

1963/204



**THE GENERAL HARBOUR REGULATIONS 1954,
AMENDMENT NO. 4**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 2nd day of December 1963

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 1954, Amendment No. 4, 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*.

PART I—SIGNALS

2. The principal regulations are hereby amended by revoking Part II, and substituting the following Part:

“PART II—SIGNALS

“Identification Signals

“3. The master of every ship entering any harbour shall, by the most convenient means available, establish the identity of the ship to the signal station, if any, and receive an acknowledgment.

“Tug Signals

“4. (1) The master of every ship requiring the services of a tug by night shall either signal his request by the most convenient means available, or shall show at intervals two blue lights, or two flare-up lights

*S.R. 1954/235 (Reprinted with Amendments Nos. 1 and 2: S.R. 1961/165)
Amendment No. 3: S.R. 1962/118

simultaneously, as far apart as possible, provided that the distance apart shall not exceed 300 ft. The master shall cause the last-mentioned signals to be shown in such a position as will best be seen from the harbour or lookout station.

“(2) The master of every ship requiring the services of a tug by day shall either signal his request by the most convenient means available, or shall display the flags YA of the International Code.

“Medical Aid Signals

“5. (1) The master of every ship requiring medical assistance by night shall either signal his request by the most convenient means available, or shall signal the letter W by means of a Morse lamp.

“(2) The master of every ship requiring medical assistance by day shall either signal his request by the most convenient means available, or shall display the flag W of the International Code.

“Police Aid Signals

“6. (1) The master of every ship requiring police assistance by night shall either signal his request by the most convenient means available, or shall display two white lights, vertically disposed 4 ft apart.

“(2) The master of every ship requiring police assistance by day shall either signal his request by the most convenient means available, or shall display the flags ST of the International Code.

“Miscellaneous Signals

“7. Every person shall at all ports in New Zealand either use the following signals, or communicate the information conveyed by those signals by means of radiotelephone or other communication, namely:

TIDAL SIGNALS

Tidal signals shall consist of one, two, or three balls of any colour, or parti-coloured, and shall be displayed as follows:

Flood tide: Two balls at masthead vertically disposed, not less than 6 ft apart.

Last quarter flood: Three balls at masthead vertically disposed, not less than 6 ft apart.

Ebb tide: One ball at masthead.

DAY-TIME BAR SIGNALS

Day-time bar signals shall consist of two, three, or four balls, of any colour, or parti-coloured, and shall be displayed as follows:

Wait for high water: One ball at each yardarm and one on mast, half the length of the yard below the yard.

Stand on; take the bar: Four balls horizontally disposed on yard, two on each side of mast.

Bar dangerous: Three balls horizontally disposed on yard, two on any one side of mast and one on the other.

Put to sea: Two balls horizontally disposed on yard, on either side of mast.

NIGHT BAR SIGNALS

Night bar signals shall be those provided for in the bylaws of the Board for the port concerned.

NIGHT SIGNALS FOR OPEN ROADSTEADS

From Shore:

A boat will come off: Two white lights vertically disposed.

Boat cannot put off: Two lights vertically disposed – upper red, lower white.

Wait till daylight; boat will put off weather permitting: Two lights vertically disposed – upper white, lower red.

Keep to sea; Put to sea: Two white lights horizontally disposed with a red light between them.

From Ship:

Will wait till daylight: Two lights vertically disposed – upper white, lower red.

Cannot wait: Two lights vertically disposed – upper red, lower white.

Cannot keep to sea; Cannot put to sea: Two red lights horizontally disposed.

“Explosives on Board

“7A. The provisions of regulations 130 and 132 (2) hereof shall be observed in the case of signals by ships with explosives on board.

“Tankers and Petrol Ships

“7B. The provisions of regulation 139 hereof shall be observed in the case of signals by tankers and petrol ships.

“General Provisions

“7c. (1) Where not otherwise specified, all signals shall be displayed by the person signalling at the place where they can be best seen.

“(2) Every Harbour Board shall provide its signal station with an adequate set of International Code signal flags to be kept ready for immediate use.

“(3) When pilots are not put on board and semaphore arms are used for piloting ships over all bars where a pilot establishment is maintained, the master shall steer the ship being piloted in the direction towards which the semaphore arm is pointed. When the semaphore arm is dropped the master shall keep the ship steady as she goes.

“(4) Any person failing to use the proper signal when required, or showing wrong or unauthorised signals, shall, in addition to any liabilities which he may incur by so doing, be liable to the penalty provided in regulation 195 of these regulations; but nothing in this regulation shall prevent the use, in cases not provided for in these regulations, of private or local signals in addition to the general signals herein prescribed, if those local or private signals have been previously authorised in writing by the Marine Department.”

