-
 - (a) a whistle; and
 - (b) a bell; and
 - (c) in the case of a vessel of 100 metres or more in length, a gong.
- (2) The tone and sound of the gong must not be able to be confused with that of the bell.
- (3) The whistle, bell, and gong must comply with the specifications in Appendix 3 to this rule.
- (4) As long as they can still be sounded manually, the bell or gong or both may be replaced by other equipment having the same respective sound characteristics.
- (5) A vessel of less than 12 metres in length is not obliged to carry the sound signalling appliances prescribed, but if it does not carry the prescribed sound signalling appliances, it must be provided with some other means of making an efficient sound signal.

22.34 Manoeuvring and Warning Signals

- (1) When vessels are in sight of one another, a power-driven vessel underway, manoeuvring as authorised or required by this Part, must indicate that manoeuvre by the following signals on its whistle-
 - (a) one short blast to mean "I am altering my course to starboard":
 - (b) two short blasts to mean "I am altering my course to port":
 - (c) three short blasts to mean "I am operating astern propulsion".
- (2) Any vessel may supplement the whistle signals prescribed in rule 22.34(i) with the following light signals, repeated as appropriate, whilst the manoeuvre is being carried out-
 - (a) one flash to mean "I am altering my course to starboard":
 - (b) two flashes to mean " I am altering my course to port":
 - (c) three flashes to mean "I am operating astern propulsion".

The duration of each flash must be about one second, the interval between successive flashes must be about one second, and the interval between successive signals must not be less than 10 seconds.

The light used for this signal must, if fitted, be an all-round white light. It must be visible for a minimum distance of 5 miles and comply with the provisions of Appendix 1.12 of this Part.

- (3) When in sight of one another in a narrow channel or fairway-
- (a) a vessel intending to overtake another must indicate its intention in compliance with rule 22.9 (narrow channels) by sounding one of the following sound signals on its whistle:
- two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";
- OR
- two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";
- (b) the vessel about to be overtaken when acting in compliance with rule 22.9 (narrow channels) must indicate its agreement by sounding the following signal on its whistle:
- one prolonged, one short, one prolonged and one short blast, in that order.
- (4) When vessels in sight of one another are approaching each other and for any reason either fails to understand the intentions or actions of the other, OR is in any doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt must immediately indicate such doubt by sounding the following signal on its whistle-
- at least five short and rapid blasts.
- This signal may be supplemented by a light signal of at least 5 short and rapid flashes.
- (5) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction must sound one prolonged blast.
- Such signal must be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.
- (6) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only must be used for giving manoeuvring and warning signals.

22.35 Sound Signals in Restricted Visibility

In or near an area of restricted visibility, by day and by night, the following signals must be used:

- (a) subject to rule 22.35(b)-
 - (i) a power-driven vessel making way through the water must sound one prolonged blast at intervals of not more than 2 minutes;
 - (ii) a power-driven vessel underway but stopped and making no way through the water must sound two prolonged blasts in succession with 2 seconds between them at intervals of not more than 2 minutes:

(b) the following vessels-

- (i) vessels not under command, vessels restricted in their ability to manoeuvre, vessels constrained by their draught, sailing vessels, vessels engaged in fishing, vessels engaged in towing or pushing another vessel; and
- (ii) vessels engaged in fishing at anchor and vessels restricted in their ability to manoeuvre when carrying out work at anchor;

must sound three blasts in succession, namely one prolonged followed by two short blasts, at intervals of not more than 2 minutes:

- (c) if crewed, a vessel towed or, if more than one vessel is towed, the last vessel of the tow, must sound four blasts in succession, namely one prolonged followed by three short blasts:

This signal must be made at intervals of not more than 2 minutes, and where practicable, be made immediately after the signal made by the towing vessel.

- (d) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are to be regarded as a power-driven vessel and sound the appropriate sound signal as described in rule 22.35(a):

- (e) A vessel at anchor must ring a bell rapidly for about 5 seconds at intervals of not more than 1 minute and-

- (i) if the vessel is 100 metres or more in length, the bell must be sounded in the forepart of the vessel; and
- (ii) immediately after the ringing of the bell the gong must be sounded rapidly for about five seconds at the after part of the vessel.

