



**FISHING BOAT ENGINEERING PERSONNEL (EXAMINATION)
AMENDMENT REGULATIONS 1998**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of February 1998

Present:

THE HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 204 (2) of the Maritime Transport Act 1994, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. New regulations substituted <ol style="list-style-type: none"> 8. Application for examination 8A. Issue of certificate 4. New heading substituted
<i>Requirements for Certification</i> | <ol style="list-style-type: none"> 5. Second-class diesel trawler engineer 6. First-class diesel trawler engineer 7. First-class diesel trawler engineer course and examination 8. Examination results 9. Regulation 26 revoked 10. Expression "Engineer Examiner" substituted for "Chief Examiner" |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fishing Boat Engineering Personnel (Examination) Amendment Regulations 1998, and are part of the Fishing Boat Engineering Personnel (Examination) Regulations 1993* ("the principal regulations").

(2) These regulations come into force on 9 March 1998.

2. Interpretation—(1) Regulation 2 of the principal regulations is amended by revoking the definition of the term “candidate”, and substituting the following definition:

“Candidate’ means a person who applies—

“(a) To take an examination, or part of an examination, prescribed in these regulations; or

“(b) To be issued with a certificate under these regulations.”

(2) Regulation 2 of the principal regulations is amended by revoking the definition of the term “Chief Examiner”.

(3) Regulation 2 of the principal regulations is amended by inserting, after the definition of the term “Director”, the following definition:

“‘Engineer Examiner’ means the person who is appointed by the Director for the purposes of granting certificates in accordance with these regulations; and, if more than 1 Engineer Examiner is appointed, the term means the person who is in overall charge of the conduct of the examinations and includes that person’s deputy.”

3. New regulations substituted—The principal regulations are amended by revoking regulation 8, and substituting the following regulations:

“8. Application for examination—(1) Every application for examination under these regulations must be made on the prescribed form, which is obtainable from any office of the Authority.

“(2) Every completed application form must be sent to the office of the Engineer Examiner, Maritime Safety Authority, Wellington, so as to arrive—

“(a) Before the first day of the course; or

“(b) In the case of a candidate who is not required to attend a course, at least 21 days before the scheduled examination date.

“(3) The Engineer Examiner must not permit an applicant to attend an examination until the requirements of regulation 5 and of subclause (2) of this regulation have been complied with; and, for the purposes of this subclause, the issue of form M 5105 by the Authority is deemed to be confirmation that the applicant is eligible to sit the examination.

“8A. Issue of certificate—A candidate must be issued with the relevant certificate of competency if he or she—

“(a) Complies with regulation 6; and

“(b) Complies with regulation 13 or regulation 14, as appropriate; and

“(c) Pays the prescribed administration fee as required by regulation 9.”

4. New heading substituted—The principal regulations are amended by revoking the heading above regulation 13, and substituting the following heading:

“Requirements for Certification”

5. Second-class diesel trawler engineer—Regulation 13 (1) of the principal regulations is amended by adding the following paragraph:

“(c) Must have passed the oral examination prescribed by regulation 20.”

6. First-class diesel trawler engineer—Regulation 14 (1) of the principal regulations is amended by revoking paragraph (e), and substituting the following paragraphs:

“(e) Must either—

“(i) Complete the course prescribed by regulation 21 and pass the written examinations for that course; or

“(ii) Hold a qualification issued by an approved authority in New Zealand or overseas that the Engineer Examiner is satisfied is at least equivalent to the course and examinations prescribed by regulation 21; and

“(ea) Must pass the oral examination prescribed by regulation 21; and”.

7. First-class diesel trawler engineer course and examination—Regulation 21 of the principal regulations is amended by revoking subclause (7), and substituting the following subclause:

“(7) A candidate may attempt the oral examination only if he or she—

“(a) Has passed the written examinations prescribed by this regulation; or

“(b) Holds a qualification issued by an approved authority in New Zealand or overseas that the Engineer Examiner is satisfied is at least equivalent to the course and written examinations prescribed by this regulation.”

8. Examination results—Regulation 25 of the principal regulations is amended by adding the following subclauses:

“(3) An ‘Engineer Examiner’s Authority’ may be issued to candidates who pass the required examinations but who are leaving New Zealand or returning to sea before a certificate has been issued.

“(4) A partial pass is valid from the date of notification of the result.

“(5) A candidate who fails an examination and gains a penalty must be notified of the penalty in writing.”

9. Regulation 26 revoked—The principal regulations are amended by revoking regulation 26.

10. Expression “Engineer Examiner” substituted for “Chief Examiner”—The principal regulations are amended by omitting the expression “Chief Examiner” wherever it occurs in regulations 5 (3), 7 (1), 7 (2), 19, 23 (3), and 25 (2), and substituting in each case the expression “Engineer Examiner”.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 9 March 1998, amend the Fishing Boat Engineering Personnel (Examination) Regulations 1993.

The purpose of the amendments is to allow the Engineer Examiner to exempt a candidate from having to pass the written examinations prescribed by the principal regulations if he or she holds an approved equivalent qualification (*new regulation 14 (1) (e)*). The other prerequisites for the grant of a certificate, including the need to pass an oral examination, are unaffected by these regulations.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered in the Ministry of Transport.