3. Regulations 3 and 5 of the General Harbour Regulations 1954, Amendment No. 2, are hereby consequentially revoked.

PART II—OIL PRODUCTS

4. (1) Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

- “Class A oil cargo’, ‘Class B oil cargo’, and ‘Class C oil cargo’ mean cargo consisting of Class A oil products, Class B oil products, and Class C oil products, respectively:
- “Class A oil products’ means oil having a closed flashpoint of less than 73 degrees Fahrenheit; and, without limiting the generality of the foregoing provisions of this definition, includes motor spirit, aviation spirit, benzine, benzol, methylated spirits, and low-flash distillate, and also such alcohols and crude oils as have such a flashpoint; and also includes any other liquids and materials that are dangerous goods of Class I under the Dangerous Goods Act 1957:
- “Class B oil products’ means oil having a closed flashpoint of less than 150 degrees Fahrenheit but not less than 73 degrees Fahrenheit; and, without limiting the generality of the foregoing provisions of this definition, includes kerosene and burning oil, and also such alcohols and crude oils as have such a flashpoint; and also includes any other liquids and materials that are dangerous goods of Class II under the Dangerous Goods Act 1957:
- “Class C oil products’ means oil having a closed flashpoint of not less than 150 degrees Fahrenheit; and, without limiting the generality of the foregoing provisions of this definition, includes gas oil, diesel oil, fuel oil, lubricating oil, bitumen, and animal and fish oils, and also such crude oils as have such a flashpoint; but does not include tallow:
- “Certificate of test’ means a certificate given by a person nominated by the Harbourmaster and approved by the Chief Inspector of Explosives in respect of an oil tank or other part of a ship which has been carrying Class A, Class B, or Class C oil products or dangerous goods, and certifying that he has carried out a test with an apparatus of a kind approved by the Chief Inspector of Explosives as being accurate and reliable for the detection of inflammable or toxic vapour or gas and has found the tank or other part of the ship being tested to be free therefrom:
- “Flashpoint’, in relation to any oil, liquid, or spirit, means the flashing point thereof as determined in accordance with the Dangerous Goods Regulations 1958:*
- “In bulk’, in relation to oil products of any class, means loaded or discharged on to or from a ship by a pipeline system:
- “Inflammable liquid’ means any oil, liquid, or spirit having a flashpoint of less than 150 degrees Fahrenheit:
- “Oil’ means oil of any description; and includes spirit produced from oil; and also includes oil mixed with water:

*S.R. 1958/76

Amendment No. 1: S.R. 1961/149

“Owner of the installation’ includes the person on whose behalf or to or from or on whose premises oil products of any class or any liquid derived therefrom are being conveyed, loaded, unloaded, stored or re-stored, stowed or re-stowed; and includes the superintendent or person in charge of those premises:

“Packed’, in relation to oil products of any class, means loaded or discharged otherwise than in bulk:

“Safety lamp’ means a lamp of a kind which has been certified or approved by the Chief Inspector of Explosives as being of flame-proof or explosive-proof construction for use where inflammable vapours or gases are likely to be present:

“Tank ship’ or ‘tanker’ means any ship which—

“(a) Is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and

“(b) Either—

“(i) Has on board or is about to take on board a cargo the whole or any part of which consists of Class A, Class B, or Class C oil products in bulk; or

“(ii) Has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks, and compartments of which have not been rendered free from inflammable vapour to the satisfaction of the Harbourmaster:

“Wire gauze’ means a gauze made of copper or brass wire of not less than 0.014 in. diameter (28 Birmingham Wire Gauge) and having not less than 28 meshes to the lineal inch.”

(2) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “petrol ship”, and substituting the following definition:

“Petrol ship’ means any ship (not being a tank ship) which—

“(a) Has on board or is about to take on board a cargo the whole or any part of which consists of Class A or Class B oil products; or

“(b) Has discharged any cargo consisting of any such oil products, but the holds and tanks of which have not been rendered free from inflammable vapour to the satisfaction of the Harbourmaster.”

(3) Regulation 2 of the principal regulations is hereby further amended by revoking the definitions of the terms “fuel oil”, “kerosene”, and “petrol”.

