

## Terms and Conditions

Below are our Terms and conditions. Please read them if further clarification is required, please contact us.

Pedal and Paddle is the trading name for Pedal and Paddle (“the Operator”).

A. We appreciate your custom and aspire to provide a friendly and safe experience.

B. All activities including those in which you (“I” and “you” “the customer”) have booked to engage (“the activities”) do carry a degree of risk and by participating in the activities provided by the Operator you are expressly assuming those risks personally and to the maximum extent permitted by law you release the Operator and its officers and employees from any liability, claims, losses, damages or expenses caused by any event including but not limited to:

- Personal injury or death.
- Property loss or damage.
- Acts which may be construed as negligent or accidental.
- Any other loss, damage, suffering, emotional or nervous disorder.

In participating in the activity, I, the customer, agree to the conditions set out in A and B as above and consent to the Terms and Conditions set out below.

### TERMS AND CONDITIONS

- (a) I agree that my successors, executors, administrators and next-of-kin are bound by the Terms and Conditions;
- (b) I agree not to commence any litigation or proceedings in any country in relation to the risks and perils I put myself at and to indemnify the Operator against any such claim;
- (c) I confirm that I am physically fit and suffer from no medical conditions which may be aggravated by the activity;
- (d) I consent to receive medical treatment in the case of injury, or illness during the activity and to indemnify the Operator against any claims in respect of that treatment;
- (e) I agree that any films, sound, video or other records taken of or during the activity will not be used in any promotion or advertising without the prior consent of the Operator, however the Operator may use such recordings itself at its complete discretion without any prior approval from the customer;
- (f) I agree to listen to my guide, host, skipper, or boat staff, follow their instructions and make sure any children in my care do the same.

### RISK DISCLOSURE

- (g) Sea kayaking have inherent risks and can be dangerous. Detailed risk management and strict safety procedures are observed; however there remains an element of risk.
- (h) Pedal and Paddle cannot absolutely guarantee participant’ safety. Pedal and Paddle accepts its legal responsibilities but cannot be held responsible for personal injury or for loss, theft or damage of/to our equipment outside legal responsibilities.
- (i) Participants will be required to sign a liability form to this effect before starting a tour.
- (j) Changing conditions can mean that tours must be modified. No two tours are the same. It is very rare, but weather could delay your scheduled return, e.g. weather conditions preventing kayaking and a rescue by back up services may need to be performed.
- (k) Clients on guided tours must listen carefully to and follow guides’ instructions and adhere to safety requirements. Our reputation depends on your safety – we give it top priority and take it seriously. A comprehensive paddling and safety briefing are given before all tours depart.

## Pedal and Paddle

- (l) We aim to ensure that you experience the safest journey as possible and we do our best to enhance this by offering you high quality safety levels.

### **RESTRICTIONS**

- (m) Although we try and be as inclusive as possible it is important to remember safety is our number one priority. The guide must be able to lift/assist a client back into a kayak if in the unlikely event that they capsize.
- (n) Clients must not have **severe** medical conditions including heart conditions, asthma, diabetes, allergy to bee stings.
- (o) Clients must have kayak moving water experience.
- (p) Clients must have medium level of fitness.
- (q) Clients must be made aware that they may be required to be in a kayak and paddle for up to 90 minutes if conditions become difficult.
- (r) Our tours are in English and clients must be able to speak English.
- (s) Children under 16 must be accompanied by an adult.

### **Cancellations**

Pedal and Paddle reserves the right to cancel or amend any tour due to road, water, or weather conditions. If we must cancel a tour due to such circumstances, you will receive a full refund. If the tour has started the tour can be changed due to safety requirements at the guide's discretion.

### **Cancellation by Us**

For the safety of our participants, due to inclement weather or due to events beyond our control we may need to cancel a tour. We will use all reasonable endeavours to contact the Participant in sufficient time to notify of the cancellation. If we cancel a tour the Participant will be offered either a full refund or a booking transfer to an alternative date and/or time. Pedal and Paddle is not liable for any circumstance for any cost incurred by the Participant because of such a cancellation.

These terms are subject to rights and remedies you have under the Consumer Guarantees Act 2003.

You will receive no refund for a pre-paid tour:

- If you miss the tour departure (e.g. sleeping late, unexpected illness or injury, vehicle breakdowns, etc).
- If you do not turn up.
- If we must cancel the booking because of client unsuitability due to intoxication.

2. The Operator accepts no responsibility for any loss or additional expenses arising from changes, delay, or cancellations.

3.Changes to Booking: Please contact us as soon as possible if you need to change a booking. We will do our best to meet your needs.

## **1. OPERATING CONDITIONS**

**1.1 WHENUAKURA ISLAND SEMI AND SELF GUIDED KAYAK EXPERIENCES** (it also applies to any general ocean paddling on kayaks)

Conditions for Self-Guided Experiences:

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## Pedal and Paddle

- Waves: 2-feet swell or under 10km from SE
- Wind: under 10mph (24km/h – 13kts) from N-NW-W-SW/ onshore 10-15kts variable
- Swell height combined with onshore wind not to exceed 0-1 metre faces
- Wind gusts: between 10-15 mph (16-24km/h – 8-13kts) from N-NE
- Wind: under 12mph (19km/h – 10kts) from S-SE – off-shore wind
- Wind gusts: offshore gusts over 15 knots – cancel all trips
- Tide: Any tide, no swell Mid to High tide are always best (3 hours before and after high tide). If minor swell exists.
- Customer must be able swim at least 50 metres and can climb back onboard kayak if capsized.
- Customer must have medium level of fitness.
- Customer must NOT have any severe medical conditions including heart conditions, asthma, diabetes, bee stings or any other.
- Customer must have some previous moving water Kayak experience.
- Basic English speaker.
- Kids under 16 must be accompanied by an adult.