A vessel at anchor may additionally sound three blasts in succession, namely one short, one prolonged, and one short blast to give warning of its position:

- (f) a vessel aground must give the bell signal, and (if required) the gong signal, prescribed for a vessel at anchor in rule 22.35(e),

AND in addition must give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell.

A vessel aground may also sound an appropriate whistle signal:

- (g) a vessel less than 12 metres in length is not obliged to give the above mentioned signals, but, if it does not, must make some other efficient sound signal at intervals of not more than 2 minutes.
- (h) when engaged on pilotage duty, a pilot vessel may in addition to the signals prescribed for power-driven vessels (rule 22.35(a)) or vessels at anchor (rule 79.35(e)), sound an identity signal consisting of four short blasts.

22.36 Signals to Attract Attention

If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any other signal authorised elsewhere in this section. It may direct the beam of its searchlight in the direction of the danger in such a way as to not embarrass any vessel.

Any light to attract the attention of another vessel must be such that it cannot be mistaken for any aid to navigation, and high intensity intermittent or revolving lights, such as strobe lights, must be avoided.

22.37 Distress Signals

When a vessel is in distress it must use or exhibit the signals described in Part 23 (Operational procedures and training), Appendix 3.

Section 4

22.38 Vessels of Special Function

- (1) Whenever the Director determines that a vessel of special construction or purpose cannot fully comply with the provisions of this Part relating to number, position, range, or arc of visibility of lights or shapes, then such a vessel must comply with such other provisions relating to the number, position, range, or arc of visibility of lights or shapes as the Director determines to be the closest possible compliance with this Part for that vessel.
- (2) Whenever the Director determines that a vessel of special construction or purpose cannot fully comply with the provisions of this Part relating to the disposition and characteristics of sound-signalling appliances, then such a vessel must comply with such other provisions relating to the disposition and characteristics of sound-signalling appliances as the Director determines to be the closest possible compliance with this Part for that vessel.

22.39 Observance of Part 22

- (1) Every owner of a vessel to which this Part applies must ensure that the vessel is provided with all such lights, shapes, and means of making fog signals as may be required by this Part.
- (2) Every master or other person for the time being responsible for the navigation of a vessel to which this Part applies must-
 - (a) ensure that all such lights, shapes, and means of making fog signals, as may be required by this Part, are carried, exhibited, and used in accordance with this Part; and
 - (b) refrain from carrying, exhibiting, or using on the vessel any lights, shapes, or means of making fog signals other than those required or permitted by this rule to be carried, exhibited or used on the vessel; and
 - (e) ensure that the vessel is navigated in accordance with this Part; and
 - (d) refrain from navigating the vessel in a manner that is contrary to this Part.

22.40 Responsibility

- (1) Nothing in this Part will exonerate any vessel, its owner, master, or crew, from the consequences of any neglect to comply with this Part, or of the neglect of any precaution which may be required by the ordinary practice of seafarers, or the special circumstances of the case.
- (2) In interpreting and complying with these rules, due regard must be given to all dangers of navigation, collision, and any special circumstances, including the limitations of the vessels involved, that may make a departure from the rules of this Part necessary to avoid immediate danger.

Appendix 1

POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

1. Definitions Relating to Appendix 1

In this Part-

'Height above the hull' means height above the uppermost continuous deck. This height must be measured from the position vertically beneath the location of the light

2 Vertical Positioning and Spacing of Lights

(1) On a power-driven vessel of 20 metres or more in length, the masthead lights must be placed as follows-

- (a) the forward masthead light or, if only one masthead light is carried, then that light, at a height above the hull of not less than 6 metres, AND if the breadth of vessel exceeds 6 metres, then at a height above the hull not less than such breadth,

BUT the light need not be placed at a greater height above the hull than 12 metres; and

- (b) when two masthead lights are carried the after one must be at least 4.5 metres vertically higher than the forward one.

(2) The vertical separation of masthead lights of power-driven vessels must be such that in normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 metres from the stem when viewed from sea-level.

(3) The masthead light of a power-driven vessel of 12 or more metres but less than 20 metres in length must be placed at a height above the gunwale of not less than 2.5 metres.

(4) A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of less than 2.5 metres above the gunwale. However when a masthead light is carried in addition to sidelights and a sternlight or the all-round light prescribed in rule 22.23(3)(a) is carried in addition to sidelights, then such a masthead light or all-round light must be carried at least 1 metre higher than the sidelights.