5. The principal regulations are hereby further amended by inserting in Part III, after regulation 17A (as inserted by regulation 2 of the General Harbour Regulations 1954, Amendment No. 3), the following regulations:

“17B. (1) Until a certificate of test has been obtained and the permission of the Harbourmaster has been granted, no person shall bring near, or take into, any oil tank any naked light, fire, or lamp other than a safety lamp, or any apparatus of any kind which might produce a light or spark, nor shall he enter any such tank, except for the purpose of testing the atmosphere or undertaking the necessary cleaning in accordance with the provisions of regulation 17C hereof.

“(2) If the cargo last contained in any oil tank was oil, the master, if the oil tank is on board or part of a ship, or the owner, if the oil tank

is not on a ship, shall daily obtain a fresh certificate of test and the approval of the Harbourmaster before work is commenced therein; and if during the course of that work any pipe or joint in the oil tank is broken or any other risk of oil or oil vapour entering it arises, the master or the owner, as the case may be, shall suspend all work therein until a further certificate of test has been obtained.

“(3) No person shall take into any part of a ship which has been carrying oil as cargo any naked lights, fires, or lamps other than safety lamps, or any apparatus of any kind which might produce a light or spark, until a certificate of test has been obtained in respect of that part:

“Provided that until any oil tank has been opened this subclause shall not apply to any part of a ship where naked lights were allowed when the ship was at sea.

“(4) The master, if the oil tank is on board or part of a ship, or the owner, if the oil tank is not on a ship, shall post as soon as may be a certificate of test in a conspicuous place on the ship or on the tank where it can easily be read by all persons concerned.

“(5) Subclauses (1) and (3) of this regulation shall not apply to any ship the oil tanks of which have been cleaned and tested in accordance with these regulations and have not subsequently been used for carrying oil.

“(6) For the purposes of this regulation and of regulations 17c and 17d hereof—

“‘Oil’ means Class A, Class B, or Class C oil products that are capable of giving off toxic or inflammable vapours:

“‘Oil tank’ means any tank, compartment, or space which contains or has contained any oil or any sludge, deposit, or residue therefrom.

“17c. (1) Before any oil tank which contains or has contained oil in bulk is tested,—

“(a) It shall be thoroughly steamed or washed down by means of hot-water jets for such period as will ensure the vaporisation of all volatile oil or shall be otherwise cleaned by chemical means of all volatile oil:

“(b) After it has been so steamed or washed down or otherwise cleaned,—

“(i) All covers of manholes and other openings therein shall be removed, and it shall be thoroughly ventilated, by mechanical or other efficient means, so as to ensure the removal of all oil vapour; and

“(ii) The interior surfaces shall, if any deposit remains thereon, be washed or scraped down:

“(c) All residual oil and any sludge or deposit therein shall be removed from it, and any person who is employed in its cleaning or testing shall be provided with suitable breathing apparatus with an attached life line attended by some person outside the tank:

“Provided that the requirements relating to the provision of breathing apparatus and life line may be dispensed with in the case of tanks which have contained Class C oil products, if the tank has been adequately ventilated and is provided with adequate ventilation throughout the period of cleaning or testing:

“(d) The person in charge of the men employed in the cleaning of the tank shall take precautions that no matches or other means of producing fire or sparks are carried by those men:

“(e) All due precautions shall be taken for the prevention of accidents during gas-freeing or tank-cleaning:

“(f) When cleaning is being carried out in high ambient temperatures, such further precautions shall be taken as may be required by the Harbourmaster.

“(2) If the oil tank is on or part of a ship, the provisions of paragraphs (a), (b), (c), (e), and (f) of subclause (1) of this regulation shall be complied with by the master of the ship, and, in the case of an oil tank not on the ship, the provisions of those paragraphs shall be complied with by the owner of the oil tank.

“17D. Where repairs are being carried out on an oil tank in respect of which a certificate of test is required under regulation 17B hereof, no person shall—

“(a) Use or permit to be used any lamp other than a safety lamp; or

“(b) Take or permit to be taken into the tank any rivet fire or other fire or naked light, or, unless it is impracticable, pass heated rivets otherwise than through tubes:

“Provided that any or all of the requirements of this regulation may be dispensed with on the written authority of the Harbourmaster, if the person giving the certificate of test under regulation 17B hereof in relation to that oil tank so recommends.”

6. The principal regulations are hereby further amended by revoking regulation 111, and substituting the following regulation:

“111. (1) No person shall in a dock or on a slipway commence repairs in or adjacent to an oil tank (as defined in regulation 17B hereof) which is required by that regulation to have a certificate of test, until that certificate or a copy thereof has been delivered to the proprietor of the dock or slipway.