### 1.2 WHENUAKURA ISLAND FULLY GUIDED KAYAK EXPERIENCES

Conditions for fully guided experience:

- Waves: 2-feet swell or under 10km from SE
- Wind: under 10mph (24km/h – 13kts) from N-NW-W-SW/ onshore 10-15kts variable
- Swell height combined with onshore wind not to exceed 0-1 metre faces
- Wind gusts: between 10-15 mph (16-24km/h – 8-13kts) from N-NE
- Wind: under 12mph (19km/h – 10kts) from S-SE – off shore wind
- Wind gusts: offshore gusts over 15 knots – cancel all trips
- Tide: Any tide, no swell Mid to High tide are always best (3 hours before and after high tide). If minor swell exists.
- Customer must be able swim at least 50 metres and can climb back onboard kayak if capsized.
- Customer must have medium level of fitness.
- Customer must NOT have any severe medical conditions including heart conditions, asthma, diabetes, bee stings or any other.
- Customer must have some previous moving water Kayak experience.

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- Basic English speaker.
- Kids under 16 must be accompanied by an adult.

Tide: If swell forecasted to be 3ft, tours will take place only 3hrs before or after the high tide. The low tide exposes customers to a risky paddle. If swell is at 2ft or smaller Guided tours can be taken place at any tide.

- No severe medical conditions.

If swell is 3ft and winds are maximum gust not exceeding 18 mph (29km/h – 15kts), ONLY GUIDED TOURS ARE ALLOWED AND CUSTOMERS MUST:

- Customer must be able swim at least 50 metres and can climb back onboard kayak if capsized.
- Customer must have medium to high level of fitness.
- Customer must NOT have any severe medical conditions including heart conditions, asthma, diabetes, bee stings or any other.
- Customer must have previous Kayak experience.
- Customer must speak and understand basic English.
- NO KIDS UNDER 16.

If the staff member believes the customer is not able to go ahead with the trip or customer do not agree with the above terms, we reserve all rights to decline the customer who must stay on shore.

### **IMPORTANT:**

If customers are not sure or if the staff member screening customers feels like a customer is not capable of swimming, paddling or is not fit enough, get them to demonstrate on the waters edge how they deal with waves.

**1.3** Contributing factors that can affect these conditions when commencing trip are:

- Increase in the wind strength forecasting
- Change in direction of the wind forecasting
- Swell Direction
- Forecasted changes, storm cells, rain etc
- Outside temperature
- Water temperature
- Experience of the group

Current make-up of water borne craft i.e. jet-ski menace.

**1.4** Weather conditions links:

For waves: [www.magicseaweed.com](http://www.magicseaweed.com)

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For wind: [www.windy.com](http://www.windy.com)

Marine Weather (<https://www.marineweather.co.nz/>) can be used for re-assurance

## **2. Cancellation Policy**

(a) Cancellation by the Guide: Pedal and Paddle reserves the right to cancel or amend any tour due to sea state, weather conditions.

- A full refund will be given or rescheduled.

## **3. Other conditions:**

Prices are subject to and based upon fares and tariffs, which are, to the best of the Operator's knowledge correct at the time of issue. This applies also to brochures advertising the Operator's services. However, prices are subject to price increase and any increases since the date of issue of the brochure are at the cost of the customer payable to the Operator.

4. The Operator is not liable for any injury, damage, loss, accident, delay and irregularity which may be occasioned, either by reason of weather, or any defect in any vehicle, vessel or aircraft or through the acts or defaults of any company or persons engaged in conveying passengers or in carrying out organisation or implementation of tours.

## **5. Website**

All material on this website are copyrighted and cannot be used for any purpose without permission. This website may only be accessed via a standard web browser. Accessing this website via any other method (e.g. web scraping, automation simulation) or using this website or any information from this website as part of any system or for any purpose without our approval may result in user charges being levied.

## **6. Changes to Terms and Conditions:**

The Operator reserves the right to change these Terms and Conditions at any time without notifying users of this site.

## **7. Information Pack:**

On completion of your booking, you will be emailed a booking confirmation and details what time trip starts.

Our website includes important details about what you can expect, what you need to bring, what is supplied and where you need to be at what time. Please ensure that you read through this information thoroughly to ensure that you are adequately prepared. You are responsible for ensuring that you dress appropriately, that you have appropriate footwear to undertake the activity, and that you are in a fit medical state to undertake the activity.

8. The Operator reserves the right to change these Terms and Conditions at any time without notifying customers. Any future bookings you may make will be made subject to the terms and conditions which apply at the time the booking is made, and you are advised to read all the terms and conditions carefully on each occasion prior to making a booking.

**9. Governing Law:** This website and all component parts, including these Terms and Conditions are covered exclusively by the Laws of New Zealand and you agree to submit to the exclusive jurisdiction of the Courts of New Zealand.

**BOOK NOW:** By booking with us either by phone, email or directly on our page I undertake to be bound by the above Terms and Conditions.

**General Considerations:**

- Two people minimum for all kayak tours to operate.
- We reserve the right to alter time and itinerary of the tour for safety reasons.
- Pedal and Paddle reserves the right to cancel the tour on the day, due to weather or any safety concerns.
- Payment for the tour constitutes acceptance of these terms and conditions.