(5) One of the two or three masthead lights prescribed for a power-driven vessel engaged in towing or pushing another vessel must be placed in the same position as either the forward masthead light or the after masthead light,

BUT, if carried on the aftermast, the lowest after masthead light must be 4.5 metres vertically higher than the forward masthead light.

- (6) Subject to Appendix 1.12, the masthead light or lights prescribed in rule 22.23(1) must be so placed as to be above and clear of all other lights and obstructions,

EXCEPT that when it is impracticable to carry the all-round lights prescribed by rules 22.27(2)(a) or 22.28 (all round lights for vessels restricted in their ability to manoeuvre and vessels constrained by their draught) below the masthead lights, they may be carried-

- (a) above the after masthead light(s); or
 - (b) vertically in between the forward masthead light(s) and after masthead light(s), provided that the requirement of Appendix 1.3(3) (relating to horizontal distance) is complied with.
- (7) The sidelights of a power-driven vessel must be placed at a height above the hull not greater than three-quarters of that of the forward masthead light. They must not be so low as to be interfered with by deck lights.
- (8) The sidelights, if in a combined lantern and carried on a power-driven vessel of less than 20 metres in length, must be placed not less than 1 metre below the masthead light.
- (9) If these rules prescribe two or three lights to be carried in a vertical line, they must be spaced as follows-
- (a) on a vessel of 20 metres in length or more, such lights must be spaced not less than 2 metres apart, and the lowest of these lights must, except where a towing light is required, be placed at a height of not less than 4 metres above the hull; and
 - (b) on a vessel of less than 20 metres in length, such lights must be spaced not less than 1 metre apart and the lowest of these lights must, except where a towing light is required, be placed at a height of not less than 2 metres above the gunwale; and
 - (c) when three lights are carried, they must be equally spaced.
- (10) The lower of the two all-round lights prescribed for a vessel when engaged in fishing must be at a height above the sidelights not less than twice the distance between the two vertical lights.
- (11) The forward anchor light prescribed in rule 22.30(1), when two are carried, must not be less than 4.5 metres above the after one. On a vessel of 50 metres or more in length, this forward anchor light must be placed at a height of not less than 6 metres above the hull.

3. Horizontal Positioning and Spacing of Lights

- (1) When 2 masthead lights are prescribed for a power-driven vessel, the horizontal distance between them-
 - (a) must not be less than one-half of the length of the vessel; but
 - (b) need not be more than 100 metres.

The forward light must be placed not more than one quarter of the length of the vessel from the stem.

- (2) On a power-driven vessel of 20 metres or more in length, the sidelights must not be placed in front of the forward masthead lights. They must be placed at or near the side of the vessel.
- (3) When the lights prescribed in rules 22.27(2)(a) and 22.28 (all-round lights for vessels restricted in their ability to manoeuvre and vessels constrained by their draught) are placed vertically between the forward masthead light(s) and the after masthead light(s), these all-round lights must be placed at a horizontal distance of not less than 2 metres from the fore and aft centreline of the vessel in the athwartship direction.
- (4) When only one masthead light is prescribed for a power-driven vessel, this light must be exhibited forward of amidships; except that a vessel of less than 20 metres in length need not exhibit this light forward of amidships but must exhibit it as far forward as practicable.

4. Details of Location of Direction-Indicating Lights for Fishing Vessels, Dredgers, and Vessels engaged in Underwater Operations

- (1) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in rule 22.26(3)(b) must be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights.

This light must be placed not higher than the all-round white light prescribed in rule 22.26(3)(a) and not lower than the sidelights.

- (2) The lights and shapes on a vessel engaged in dredging or underwater operations that indicate the obstructed side or the side on which it is safe to pass or both, as prescribed in rule 22-27(4)(a) and (b), must be placed at the following distance from the lights or shapes prescribed in rule 22.27(2)(a) and (b) (for vessels restricted in their ability to manoeuvre)-
 - (a) at the maximum practical horizontal distance; and
 - (b) in no case less than 2 metres.

In no case may the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in rule 22.27(2)(a) and (b).