“(2) The proprietor of a dock or slipway may, at any time before the commencement of work on any ship, demand from the master or owner of the ship a certificate giving the flashpoint of the oil which is, or has been immediately before that commencement, in any tank or space on the ship; and the master or owner shall forthwith supply the certificate.”

7. Regulations 112 and 113 of the principal regulations are hereby revoked.

8. The principal regulations are hereby further amended by revoking Part XII, and substituting the following Part:

“PART XII—CLASS A, CLASS B, AND CLASS C OIL PRODUCTS

“General Provisions

“138. (1) Before the arrival in port of any petrol ship, and not later than may be provided in the bylaws of the Harbour Board, the master and the owner thereof shall inform the Harbourmaster of the quantity of Class A and Class B oil cargo on board and the manner in which it is stowed.

“(2) Before the arrival in port of any tank ship, and not later than may be provided in the bylaws of the Harbour Board, the master and the owner thereof shall inform the Harbourmaster of the quantity of Class A, Class B, and Class C oil cargo on board and the manner in which it is stowed.

“(3) Before commencing loading or discharging Class A or Class B oil cargo from any petrol ship or Class A, Class B, or Class C oil cargo from any tank ship, the master and the owner of the ship shall notify the Harbourmaster of his intention so to do, the time and place of the loading or discharging, and the quantity which he proposes to load or discharge. Neither the master nor the owner shall commence such loading or discharging until the approval of the Harbourmaster has been given.

“(4) A Harbour Board may make bylaws specifying the period of notice required for the purposes of this regulation.

“139. On or immediately before the arrival in port of any ship carrying Class A or Class B oil cargo, and so long as the ship remains in port and remains a tank ship or petrol ship as defined in these regulations, the master shall—

“(a) Display by day a red flag not less than 3 ft square with a white circular centre 6 in. in diameter, or the Flag B of the International Code of Signals, and by night a red light at the masthead or where it can best be seen but not less than 20 ft above the deck, so that the flag or light is clear of all obstructions and clearly visible in all directions:

“Provided that if the ship is a self-propelled barge which cannot normally comply with this paragraph, the master shall instead display by day, in a conspicuous position above the deck, a red flag of metal not less than 18 in. square, with a white circular centre 6 in. in diameter, and by night an all-round red light using a safety lamp:

“Provided further that this paragraph shall not preclude a Harbour Board from making bylaws requiring additional special signals within its harbour:

“(b) When the ship is berthed at any wharf or landing place, exhibit, at the forward side of the gangway, a notice board with the words ‘DANGER—NO SMOKING’ printed in conspicuous lettering not less than 6 in. in size, and by night illuminate that notice board.

“140. While in port the master of every petrol ship or tank ship shall—

“(a) Berth or moor the ship only at such wharf or place as the Harbourmaster directs; and

“(b) Keep the holds and spaces containing Class A or Class B oil cargo securely closed, except when opened for loading or discharging; and

“(c) Cause the cargo, as far as it consists of Class A or Class B oil cargo, to be discharged with all possible dispatch; and

“(d) Ensure, while cargo is being loaded or discharged, that the radio transmitting apparatus on the ship is not operated in any way.

“General Safety Precautions

“141. (1) From the time when the holds or tanks of a petrol ship or tank ship are first opened for the purposes of loading or discharging Class A or Class B oil cargo until such time as all such cargo has been loaded into or discharged from the holds or tanks and the holds or tanks have been securely closed down and rendered free from inflammable vapour as required by regulations 147 (1) and 161 (b) hereof, the master of the ship and the owner of the wharf and the owner of the installation in their respective spheres shall ensure that no fire or artificial light is on board the ship or at or near the place where the cargo is being loaded or discharged:

“Provided that when the Harbourmaster is satisfied that it is safe to do so, he may authorise the use of lamps, heaters, cookers, or other similar type of safe apparatus, electric or otherwise, so designed, constructed, and maintained as to be incapable of igniting inflammable vapour:

“Provided also that this subclause shall not be deemed to prohibit the loading or discharging of a petrol ship or tank ship under conditions approved by the Harbourmaster, by means of steam from her own boilers or power generated by electric motors or internal-combustion engines placed in a position away from cargo holds and pump rooms, or alternatively by means of electric motors so designed and constructed as to be incapable of igniting inflammable vapour and maintained in accordance with the requirements of any ship survey authority approved for the purpose by the Secretary for Marine.

