

1972/190



THE GENERAL HARBOUR (SHIP, CARGO, AND DOCK SAFETY) REGULATIONS 1968, AMENDMENT NO. 1

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 28th day of August 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Gangways and accommodation ladders 4. Testing of cargo gear 5. New regulations (as to cargo containers) inserted. <ul style="list-style-type: none"> 16A. Cargo containers manufactured in New Zealand 16B. Cargo containers manufactured overseas | <ul style="list-style-type: none"> 16c. Cargo containers unsafe for use. 6. Notice to be given to Harbourmaster before commencing welding operations 7. General safety precautions in respect of oil cargo 8. New Schedules to principal regulations Schedule |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the General Harbour (Ship, Cargo, and Dock Safety) Regulations 1968, Amendment No. 1, and shall be read together with and deemed part of the General Harbour (Ship, Cargo, and Dock Safety) Regulations 1968* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by inserting in subclause (1), after the definition of the expression “the Act”, the following definitions:

“‘Artificial light’ means the light emitted from any appliance, or emitted from any other man-made source of light, by which things or places may be made visible directly to the human eye:

“‘Cargo container’ means an appliance which may be either rigid or collapsible,—

“(a) Of a permanent character and accordingly strong enough to be suitable for repeated use; and

“(b) Specially designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and

“(c) Fitted with permanent lifting attachments to allow its ready handling and its transfer from one mode of transport to another:”

3. Gangways and accommodation ladders—(1) Regulation 9 of the principal regulations is hereby amended by omitting from subclause (1) the words “The master”, and substituting the words “The owner and the master”.

(2) The said regulation 9 is hereby further amended by omitting from subsection (2) the words “the master”, and substituting the words “the owner and the master”.

4. Testing of cargo gear—Regulation 16 of the principal regulations is hereby amended by revoking subclause (9), and substituting the following subclause:

“(9) All gear and other appliances used for loading, unloading, or transshipping cargo shall be inspected from time to time, and the owner and the master shall at all times maintain all that gear and those other appliances in good order and condition.”

5. New regulations (as to cargo containers) inserted—The principal regulations are hereby further amended by inserting, after regulation 16, the following regulations:

“16A. **Cargo containers manufactured in New Zealand**—(1) No cargo container that has been manufactured in New Zealand shall be used for loading, unloading, or transshipping cargo unless it has been issued with a certificate of approval in accordance with this regulation.

“(2) No cargo container shall be approved in accordance with this regulation unless it has been constructed in accordance with plans and specifications approved by the Secretary for Marine, and has been tested and examined in accordance with such tests as may be required by the Secretary for Marine, and has been found by such testing and examination to be safe for use.

“(3) Every test and inspection for the purposes of this regulation shall be carried out by a Surveyor of Ships, a Port Safety Inspector, or such other competent person as shall be authorised in that behalf by the Minister of Marine.

“(4) There shall be paid into the Public Account by remitting to the Secretary for Marine the fee prescribed by the Third Schedule to these regulations for any testing or examination carried out pursuant to this regulation.

“(5) Each certificate of approval given in respect of a container under this regulation shall be signed by a person witnessing the testing of the container, who shall be a Surveyor of Ships, a Port Safety

Inspector, or such other competent person as shall be authorised in that behalf by the Minister of Marine, and shall be in the form prescribed by the Fourth Schedule to these regulations.

“16B. Cargo containers manufactured overseas—No cargo container that has been manufactured elsewhere than in New Zealand shall be used for loading, unloading, or transshipping cargo unless—

“(a) It has been approved in accordance with regulation 16A of these regulations, as if it were manufactured in New Zealand and required approval in accordance with that regulation before being used for loading, unloading, or transshipping cargo; or

“(b) It has been inspected, tested, and approved in accordance with the standards or regulations enacted by the government of any country, which are in the opinion of the Chief Surveyor of Ships substantially equivalent to the provisions of these regulations relating to the inspection and testing of cargo containers manufactured in New Zealand.

“16c. Cargo containers unsafe for use—The Surveyor or Port Safety Inspector or other competent and authorised person may require such repairs to be made to any cargo container that he may consider necessary, or he may prohibit the use of any cargo container he considers unsafe for use; and the owner of the cargo container shall ensure that it shall not be used until it has been approved safe for use by the Surveyor, Port Safety Inspector, or other competent and authorised person.”

6. Notice to be given to Harbourmaster before commencing welding operations—(1) The principal regulations are hereby amended by revoking regulation 65, and substituting the following regulation:

“65. (1) The master of every ship on board of which or on the hull of which it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the ship or not, shall ensure that notice of the intended operations, and of the proposed time of commencing them, is given to the Harbourmaster at a reasonable time before commencing them.

“(2) Every master giving orally a notice as described in subclause (1) of this regulation shall immediately confirm it by written notice to the Harbourmaster.

“(3) The master of the ship shall ensure that, before any welding operations are commenced, reasonable precautions are taken for the detection, prevention, and extinguishing of fire on board ship or elsewhere during the welding operations, and shall make provision for the continuance of the precautions until the operations are completed.

“(4) The Harbourmaster shall satisfy himself that the master of the ship takes the reasonable precautions as aforesaid, and continues those precautions until the operations are completed.

“(5) Notwithstanding the foregoing provisions of this regulation, the Harbourmaster may in his discretion exempt from compliance with those provisions the master of a ship lying at any ship-repairing establishment.

“(6) If in any case the Harbourmaster is not satisfied that reasonable precautions have been taken as provided by subclause (3) of this regulation, he may, by notice to the person in charge of the ship, forbid the operations to be commenced until he is so satisfied or has caused such reasonable precautions to be taken as he thinks necessary, and the master of the ship shall, without prejudice to any other liability incurred by breach of this regulation, be liable for the expense incurred by the Harbourmaster in so doing.”

7. General safety precautions in respect of oil cargo—Regulation 84 of the principal regulations is hereby amended by adding the following subclause:

“(12) For the purposes of this regulation, the term ‘fire’ includes all welding and flame-cutting operations.”

8. New Schedules to principal regulations—The principal regulations are hereby further amended by adding a Third Schedule and a Fourth Schedule as set out in the Schedule to these regulations.

SCHEDULE

Reg. 8

SCHEDULES ADDED TO PRINCIPAL REGULATIONS

“THIRD SCHEDULE

Reg. 16A (4)

TESTING AND INSPECTION FEES

Testing and inspection	Fee
For any testing or inspection of a cargo container	\$4 for each full hour and \$4 for any incomplete hour spent in attendance.

‘FOURTH SCHEDULE

Reg. 16A (5)

CERTIFICATE OF APPROVAL FOR CARGO CONTAINER

No.

CERTIFICATE OF APPROVAL OF CARGO CONTAINER

This is to certify that pursuant to the General Harbour (Ship, Cargo, and Dock Safety) Regulations 1968 the cargo container described below has been tested and inspected in accordance with the requirements of the Marine Department, New Zealand, and has been approved pursuant to those regulations.

Seal of the Marine Department

TYPE AND RATING
Tare Weight
Marine Department Approval No.
Manufacturers Serial No.
Date of Manufacture
(year and month)
Owners Mark and Serial No.
Marine Department Approved Endorsements

Signature

Surveyor of Ships, Port Safety
Inspector, Marine Department,
New Zealand, or other authorised person.”

Date:

P. J. BROOKS,
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 amend the General Harbour (Ship, Cargo, and Dock Safety) Regulations 1968. A procedure for the testing and inspection of cargo containers is prescribed.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 31 August 1972.
These regulations are administered in the Marine Department.