5. Screens for Sidelights

- (1) The sidelights of vessels of 20 metres or more in length must be fitted with inboard screens painted matt black, and meet the requirements of Appendix 1.9.
- (2) On vessels of less than 20 metres in length, the sidelights, if necessary to meet the requirements of Appendix 1.9, must be fitted with inboard matt black screens. With a combined lantern, that has a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6. Shapes

- (1) Shapes must be black and of the following sizes-
 - (a) a ball must have a diameter of not less than 0.6 metres;
 - (b) a cone must have a base diameter of not less than 0.6 metres and a height equal to its diameter,
 - (c) a cylinder must have a diameter of at least 0.6 metres and a height of twice its diameter; and
 - (d) a diamond shape must consist of two cones as defined in Appendix 1.6(1)(b) and having a common base.
- (2) The vertical distance between shapes must be at least 1.5 metres.
- (3) In a vessel of less than 20 metres in length, shapes of lesser dimensions, but commensurate with the size of the vessel, may be used and the distance apart may be correspondingly reduced.

7. Colour Specification of Lights

- (1) The chromaticity of all navigation lights must conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).
- (2) The boundaries of the area for each colour are given by indicating the corner co-ordinates, which are as follows:

(a) White.

x	0.525	0.525	0.452	0.310	0.310	0.443
y	0.382	0.440	0.440	0.348	0.283	0.382

(b) Green

x	0.028	0.009	0.300	0.203
y	0.385	0.723	0.511	0.356

(c)	Red				
x	0.680	0.660	0.735	0.721	
y	0.320	0.320	0.265	0.259	
(d)	Yellow				
x	0.612	0.618	0.575	0.575	
y	0.382	0.382	0.425	0.406	

8. Intensity of Lights

- (1) The minimum luminous intensity of lights must be calculated by using the formula-

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D}$$

Where I is luminous intensity in candelas under service conditions; and

T is the threshold factor 2×10^{-7} lux;

D is the range of visibility (luminous range) of the light in nautical miles, and

K is atmospheric transmissivity.

For prescribed lights, the value of K must be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

- (2) A selection of figures derived from the formula is given in the following table:

Range of visibility (Luminous range) of light in nautical miles	Luminous intensity of light in candelas K=0.8
1	0.9
2	4.3
3	12
4	27
5	52
6	94

Note: The maximum luminous intensity of navigation lights should be limited to avoid undue glare. This must not be achieved by a variable control of the luminous intensity.

9. Horizontal Sectors

- (1) In the forward direction, sidelights as fitted on the vessel must show the minimum required intensities. The intensities must decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors.
- (2) For sternlights, masthead lights, and, at 22.5 degrees abaft the beam, sidelights the following provisions apply-

- (a) the minimum required intensities must be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in rule 22.21; and
 - (b) from 5 degrees within the prescribed sectors, the intensity may decrease by 50 per cent up to the prescribed limits. It must decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.
- (3) All-round lights must be located so as to not be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees,

EXCEPT anchor lights prescribed in rule 22.30, which need not be placed at an impracticable height above the hull.

If it is not practicable to comply with this paragraph by exhibiting only one all-round light, two all-round lights must be used. They must be suitably positioned or screened so that they appear, as far as practicable, as one light at a distance of one mile.

10. Vertical Sectors

- (1) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels underway, must ensure that-
- (a) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal; and
 - (b) at least 60 per cent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 below the horizontal.
- (2) In the case of sailing vessels underway, the vertical sectors of electric lights as fitted must ensure that-
- (a) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal; and
 - (b) at least 50 per cent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.
- (3) In the case of non-electric lights these specifications must be met as closely as possible.

11. Intensity of Non-Electric Lights

Non-electric lights must, so far as practicable, comply with the minimum intensities, as specified in the table given in Appendix 1.8.

12. Manoeuvring Light

- (1) The manoeuvring light described in rule 22.34(2) must be placed in the same fore and aft vertical plane as the masthead light or lights.

- (2) Where practicable, it should be at a minimum height of 2 metres vertically above the forward masthead light, provided that it is carried at least 2 metres vertically above or below the after masthead light.
- (3) On a vessel where only one masthead light is carried, the manoeuvring light, if fitted, must be carried where it can best be seen, at least 2 metres vertically apart from the masthead light.