“(2) The owner of the wharf, and in the case of a petrol ship or tank ship the master and the owner of the ship, and in the case of cargo in bulk the owner of the installation, in their respective spheres shall take adequate steps to prevent any person under their control from smoking at or near the place where Class A or Class B oil cargo is being loaded or discharged and to prevent any person engaged in that loading or discharging from carrying fuses, matches, or any appliance whatsoever for producing ignition.

“(3) The owner of all pipes and other appliances used in the loading or discharging of Class A, Class B, or Class C oil products in bulk shall ensure that they are free from leakage.

“(4) Except as provided in regulation 167 (d) hereof, no person shall bring any Class A or Class B oil cargo to the place of loading until the ship into which it is being loaded is ready to receive such Class A or Class B oil cargo.

“(5) The master and the owner of a ship and the owner of any Class A, Class B, or Class C oil products shall not discharge or allow any such products to escape into the waters of any harbour.

“(6) The master and the owner of the ship shall take all due precautions for the prevention of accident by fire or explosion in loading or discharging Class A, Class B, or Class C oil products on to or from any ship.

“(7) No person shall use iron or steel hammers or other instruments capable of causing a spark for the purpose of opening or closing the hatches or tank lids of a petrol ship or tank ship.

“(8) Except with the approval of the Harbourmaster, neither the master nor the owner of the ship shall permit chipping, scraping, or hammering of iron or steel on any ship while any hold or tank which contains or has recently contained Class A or Class B oil products is open, or while there are any Class A or Class B oil products on deck.

“(9) Conductors capable of earthing any lightning discharge shall be fitted by the owner to each mast of a wooden petrol ship, and to each mast of a steel petrol ship or tank ship if the masts of the ship are of wood.

“(10) Unless exempted by the Harbourmaster, the master of every petrol ship or tank ship shall ensure that sufficient motive power is available at all times to enable the ship to be moved from her berth in case of fire.

“(11) No person shall load or discharge on to or from any ship any cargo, not being oil products in bulk, concurrently with the loading or discharge of Class A or Class B oil products in bulk on to or from that ship:

“Provided that the first-mentioned cargo may be loaded or discharged concurrently with the loading or discharge in bulk of products having a flashpoint above 90 degrees Fahrenheit, subject to the Harbourmaster’s written approval being first obtained.

“142. The masters of two or more ships (being either petrol ships or tank ships) shall ensure that, except for the purpose of transshipment, their ships do not lie within 100 ft of each other, except with the consent of the Harbourmaster.

“143. (1) The master of every petrol ship or tank ship shall—

“(a) Appoint a competent person on board the ship as a watchman until all Class A, Class B, and Class C oil cargo in bulk and all packed Class A and Class B oil cargo has been loaded or discharged and the holds or tanks securely closed after loading or discharging; and

“(b) At all times have a responsible person on board and sufficient personnel available who are competent to carry out and give effect to the provisions of these regulations and to meet any conditions required by the Harbourmaster.

“(2) The duties of the watchman appointed under paragraph (a) of subclause (1) of this regulation, in addition to those specified in subclause (4) of regulation 12 hereof, shall include—

“(a) Prevention of unauthorised smoking or use of naked lights; and

“(b) Prevention of unauthorised persons boarding the ship; and

“(c) Warning every person boarding the ship that inflammable liquids are being handled.

“144. The master of any ship having a boiler on deck and the person in charge of any floating appliance or coal hulk having a boiler on deck shall not lie alongside or within 50 ft of a petrol ship or tank ship while the fire under the boiler is alight, except when the compartments on the petrol ship or tank ship containing the Class A, Class B, or Class C oil cargo are closed.

“145. No person shall load Class A or Class B oil products or permit any such products 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.

“Packed Class A, Class B, and Class C Oil Cargo

“146. (1) In addition to regulations 138 to 145 hereof, regulations 147 to 152 hereof shall apply to petrol ships or tank ships arriving with, loading, or discharging packed Class A or packed Class B oil cargo or, where so provided, packed Class C oil cargo.

“(2) The provisions of regulations 147 to 152 hereof relating to the loading and discharging of packed cargo shall apply to the loading and discharging of containers which have contained Class A or Class B oil products and have not been rendered free from inflammable vapour, as if those containers were packed Class A or Class B oil products.

“147. (1) The master and the owner of a ship shall ensure that no packed Class A or Class B oil cargo is loaded on to or discharged from the ship, unless—

“(a) The cargo is loaded or discharged by means of approved trays or fibre-rope slings, or with such other means or appliances as may be approved by a Surveyor of Ships; and

“(b) Any holds into or from which the cargo is to be loaded or discharged have been thoroughly ventilated if they contain or have contained Class A or Class B oil cargo;—

and the master and the owner shall ensure that after all such cargo has been discharged the holds in which the cargo was stored shall be rendered free from inflammable vapour except as provided in regulation 161 (b) hereof.

