

5 Administrative Matters

5.1 Revocation of Bylaws

5.1.1 The following bylaws and all amendments to those bylaws in Hawke's Bay Region, and made under Part VI of the Harbours Act 1950 are revoked.

Hawke's Bay Regional Council Navigation & Safety Bylaws 2002

5.2 Suspensions and exemptions from these bylaws

5.2.1 The Council may, of its own accord or on application by any person, suspend any provision of these bylaws or exempt any activity from any provision of these bylaws. The suspension or exemption may be subject to conditions and have effect for the period of time that the Council considers appropriate. Any suspension or exemption made under this clause must be notified to all interested persons.

5.3 Application to Master / Owner

5.3.1 Where any clause in these bylaws 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 these bylaws 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 these bylaws. If either the master or the owner complies with any such clause then, for the purposes of these bylaws, compliance by one is deemed to be compliance by the other.

5.4 Vessels to be licensed

5.4.1 The owner of a vessel that is not subject to any maritime rule made under the Maritime Transport Act 1994 dealing with the operational management of the vessel must not operate that vessel for hire or reward unless it is licensed by the Harbourmaster.

5.4.2 The owner of a vessel must not use that vessel for hire or reward in any area where these bylaws apply unless it is licensed by the Harbourmaster.

5.4.3 The Harbourmaster may issue a licence in respect of clause 5.4.1 if, in the opinion of the Harbourmaster, the operation is safe and the vessel is fit for its intended purpose.

5.4.4 The Harbourmaster may issue a licence in respect of clause 5.4.2 if, in the opinion of the Harbourmaster, the operation will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation/ disembarkation or at any place en route.

5.4.5 Every licence issued by the Harbourmaster under these Bylaws shall apply only to that vessel and operator(s) named in the licence.

5.4.6 Every licence issued by the Harbourmaster must be available for inspection at any time by the Harbourmaster, or enforcement officers or honorary enforcement officers, or any prospective client of the operation.

- 5.4.7 A licence may be cancelled if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.
- 5.4.8 The terms and conditions of any licence issued by Harbourmaster may include, but are not limited to:
- (a) defining points of embarkation/ disembarkation
 - (b) defining the area or route of operations
 - (c) limiting the number of passengers or quantity of freight
 - (d) any limitations in respect of weather or operating hours
 - (e) any requirements for rescue craft
 - (f) any requirements for safety equipment
 - (g) the level of instruction to be given to persons hiring a vessel
 - (h) the qualifications required by the person in charge of the vessel.

5.5 Fees and Charges

Fees and Charges prescribed from time to time by the Council through the Annual Plan process for functions undertaken by the Council under this bylaw shall be paid to the Council on demand. The Council may, by Special Order Bylaw process, amend these Bylaws.