13. High Speed Craft

The masthead light of high speed craft with a length to breadth ratio of less than 3.0 may be placed at a height related to the breadth of the craft lower than that prescribed in Appendix 1.2(1)(a), provided that the base angle of the isosceles triangle formed by the sidelights and masthead light, when seen in end elevation, is not less than 27 degrees.

14. Approval

The construction of lights and shapes and the installation of lights on board the vessel must be to the satisfaction of-

- (a) in the case of a New Zealand ship, the Director; or
- (b) in the case of a foreign ship, the State whose flag the vessel is entitled to fly.

Appendix 2

ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

1. General

The lights mentioned in this Appendix, if exhibited by fishing vessels in close proximity to other fishing vessels in accordance with rule 22.26(4) must-

- (a) be placed where they can best be seen; and
- (b) be at least 0.9 metres apart but at a lower level than the all-round fishing or trawling lights prescribed in rule 22.26(2)(a) and (3)(a); and
- (c) be visible all round the horizon at a distance of at least one mile but at a lesser distance than the lights prescribed by this Part for fishing vessels.

2. Signals for Trawlers

(1) Vessels of 20 metres or more in length engaged in trawling, whether using demersal or pelagic gear, or involved in pair trawling, must exhibit-

- (a) when shooting their nets:
two white lights in a vertical line; and
- (b) when hauling their nets:
one white light over one red light in a vertical line; and
- (c) when the net has come fast upon an obstruction: two red lights in a vertical line; and
- (d) when engaged in pair trawling by night:
a searchlight directed forward and in the direction of the other vessel of the pair.

(2) A vessel of less than 20 metres in length engaged in trawling, whether using demersal or pelagic gear or engaged in pair trawling, may exhibit the lights prescribed in Appendix 2.2(1).

3. Signals for Purse Seiners

Vessels engaged in fishing with purse seine gear may exhibit 2 yellow flashing lights in a vertical line. These lights must flash alternately every second and with equal light and occultation duration. These lights must only be exhibited when the vessel is hampered by its fishing gear.

Appendix 3

TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

1. Whistles

(1) Frequencies and range of audibility

The fundamental frequency of the signal must lie within the range 70-700Hz.

The range of audibility of the signal from a whistle must be determined by those frequencies, which may include the fundamental or one or more higher frequencies or both, which lie within the range 180-700 Hz (± 1 and which provide the sound pressure levels specified in Appendix 3.1(3).

(2) Limits of fundamental frequencies

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle must be between the following limits-

- (a) 70-200 Hz, for a vessel 200 metres or more in length; and
- (b) 130-350 Hz, for a vessel 75 metres but less than 200 metres in length; and
- (c) 250-700 Hz, for a vessel less than 75 metres in length.

(3) Sound signal intensity and range of audibility

A whistle fitted in a vessel must provide, in the direction of maximum intensity of the whistle and at a distance of 1 metre from it, a sound pressure level in at least one 1/3rd-octave band within the range of frequencies 180-700 Hz (± 1 %) of not less than the appropriate figure given in the table below.

Length of vessel in metres	1/3 rd -octave band level at 1 metre in dB referred to 2×10^{-5} N/m ²	Audibility range in nautical miles
200 or more	143	2.0
75 but less than 200	138	1.5
20 but less than 75	130	1.0
Less than 20	120	0.5

The range of audibility in the table is for information only and is approximately the range at which a whistle may be heard on its forward axis with 90 per cent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centred on 250 Hz and 63 dB in the octave band centred on 500Hz).

In practice, the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical, but under conditions of strong wind or high ambient noise level at the listening post, the range may be much reduced.

(4) Directional properties

The sound pressure level of a directional whistle must be not more than 4 dB below the prescribed sound pressure level on the axis at any direction in the horizontal plane within ± 45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane must be not more than 10 dB below the prescribed sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level must be measured in the 1/3rd-octave band which determines the audibility range.

(5) Positioning of whistles

When a directional whistle is to be used as the only whistle on a vessel, it must be installed with its maximum intensity directed straight ahead.

A whistle must be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimise hearing damage risk to personnel. The sound pressure level of the vessels own signal at listening posts must not exceed 110 dB (A) and, as far as practicable, should not exceed 100 dB (A).