“(2) Except as provided in subclause (3) of this regulation, no person shall load or discharge packed Class A or Class B oil cargo from a ship at any time other than during daylight, which for the purpose of this regulation shall be deemed to be the period of each day from sunrise to sunset. If at any time during the period of daylight as so defined it becomes necessary to use artificial illumination, loading and discharging shall cease, and no person shall load or discharge any such cargo until the provisions of subclause (3) of this regulation have been complied with.

“(3) With the written consent of the Harbourmaster first obtained, and subject to compliance with any conditions as to hours of working, kinds of illuminants to be used or not to be used, and other conditions which may be specified in that consent, the master of a ship other than a tank ship may, after daylight hours or during a period of daylight when artificial illumination is necessary, load or discharge packed Class A or Class B oil cargo on to or from the ship.

“148. (1) The master and the owner of a ship shall ensure that no packed Class A oil cargo and no packed Class B oil cargo having a flashpoint of up to 90 degrees Fahrenheit is loaded thereon below deck, unless—

“(a) The holds have been inspected and a certificate issued in writing by a Surveyor of Ships, pursuant to regulation 149 hereof, certifying that the holds in which the cargo is to be carried are suitable for that purpose; and

- “(b) Those holds are maintained in that condition; and
- “(c) Any other cargo carried in the hold containing the packed Class A or Class B oil cargo is stowed in such manner as to avoid damaging the receptacles containing the packed Class A or Class B oil cargo; and
- “(d) All hatchways or similar deck openings from the holds or spaces in which the packed Class A or Class B oil cargo is stowed are provided with hatches or other coverings approved by a Surveyor of Ships; and
- “(e) At least one portable fire extinguisher for oil fires, and such more as may be required by the Harbourmaster, of a type approved by the Chief Surveyor of Ships are provided and kept readily accessible to any place where any packed Class A oil cargo or any packed Class B oil cargo having a flashpoint of up to 90 degrees Fahrenheit is stored, those extinguishers to be additional to those required to be kept on the ship by the Shipping Fire Appliances Rules 1958;* and
- “(f) All packed Class A, Class B, or Class C oil cargo and containers which have contained Class A or Class B oil cargo loaded on the ship are securely stowed; and
- “(g) Any smoke helmet or smoke mask or breathing apparatus required to be provided on the ship is kept readily accessible on the ship in the event of an outbreak of fire.

“(2) The master and the owner of a petrol ship shall ensure that no packed Class A or Class B oil cargo, and no other cargo capable of causing ignition, is taken into any hold containing explosives or stowed near any stokehold or coal bunker bulkhead.

“(3) A copy of the certificate required to be given for the purposes of paragraph (a) of subclause (1) of this regulation shall be kept posted up by the master of the ship in a conspicuous place on the ship where it can easily be read by all persons concerned.

“149. (1) A Surveyor of Ships may at any time, on the application of the master or owner of any ship, issue a certificate or licence as to the ship's fitness to carry thereon below deck packed Class A oil cargo or packed Class B oil cargo having a flashpoint of up to 90 degrees Fahrenheit.

“(2) The issue of such a certificate or licence shall be subject to the following conditions:

- “(a) That the bulkheads in each hold are of a design and construction approved by a Surveyor of Ships and are in good condition; and
- “(b) That the holds and spaces in which the packed Class A or Class B oil cargo is to be stowed have been tested for gas tightness and found in an airtight condition. If the floor of an accommodation space forms the top of the compartment, the floor must be covered with an approved deck composition; and
- “(c) That the ship is fitted with an electric-light system; and
- “(d) Such other conditions as may, in the discretion of the Surveyor of Ships, be imposed.

“(3) The certificate or licence shall expire on the date of expiry of the ship’s survey certificate or such earlier date as may be prescribed by the Surveyor of Ships, but may be withdrawn at any time before the date of expiry if the Chief Surveyor of Ships deems it necessary to do so.

“150. (1) No person shall convey, load, or discharge packed Class A, Class B, or Class C oil cargo on or from a ship, unless that cargo is contained in tanks, drums, tins, or other containers which are of such strength and construction as to withstand the ordinary risks of handling and transport by sea, having regard to their nature.

