

Serial Number **1951/283**

**THE GENERAL HARBOUR REGULATIONS 1935,
AMENDMENT NO. 6**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 5th day of
December 1951

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.

REGULATIONS

1. (1) These regulations may be cited as the General Harbour Regulations 1935, Amendment No. 6, and shall be read together with and deemed part of the General Harbour Regulations 1935* (hereinafter referred to as the principal regulations).

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

2. The principal regulations are hereby amended by revoking regulation 52, and substituting the following regulation :—

“ 52. (1) All lifting machinery, derricks, and other cargo gear used for loading or discharging cargo or coal into or from a ship, hulk, barge, lighter, or store ship shall be tested and examined in the manner specified in the General Harbour (Safe Working Load) Regulations 1935†.

“ (2) All such appliances shall be inspected once in every twelve months and shall be thoroughly examined once at least in every four years.

“ (3) The thorough examination of these appliances prescribed in subclause (4) of this regulation to be carried out once at least in every four years may be deferred beyond the due date for a period up to three months, subject to the approval of the Surveyor of Ships, and subject also to an inspection of the appliances being made to the extent considered necessary by the Surveyor for the period for which the thorough examination is deferred.

* *Gazette*, 1935, Vol. I, page 41.

Amendment No. 1: Statutory Regulations 1940, Serial number 1940/92, page 332.

Amendment No. 2: Statutory Regulations 1940, Serial number 1940/178, page 581.

Amendment No. 3: Statutory Regulations 1943, Serial number 1943/13, page 18.

Amendment No. 4: Statutory Regulations 1946, Serial number 1946/3, page 4.

Amendment No. 5: Statutory Regulations 1949, Serial number 1949/16, page 63.

† *Gazette*, 1935, Vol. II, page 1863.

Amendment No. 1: Statutory Regulations 1949, Serial number 1949/15, page 61.

“(4) For the purpose of this regulation the expression ‘thorough examination’ means a visual examination, supplemented, if necessary, by such other means as may be deemed necessary in order to arrive at a reliable conclusion as to the safety of the parts examined and their sufficiency for the intended purpose for a further period. For the purposes of the examination the owner or master of the ship or the owner of the lifting machinery, derricks, or other cargo gear shall, at the request of the person making the examination, dismantle such parts of the machinery, derricks, and other cargo gear as may be necessary at the time prescribed for a thorough examination of all appliances. The cargo gear and derricks of the ship shall be subjected to a special proof test, and those appliances shall be examined after the test has been carried out.

“(5) All running gear and other appliances used for loading or discharging cargo shall be inspected from time to time, and the gear and appliances shall at all times be maintained by the owners thereof in good order and condition.

“(6) The examinations, inspections, and tests prescribed by this regulation shall be carried out,—

“(a) In the case of machinery, including winches, or any hulk, barge, lighter, or store ship not self propelled, by an Engineer Surveyor :

“(b) In the case of running gear and other appliances on any such hulk, barge, lighter, or store ship, by a Surveyor of Ships or other officer appointed for the purpose by the Chief Surveyor :

“(c) In the case of lifting machinery, derricks, and other cargo gear on any other ship, by a Surveyor of Ships.

“(7) The Surveyor or other officer appointed for the purpose may order such alterations or repairs to be made to the machinery, gear, or appliances as he may consider necessary, or he may prohibit the use of any such machinery, gear, or appliances as he considers unsafe for use, and the owner thereof shall not use or permit to be used any such machinery, cargo gear, or other appliances until they are certified by the Surveyor or other officer appointed for the purpose as again safe for use.

“(8) The owner may appeal to the Marine Department against any such order or prohibition, but he shall not use nor permit to be used any machinery, gear, or appliances in respect of which an order is made or prohibition of use imposed pending the receipt of the decision on his appeal.”

3. The principal regulations are hereby amended by revoking regulation 80, and substituting the following regulation :—

“80. (1) When the working space in the hold of a ship is confined to the square of the hatch, no person shall—

“(a) Use any can hook to raise or lower any cargo in the ship ; or

“(b) Make fast any hooks in the bands or fastenings of bales of cotton, wool, cork, gunny bags, or other similar material for the purpose of raising or lowering any such material.

“(2) No person shall use any can hook for raising or lowering a drum when owing to the construction or condition of the drum or of the hook, or the nature of the contents of the drum, or other circumstances the use of a can hook is, in the opinion of the Surveyor of Ships or Inspector of Gear, likely to be unsafe.

“(3) No person shall use a can hook for raising or lowering a barrel or cask.

“(4) Nothing in this regulation shall apply to breaking out cargo or making up slings.”

4. Regulation 102B of the principal regulations (as inserted by regulation 7 of the General Harbour Regulations 1935, Amendment No. 5) is hereby amended as follows:—

(a) By omitting the words “in all respects”:

(b) By adding the words “to the extent considered necessary by a Surveyor of Ships or an Inspector of Gear”.

5. Regulation 103 of the principal regulations is hereby amended as follows:—

(a) By omitting from subclause (1) the word “serious”.

(b) By inserting, after the words “Superintendent of Mercantile Marine” wherever they occur, the words “or Surveyor of Ships”.

6. Regulation 150 of the principal regulations is hereby amended by omitting from paragraph (b) of subclause (1) the word “omit”, and substituting the word “emit”.

T. J. SHERRARD,
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 make several miscellaneous amendments to the General Harbour Regulations 1935.

Regulation 2 substitutes a new regulation dealing with the examination and testing of lifting machinery, derricks, and cargo gear. The new provision differs from the existing one as follows:—

(a) A Surveyor of Ships may postpone for up to three months the four-yearly thorough examination of gear; and

(b) Machinery on a hulk, barge, lighter, or store ship is to be inspected by an Engineer Surveyor, formerly designated an Inspector of Machinery.

Regulation 3 substitutes a new regulation dealing with the use of can hooks. Raising or lowering cargo by can hooks is forbidden where the working space in the hold is confined to the square of the hatch. No can hooks may be used for raising or lowering drums if in the opinion of a Surveyor of Ships or Inspector of Gear the use of can hooks is likely to be unsafe, and no can hooks may be used for raising or lowering barrels or casks.

Regulation 102B of the principal regulations forbids the use of certain appliances for lifting or lowering in connection with repair work on a ship in dry dock or on a slipway unless the appliances comply in all respects with the General Harbour (Safe Working Load) Regulations 1935. The purpose of regulation 4 of these regulations is to permit the use of those appliances if they comply with the General Harbour (Safe Working Load) Regulations 1935 to the extent considered necessary by a Surveyor of Ships or Inspector of Gear.

Regulation 103 of the principal regulations requires notice of any serious accident to be given to the Superintendent of Mercantile Marine. The purpose of regulation 5 of these regulations is to require the notice to be given of every accident, serious or otherwise, and the notice may be given either to a Superintendent or to a Surveyor of Ships.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 6th day of December 1951.
These regulations are administered in the Marine Department.