(6) Fitting of more than one whistle

If whistles are fitted at a distance apart of more than 100 metres, it must be so arranged that they are not sounded simultaneously.

(7) Combined whistle systems

If, due to the presence of obstructions, the sound field of a single whistle or one of the whistles referred to in Appendix 3.1(6) is likely to have a zone of greatly reduced signal level, a combined whistle system should be fitted so as to overcome this reduction in signal.

For the purposes of this rule, a combined whistle system is to be regarded as a single whistle. The whistles of a combined system must be located at a distance apart of not more than 100 metres and arranged to be sounded simultaneously. The frequency of any one whistle must differ from those of the others by at least 10 Hz.

2. Bell or Gong

(1) Intensity of signal

A bell or gong, or other device having similar sound characteristics, must produce a sound pressure level of not less than 110 dB at a distance of one metre from it.

(2) Construction-

- (a) bells and gongs must be made of corrosion-resistant material and designed to give a clear tone; and
- (b) the diameter of the mouth of the bell must be:
 - (i) not less than 300mm for vessels of 20 metres or more in length;
 - (ii) not less than 200mm for vessels of 12 metres or more, but less than 20 metres, in length; and
- (c) where practicable, a power-driven bell striker is recommended to ensure constant force, but manual operation must be possible; and
- (d) the mass of the striker must not be less than 3% of the mass of the bell.

3. Approval

The construction of sound signal appliances, their performance, and their installation on board the vessel must be to the satisfaction of-

- (a) in the case of a New Zealand ship, the Director; or
- (b) in the case of a foreign ship, the State whose flag the vessel is entitled to fly.

Operating Procedures and Training (reproduced from Rule 23)

1.1 Distress signals

The following signals¹⁶, used or exhibited either together or separately, indicate distress and the immediate need of assistance -

- (1) a gun or other explosive device fired at intervals of about a minute; and
- (2) a continuous sounding with any fog-signalling apparatus; and
- (3) rockets or shells, throwing red stars fired one at a time at short intervals; and
- (4) a signal made by radiotelegraphy or by any other signalling method consisting of the group ...- - - ... (SOS) in Morse code; and
- (5) a signal sent by radiotelephony consisting of the spoken work 'Mayday'; and
- (6) the International Code Signal of distress indicated by N.C.; and
- (7) a signal consisting of a square flag having above or below it a ball or anything resembling a ball; and

- (8) flames on the vessel (as from a burning tar barrel, oil barrel, etc.); and
- (9) a rocket parachute flare or a hand-flare showing a red light; and
- (10) a smoke signal giving off orange-coloured smoke, and
- (11) slowly and repeatedly raising and lowering arms out stretched to each side; and
- (12) the radiotelegraph alarm signal- and
- (13) the radiotelephone alarm signal- and
- (14) signals transmitted by emergency position-indicating radio beacons; and
- (15) approved signals transmitted by radio communication systems, including survival craft radar transponders.
- (16) In addition, attention is drawn to the relevant sections of the international Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals-
 - (a) a piece of orange-coloured canvas with either a black-square and circle or other appropriate symbol (for identification from the air),
 - (b) a dye marker.

APPENDIX 1: POWERS OF A HARBOURMASTER

The Local Government Act 1974 empowers a Harbourmaster to undertake certain functions. For the purposes of the Bylaws, the relevant sections of the Act are reproduced below.

650C. General powers of harbourmasters and enforcement officers—

- (1) A harbourmaster or enforcement officer of a regional council may at any time, for the purposes of carrying out his or her duty, enter and remain on any ship in waters within the council's region.
- (2) A harbourmaster or an enforcement officer (together with such assistants and equipment as are considered necessary) may enter and remain on any maritime facility, or on any land or property of a port company or other operator of a port facility, within the region of the council that appointed the harbourmaster for the purposes of carrying out his or her functions.
- (3) For the purpose of ensuring navigation safety, a harbourmaster or enforcement officer may give directions regulating—
 - (a) The time and manner in which any ship may enter into, depart from, lie, or navigate in those waters:
 - (b) The position, mooring, unmooring, placing, removing, securing, or unsecuring of any ship within those waters:
 - (c) The manner in which any ship within those waters, or at any maritime facility, may take in or discharge its cargo or any part of its cargo, and the manner in which cargo is secured or is being handled on a ship where there is a risk of cargo falling overboard and becoming a hazard to navigation.

