

1960/51



**THE GENERAL HARBOUR REGULATIONS 1954,  
AMENDMENT NO. 2**

H. E. BARROWCLOUGH, Administrator of the Government

**ORDER IN COUNCIL**

At the Government House at Wellington this 13th day of April 1960

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Harbours Act 1950, His Excellency the Administrator of the Government, 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 1954, Amendment No. 2, and shall be read together with and deemed part of the General Harbour Regulations 1954\* (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. Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the term "petrol ship", the following definition:

" 'Register length' or 'length', in relation to any ship, means the length of the ship measured from the foreside of the head of the stem to the afterside of the head of the stern post, or to the foreside of the head of the rudder stock if no stern post is provided:—"

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

"3. The master of every ship entering any harbour shall, as soon as the ship arrives within signalling distance of the signal station,—

"(a) Hoist or cause to be hoisted the ship's signal letters and keep them flying till answered from the signal station; or

"(b) Establish the identity of the ship to the signal station and receive an acknowledgment by the most convenient means available."

4. The principal regulations are hereby further amended by revoking regulation 4.

5. Regulation 7 of the principal regulations is hereby amended by omitting from subclause (6) the figures "192", and substituting the figures "195".

6. The principal regulations are hereby further amended by revoking regulation 12, and substituting the following regulation:

"12. (1) The master or person in charge of any ship not exceeding 145 ft register length, or of any punt, barge, or lighter which does not have its own means of propulsion, or of any ship for which no articles of agreement with the crew are in force, shall, when it is in any harbour, maintain on board to ensure its safety such persons at such times as the Harbourmaster may require.

"(2) The master or person in charge of any ship over 145 ft register length, excluding a punt, barge, or lighter which does not have its own means of propulsion, shall, at all times when the ship is in any harbour and articles of agreement with the crew are in force and deck officers or seamen are not otherwise on duty, provide for a wakeful watch being maintained by a seaman or other competent watchman.

"(3) Every master or person in charge of any ship who orders any seaman or requires any watchman, not being a seaman, to maintain a wakeful watch over any ship or adjacent ships in any harbour, shall clearly instruct that seaman or watchman in writing as to his duties.

"(4) The duties of every such seaman or watchman shall include—

"(a) Observation of all persons who leave or board any such ship during his period of watch:

"(b) The immediate reporting to the master or person in charge of any such ship or to the police or harbour authority of any incident endangering or likely to endanger any such ship or any person on board:

"(c) The sounding, in the case of fire on any such ship, of that ship's alarms.

"(5) Every seaman or watchman instructed in accordance with subclauses (3) and (4) of this regulation shall be responsible for the proper performance of his duties and shall answer to the challenge of the Harbourmaster, police, or other duly authorised public officer.

"(6) The owner of any ship, punt, barge, or lighter, which does not have a master or other person in charge of it, shall perform the duties required to be performed under this regulation by the master or person in charge of that ship, punt, barge, or lighter."

7. The principal regulations are hereby further amended by revoking regulation 16, and substituting the following regulations:

"16. (1) Subject to subclause (3) of this regulation, no person shall smoke or ignite any match or otherwise create any fire or flame on any vehicular ferry plying within harbour limits either during the conveyance of any petrol-driven vehicle or of any container used for the carriage of petrol, or while the ferry is lying at any wharf with any such vehicle or container being loaded or unloaded or on board.

"(2) Subject to subclause (3) of this regulation, no person shall smoke or ignite any match or otherwise create any fire or flame on any wharf on or in the vicinity of any deck or ramp from or on which any petrol-driven vehicle or container used for the carriage of petrol is being loaded or unloaded on to or from any vehicular ferry plying within harbour limits.

“(3) This regulation shall not make unlawful the use of fire or flame in any boiler or machinery space below any deck of a vehicular ferry where such fire or flame is necessary for the operation of the ferry and is controlled by an engineer, or the use of any engine, lamp, heater, cooker, or other similar type of safe apparatus, electric or otherwise, so designed, constructed, and maintained as to be used without creating any open fire or flame or otherwise endangering the ferry or any vehicle, container, or person thereon or adjacent thereto.

“(4) The master of any vehicular ferry plying within harbour limits shall take adequate steps to see that this regulation is observed by the persons on his ship, and every harbourmaster shall take adequate steps to see that this regulation is observed by the persons on any wharf at which any vehicular ferry is lying.

“16A. Subject to regulations 23 and 114 hereof, no person shall smoke or ignite any match or otherwise create any fire or flame in any hold or in the vicinity of any open hold or any open hatchway of any ship, other than a pleasure yacht (being a ship however propelled used exclusively for pleasure and not carrying goods or passengers for hire) while that ship is moored in a harbour or is lying alongside any wharf.”

8. The principal regulations are hereby further amended by inserting, after regulation 26, the following regulation:

“26A. (1) No person shall engage in any under-water operations with any equipment, being equipment enabling or designed to enable the user to breathe under water, from any jetty, wharf, or quay in any harbour, or within 500 ft of any such jetty, wharf, or quay or within such other areas in any harbour as the Harbour Board may from time to time determine by bylaw, unless he has first obtained the written consent of the Harbourmaster, who shall determine the conditions under which such operations may be permitted.

