

Serial Number **1953/56**

**THE GENERAL HARBOUR REGULATIONS 1935,
AMENDMENT NO. 7**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 26th day of May 1953

Present:

THE HON. K. J. HOLYOAKE PRESIDING 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. 7, and shall be read together with and deemed part of the General Harbour Regulations 1935.*

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

2. In these regulations, unless the context otherwise requires,—

“Ferry” means a barge or punt or any other description of vessel (whether propelled, hauled, towed, or guided) which is engaged in a service for the transport of passengers or vehicles across harbours, rivers, or lakes; and includes all machinery, appliances, and equipment used for the purpose of propelling, hauling, towing, guiding, loading, or unloading any such barge, punt, or other vessel; but does not include any vessel that is a ship within the meaning of the Shipping and Seamen Act 1908:

“Surveyor” means a Surveyor of Ships appointed under the Shipping and Seamen Act 1908.

3. (1) The owner of every ferry shall cause the ferry to be surveyed by a Surveyor at least once in each year:

* *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.

Amendment No. 6: Statutory Regulations 1951, Serial number 1951/283, page 1108.

Provided that, if any ferry is under reconstruction or repair or is about to be reconstructed or repaired, the Secretary for Marine may exempt that ferry from the requirements of this subclause for such period as he thinks fit, and the owner of any ferry so exempted shall cause the ferry to be surveyed by a Surveyor within one month from the date on which the exemption ceases.

(2) No owner of any ferry shall permit the ferry to be used as such and no person shall use any ferry as such unless there is in force in respect of that ferry a valid certificate of survey issued under these regulations.

(3) Every such certificate shall be issued under the hand of the Secretary for Marine, and shall be in a form to be provided by him for the purpose.

(4) The fee payable for the issue of a certificate of survey shall be £3.

4. A certificate of survey under these regulations shall state—

(a) The maximum number of passengers (if any) and vehicles (if any) and, where applicable, the proportion of passengers to vehicles that the ferry may carry:

(b) The mode or manner of accommodating passengers and vehicles and, where applicable, the relative positions to be occupied by passengers and vehicles:

(c) Any other conditions which in the opinion of the Surveyor shall be complied with either generally or on specific occasions.

5. No owner of any ferry shall permit the ferry to be used as such and no person shall use a ferry as such otherwise than in accordance with the conditions prescribed in the certificate of survey.

6. No owner of any ferry shall permit the ferry to be used as such and no person shall use a ferry as such when the state of the weather, wind, or tide, the speed of the current, or the presence of any water in the ferry might possibly endanger its safe operation.

7. Where any ferry has been involved in an accident or has sustained any damage or is in a leaking condition,—

(a) The owner shall, within forty-eight hours after the accident or the sustaining of the damage or the discovery of its leaking condition, report the occurrence to a Surveyor; and

(b) The certificate of survey then in force shall be deemed to be suspended until the owner has caused to be effected to the satisfaction of the Surveyor such repairs as the Surveyor considers necessary to restore the ferry to a safe condition.

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.]

The general purpose of these regulations is to provide for the safety of persons using barges, punts, and other vessels that are used as ferries in harbours, lakes, and rivers. They do not apply to ships, the survey of which is provided for in the Shipping and Seamen Act 1908.

Regulation 3 requires all ferries to be surveyed annually by Surveyors of Ships, and prohibits the use of any ferry unless it possesses a certificate of survey.

Regulation 4 specifies the matters as to the numbers of passengers and vehicles, the mode in which they are to be accommodated on ferries, and other matters that are to be specified in the certificate of survey, and regulation 5 prohibits the operation of any ferry except in accordance with the conditions of its certificate.

Regulation 6 prohibits the use of any ferry where the state of the weather, wind, or tide, the speed of the current, or the presence of any water in the ferry might possibly endanger its safe operation.

Regulation 7 requires notice to be given to a Surveyor of Ships within forty-eight hours of any accident or damage to a ferry or if a ferry is in a leaking condition, and provides that in such a case its certificate is to be suspended until such repairs as the Surveyor requires are carried out to his satisfaction.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 May 1953.

These regulations are administered in the Marine Department.