650D. Harbourmaster may remove ships—

- (1) For the purposes of ensuring navigation safety or enforcing navigation bylaws, a harbourmaster of a regional council may—
 - (a) Direct the master of any ship in waters within the region of the council, or lying at any maritime facility, to moor, unmoor, anchor, weigh anchor, secure, unsecure, place, or move his or her ship; and
 - (b) Cause the ship to be moored or unmoored or to be anchored or to weigh anchor or to be secured or unsecured or to be placed or removed according to the harbourmaster's directions, and employ a sufficient number of persons for the purpose.
- (2) A harbourmaster of a regional council may, in relation to any floating, submerged, or stranded object (other than one to which section 650K applies) that the harbourmaster considers is a hazard to navigation, do or cause to be done anything referred to in subsection (1)(b) (as if the object were a ship).

- (3) The expenses incurred by a harbourmaster under subsection (1) or subsection (2) are payable by the master and the owner of the ship, or by the owner of the object (as the case may be), and are recoverable as a debt due to the council.

650E. Harbourmasters and others may regulate some navigation activities—

- (1) A harbourmaster of a regional council may, in the interests of navigation safety, do all or any of the following things in relation to any waters within the council's region:
 - (a) Require the person appearing to be in charge of any ship or seaplane to stop, and to give his or her name and address, on being requested to do so by the harbourmaster:
 - (b) Require any person found committing an offence against the council's navigation bylaws to give his or her name and address:
 - (c) On informing the owner of a ship or seaplane of an alleged offence against the council's navigation bylaws, and on requesting the owner to do so, require the owner to give all information in the owner's possession or obtainable by the owner which may lead to the identification of the person by whom the offence is alleged to have been committed:
 - (d) Regulate and control the traffic and navigation, and provide specially for the direct and personal control of that traffic, on any day or occasion of unusual or extraordinary traffic.
- (2) A person authorised by the council, or any member of the Police acting on the request of the harbourmaster or such an authorised person, who—
 - (a) Has received a complaint that there has been a breach of any of the council's navigation bylaws; and
 - (b) On investigation of the complaint, is of the opinion that there has been a breach of the council's navigation bylaws,—
may exercise any power under subsection (1)(a) to (c).
- (3) If a harbourmaster or enforcement officer of a regional council believes on reasonable grounds that a person has committed a breach of maritime rules involving navigation safety, the harbourmaster or enforcement officer may exercise any power under subsection (1)(a) to (c), and those provisions apply with any necessary modifications.
- (4) No honorary enforcement officer may exercise any power under section (1)(c) or (d).

650F. Application of section 710 and other requirements—

- (1) Section 710 applies in respect of every harbourmaster, enforcement officer, and honorary enforcement officer.

- (2) In addition to complying with section 710, before entering a place in the exercise of any power under any of sections 650C to 650E, a harbourmaster, enforcement officer, or honorary enforcement officer must produce the person's written warrant under section 710 to any person appearing to be in charge of the place entered—
 - (a) On entering the place (if such a person is then present); and
 - (b) At any reasonable time thereafter, if asked to do so by the person.
- (3) If there is no person appearing to be in charge of the place at any time between the time of entry and the time the harbourmaster, enforcement officer, or honorary enforcement officer leaves the place, the harbourmaster or officer must, as soon as is practicable upon leaving the place, give an occupier or person in charge of the place written notice stating that the place has been entered, and specifying the following matters:
 - (a) The time and date of entry:
 - (b) The circumstances and purpose of entry:
 - (c) The name, office or position, and employer of every person entering:
 - (d) Every thing that has been seized, or that nothing has been seized, and every action taken, or that no action has been taken.
- (4) This section applies to a member of the Police who exercises any power under section 650E as if his or her warrant card or other evidence of appointment were a warrant under section 710.

650G. Offence—

A person commits an offence against this Act who fails without reasonable cause to comply with a direction or requirement given or made under section 650C or section 650D or section 650E.

DATE BYLAW MADE

This Bylaw was made by the Tasman District Council at a meeting of the Council on 11 November 2004.

The common seal of the Tasman District Council is attached in the presence of:

Mayor

Chief Executive