“(2) Every person committing a breach of this regulation commits an offence, and shall be liable on summary conviction to a fine not exceeding £20.”

9. Regulation 45 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) The master shall cause the gangway or ladder to be securely fixed to the ship and to extend from one portion of the ship's deck or side rail to the wharf, and shall also keep a gangway net properly secured beneath the gangway.”

10. Regulation 51 of the principal regulations is hereby amended by adding the words “and the master or person in charge of the ship on which the outbreak of fire has occurred shall immediately inform the local fire brigade”.

11. Regulation 52 of the principal regulations is hereby amended by inserting in subclause (2), before the word “inspected”, the word “thoroughly”.

12. The principal regulations are hereby further amended by inserting, after regulation 70, the following regulation:

“70A. Where deck cargo is carried extending above the height of the hatch coaming, it shall be so stowed as to provide a clear working space around the hatch of not less than 3 ft extending and measured outward from the top of the coaming plate:

“Provided that any heavy lift or lifts or large units of cargo extending within the 3 ft area at some point or points may be carried if they are so stowed that the hatches and beams may be removed in safety.”

13. The principal regulations are hereby further amended by revoking regulation 75, and substituting the following regulation:

“75. The owner of any New Zealand ship or any hulk shall ensure that the width of each bearing surface for any wooden hatchway cover is not less than 2½ in.”

14. Regulation 80 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:

“(1) If at any hatch of a hold exceeding 5 ft in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, and accessible to any person employed, the coamings are less than 2 ft in height, the hatch shall at all times either be securely fenced all round to a height of not less than 2 ft 10 in. and not more than 3 ft 2 in., or be securely covered:

“Provided that while the hatch is being worked by the ship’s gear rigged for union purchase the working side of the hatch may be unfenced if the thwartship fencing at both ends of the hatch is continuous from the hatchway to the ship’s bulwark on the working side.

“(1A) If at any hatch of a hold exceeding 5 ft in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, and accessible to any person employed, the coamings are less than 2 ft 6 in. but not less than 2 ft in height, and the hatch is not in use for the passage of goods, coal, or other material, or for trimming, the hatch shall either be securely fenced to a height of not less than 2 ft 10 in. and not more than 3 ft 2 in., or be securely covered:

“Provided that this requirement shall not apply to any ship during meal times or other short interruptions of work during the period of employment.”

15. The principal regulations are hereby further amended by revoking regulations 88 and 89.

16. Regulation 91 of the principal regulations is hereby amended by omitting the words “the master thereof”, and substituting the words “the person in charge of the work shall see that regulation 74 of these regulations is complied with, and the master of the ship”.

17. The principal regulations are hereby further amended by inserting, after regulation 92, the following regulation:

“92A. No person shall cast offensive matter in the hold of any ship while that ship is within the limits of any harbour.”

18. The principal regulations are hereby further amended by revoking regulation 99, and substituting the following regulation:

“99. (1) The foreman in charge of the dock or slip or of the construction of any staging on any dock or slip shall provide a sufficient supply of sound and substantial material in a convenient place or places for the construction of staging.

“(2) The foreman in charge of the construction of any staging shall see that it is securely constructed of sound and substantial material, and shall see that the material is maintained in such condition as to ensure

the safety of all persons employed, and the staging shall be inspected at regular and frequent intervals by a Surveyor of Ships or other officer appointed for the purpose.

“(3) The foreman in charge of the construction of any staging shall ensure that all planks intended to be used are—

“(a) Carefully examined before being taken into use:

“(b) Re-examined before they are used again after the staging has been dismantled,—  
by a person qualified to detect faults in timber.”

19. Regulation 100 of the principal regulations is hereby amended by inserting, after the words “in charge of”, the words “the construction of”.

20. Regulation 101 of the principal regulations is hereby amended by inserting, after the words “in charge”, the words “of the construction of any staging”.

21. Regulation 102 of the principal regulations is hereby amended—

(a) By omitting the words “dock or slip”, and substituting the words “construction of any staging”:

(b) By omitting the words “at the fore and after ends”.

22. The principal regulations are hereby further amended by revoking regulation 103, and substituting the following regulation:

“103. The foreman in charge of the construction of any staging to be used at a height exceeding 12 ft above the ground, dock, floor, deck, or tank top, as the case may be, shall ensure that it is provided with man ropes or rails extending the full length of the staging and effectively secured at a height of 3 ft from the stage.”

23. The principal regulations are hereby further amended by revoking regulation 104, and substituting the following regulation:

“104. The foreman in charge of the construction of any staging shall ensure that ladders as a means of convenient access to stages are provided and are so secured as to prevent their slipping.”

24. Regulation 105 of the principal regulations is hereby amended by inserting, after the word “ship”, the words, “or while a ship has no master the owner”.

25. Regulation 106 of the principal regulations is hereby amended by omitting the words “an Inspector of Gear”, and substituting the words “Port Safety Inspector”.

26. Regulation 110 of the principal regulations is hereby amended by adding the following subclause as subclause (2) thereof:

“(2) While such a ship has no master, the owner of that ship shall perform the duties which the master is required to perform under subclause (1) of this regulation.”