“(2) It shall be the duty of every member of the crew of a ship loading or discharging packed Class A, Class B, or Class C oil cargo, and of any waterside worker assisting in such loading or discharging, and of any other person on board the ship, forthwith to report to the officer in charge of the loading or discharging the presence of any leaking containers that may come under his observation.

“(3) No person shall ship packed Class A, Class B, or Class C oil cargo, or cause or allow any such cargo to be shipped, if to his knowledge any such cargo or any vapour therefrom is escaping or is likely to escape from any drum, tin, or other container in which it is contained.

“(4) No master or owner of any ship shall receive on board that ship any packed Class A, Class B, or Class C oil cargo if to his knowledge any such cargo or any vapour therefrom is escaping or is likely to escape from any drum, tin, or other container in which it is contained.

“151. (1) A Superintendent of Mercantile Marine may, on the application of the master or owner of a ship, grant a licence for the carriage of a limited quantity of packed Class A oil cargo on approved deck spaces of the ship as deck cargo, subject to the following conditions:

“(a) That paragraph (c) of subclause (2) of regulation 149 hereof is complied with by the owner of the ship; and

“(b) That no such packed Class A oil cargo is carried within 30 ft of any galley funnel liable to emit dangerous sparks, or within 15 ft of openings leading into the crew’s quarters, the machinery or boiler spaces, or passenger cabins; and

“(c) That no such packed Class A oil cargo is carried on any deck or part thereof set aside or available for passengers or in the vicinity of the ship’s lifeboats; and

“(d) That no such packed Class A cargo is left stowed abreast any hatch into or from which cargo of any kind is being loaded or discharged.

“(2) When packed Class A oil cargo is carried as deck cargo, the master of the ship shall post up conspicuous notices on the ship drawing attention to the danger arising from smoking or striking matches or otherwise causing the production of a spark or flame near the deck cargo.

“(3) The licence, when granted, shall be subject to the Deck Cargo Regulations 1950.*

“(4) When any packed Class A oil cargo is carried on any ship in breach of the conditions implied by subclause (1) of this regulation, the master commits an offence against these regulations.

“152. (1) The master and the owner of a ship shall ensure that no packed Class A oil cargo is loaded into any hold or space in the ship, unless the hold or space is fitted with efficient ventilators, half of which extend to the bottom of the hold or space and the other half of which are practically flush with the deckhead of the hold or space.

“(2) The owner of the ship shall fit the ventilators with large cowl heads and their openings with double wire gauze.

“(3) If the hold or space of a ship is allotted wholly to packed Class A oil cargo, the master of the ship shall remove the ventilators after loading and shall seal up the hold or space.

“(4) If packed Class A oil cargo forms a proportion only of the total cargo in a hold or space, the master shall keep the ventilators in place during the whole time the packed Class A oil cargo is on board.

“Packed Class A or Class B Oil Products on Wharves

“153. (1) No person shall deposit any packed Class A or Class B oil products, or cause or allow any such products to be deposited, on any wharf or in any shed on any wharf or on or in any place within 50 ft of any wharf without the permission of the Harbourmaster.

“(2) Except with the written permission of the Harbourmaster, no person shall deposit any packed Class A or Class B oil products, or allow any such products to remain, on any wharf or in any shed on any wharf or on or in any place within 50 ft of any wharf at any time between sunset and sunrise.

“154. Except with the written permission of the Harbourmaster, no person shall deposit or allow to remain on any wharf or in any shed on any wharf or on or in any place within 50 ft of any wharf any greater quantity of packed Class A or Class B oil products than can be handled in a period of one hour with the means of transport available at that wharf.

“155. The owner or other person entitled to receive delivery of any packed Class A or Class B oil products for or from any ship shall, if those products are unloaded on any wharf or landing stage, remove them from that wharf or stage with the utmost possible dispatch.

“156. No person shall handle or deposit packed Class A or Class B oil products upon any wharf or in any shed on any wharf or on or in any place within 50 ft of any wharf until notice boards with conspicuous lettering not less than 6 in. in size, and bearing the words ‘DANGER—NO SMOKING’ have been erected in such conspicuous positions not less than 50 ft from those products as to be visible from every point of access to the wharf, shed, or place.

“157. When packed Class A or Class B oil products are upon any wharf or in any shed on any wharf or on or in any place within 50 ft of any wharf, no person shall smoke, or have in his possession or under his control any means of ignition, or any lamp other than a safety lamp, within 50 ft of those products.

“158. No person shall use on any wharf where packed Class A or Class B oil products are being loaded or landed, or on or in which any such products are lying, or in any shed on any such wharf or on or in any place within 50 ft of any such wharf, any fires or lights other than

electric filament or self-contained electric lamps, heaters, cookers, or other similar type of apparatus, so designed, constructed, and maintained as to be incapable of igniting inflammable vapour.