27. Regulation 111 of the principal regulations is hereby amended by adding the following subclause:

“(10) While a ship has no master, the owner of that ship shall, for the purposes of subclauses (3), (5), and (6) of this regulation, be deemed to be the master of that ship.”

28. Regulation 112 of the principal regulations is hereby amended by inserting in subclause (2), after the words “master of the ship”, the words “or, while it has no master, on the owner of the ship”.

29. Regulation 122 of the principal regulations is hereby amended by inserting, after the word "slipway", the words "or ship".

30. The principal regulations are hereby further amended by inserting, after regulation 122, the following regulation:

"122A. The person in charge of any work on a dock, slipway, or ship shall ensure—

"(a) That suitable goggles fitted with tinted eye-pieces are provided and maintained for all persons using cutting or welding apparatus to which oxygen or any inflammable gas or vapour is supplied under pressure; and

"(b) That there are provided and maintained for the use of all persons engaged in the process of electric welding—

"(i) Suitable helmets or suitable head-shields or suitable hand-shields to protect the eyes and face from hot metal and from rays likely to be injurious; and

"(ii) Suitable gauntlets to protect the hands and forearms from hot metal and from rays likely to be injurious; and

"(c) That there are provided and maintained for the use of all persons employed in the vicinity of any place where electric-arc welding is in progress or having to pass near to any such place suitable goggles having opaque side-shields to protect the eyes from rays likely to be injurious:

"Provided that the requirements of paragraph (c) of this regulation shall not apply where and when effective protection is afforded by screening."

31. Regulation 130 of the principal regulations is hereby amended—

(a) By inserting, after the word "flag", the words "or flag B of the International Code":

(b) By inserting, after the word "berth", the words "and shall continue to display the flag by day and to exhibit the light by night".

32. Regulation 132 of the principal regulations is hereby amended by adding to subclause (2) the words "and shall display a red flag or flag B of the International Code when explosives exceeding 55 lb are on board".

33. Regulation 134 of the principal regulations is hereby amended by inserting before the words "No person", the words "Except as provided in the Explosives Regulations 1959\*":

34. Regulation 139 of the principal regulations is hereby amended by inserting in paragraph (a), after the word "day", the words "flag B of the International Code or".

35. The principal regulations are hereby further amended by revoking regulation 146, and substituting the following regulation:

"146. No person shall load petrol or permit petrol to be loaded into any hold or compartment of any ship, unless within the hold or compartment any electric-light cables or power cables are in conduits or otherwise suitably protected and there are no junction boxes, switches, fuses, lamp fittings, or other similar appliances."

36. Regulation 152 of the principal regulations is hereby amended by revoking subclause (2).

37. (1) Regulation 165 of the principal regulations is hereby amended by inserting in paragraph (a) of subclause (1), after the word "Harbourmaster", the words "or wharfinger".

(2) Regulation 165 of the principal regulations is hereby further amended by inserting, after subclause (1), the following subclause:

"(1A) A barricade efficient to prevent access by any unauthorised person or vehicle to any petrol ship having on board, or about to take on board, or having discharged, petrol in bulk shall at all times when the ship is berthed at a wharf be erected and maintained by the Harbourmaster or wharfinger."

(3) Regulation 165 of the principal regulations is hereby further amended by omitting from subclause (2) the words "area barricaded", and substituting the words "barricaded areas".

(4) Regulation 165 of the principal regulations is hereby further amended by omitting from subclause (3) the words "area barricaded", and substituting the words "barricaded areas".

38. Regulation 177 of the principal regulations is hereby amended by revoking paragraph (f) of subclause (2), and substituting the following paragraph:

"(f) His first duty when going on board and before acting as pilot of a vessel:".

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 miscellaneous amendments to the General Harbour Regulations 1954. The principal amendments are as follows:

- (a) Regulation 6 lays down new requirements as to the watch which must be maintained on a ship while it is in harbour.
- (b) Regulation 7 provides that, subject to certain exceptions, no person shall smoke or create any fire or flame on or in the vicinity of any vehicular ferry plying within harbour limits while any petrol-driven vehicle or any container used for the carriage of petrol is being loaded or unloaded or on board.  
It also restricts smoking and the creation of fire or flame in or in the vicinity of any open hold or any open hatchway of any ship, other than a pleasure yacht, while that ship is moored in a harbour.
- (c) Regulation 8 provides for the control of under-water operations in any harbour with equipment enabling or designed to enable the user to breathe under water.
- (d) Regulation 10 requires the master or person in charge of any ship on which an outbreak of fire has occurred to immediately notify the local fire brigade.
- (e) Regulation 12 makes provision for a clear working space to be kept around the hatch of a ship when deck cargo is carried which extends above the height of the hatch coaming, provided that any heavy lift or lifts or large units of cargo extending within this space may be carried if they are so stowed that the hatches and beams may be removed in safety.
- (f) Regulation 14 substitutes new provisions for those which at present apply to the fencing of hatches of holds exceeding 5 ft in depth.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 April 1960.

These regulations are administered in the Marine Department.