“159. (1) When any ship is loading or unloading packed Class A or Class B oil products, or any such products are stored or lying on any wharf or in any shed on any wharf or on or in any place within 50 ft of any wharf, no person shall bring any locomotive, in which steam is generated by combustion in open fires, within 50 ft of any such vessel or products or storage place.

“(2) A Harbour Board may make bylaws prohibiting the approach of any such locomotive within 50 ft of any such vessel or products or storage space at any time.

“Class A, Class B, or Class C Oil Cargo in Bulk

“160. In addition to regulations 138 to 145 hereof, regulations 161 to 168 hereof shall apply to all ships arriving with, loading, or discharging Class A, Class B, or Class C oil cargo in bulk.

“161. The master and the owner of a tanker shall ensure that—

“(a) The tanker is not berthed, unberthed, or moved in any harbour unless prior notice thereof is given to the Harbourmaster and his consent is obtained; and

“(b) After all Class A, Class B, or Class C oil cargoes have been discharged from the tanker the tanks or compartments are rendered free from inflammable vapour:

“Provided that a tanker leaving harbour without delay or remaining only for the purpose of taking aboard bunkers, stores, ballast, or for any other purpose which the Harbourmaster approves, shall not be required to be free from inflammable vapour.

“162. The master and the owner of a tanker and the owner of the installation shall ensure in respect of Class A, Class B, or Class C oil cargo in bulk that—

“(a) The Harbourmaster’s prior consent has been obtained before the cargo is loaded or discharged into or from shore tanks or barges and that any conditions he may impose are complied with; and

“(b) If the loading or the discharging is commenced or completed during the hours of darkness, hose connections are not made or broken during those hours without the permission of the Harbourmaster, who shall not give that permission unless he is satisfied that sufficient illumination of a type and located in a position approved by him is available; and

“(c) If during loading or discharging it is found necessary or advisable to change any connection or hose in use, then, before the connection is broken or the hose is changed,—

“(i) Where Class A or Class B oil products are being pumped, water is pumped through in sufficient quantities to ensure that no oil shall escape or flow into the harbour or on to any land adjacent thereto; and

(ii) Where Class C oil products are being pumped, water or air is pumped through in sufficient quantity to ensure that no oil shall escape or flow into the harbour or on to any land adjacent thereto; and

“(d) If during any discharge or loading anything occurs to necessitate a repair to the plant, pipes, or connections, other than changes of any hose or connection as hereinbefore mentioned, the Harbourmaster is informed and the discharge or loading discontinued and adequate safety measures are taken until such time as the Harbourmaster is satisfied that the repairs have been satisfactorily completed.

“163. (1) The master and the owner of a ship shall ensure that no Class A, Class B, or Class C oil cargo is loaded or discharged in bulk into or from the ship unless that ship or a compartment of that ship containing or to contain that cargo has been specially constructed for the carriage of such cargo in bulk or the requirements of subclauses (2) to (6) of this regulation are complied with.

“(2) The master and the owner of a ship shall ensure that no Class A, Class B, or Class C oil cargo is loaded or discharged in bulk into or from a container on the ship and not forming part of the ship, except in compliance with the requirements of subclauses (3) to (5) of this regulation.

“(3) No container not forming part of the ship shall be used for the carriage of Class A, Class B, or Class C oil cargo in bulk on or in the ship unless that container has been approved by the Chief Surveyor of Ships for that purpose. The approval given may be general or specific, and may state such conditions as to the maintenance, location, securing, and marking of the container and such other requirements as the Chief Surveyor of Ships, in his discretion, may consider necessary.

“(4) If the container is to be carried below deck, a certificate issued by a Surveyor of Ships shall be obtained in accordance with the requirements of regulation 149 hereof, as if the cargo to be carried in the container were packed cargo.

“(5) If the container is to be carried on deck, a deck-cargo licence issued by a Superintendent of Mercantile Marine shall be obtained, and the provisions of regulation 151 hereof shall apply as if the cargo to be carried in the container were packed cargo.

“(6) The loading and discharging of Class A, Class B, or Class C oil cargo in bulk into or from a container on a ship and not forming part of the ship shall be subject to the provisions of—

“(a) Regulations 161 to 168 hereof as if the container were part of the ship; and

“(b) The following of these regulations as if the cargo were packed cargo—

“(i) Regulation 147 hereof, except paragraph (a) of subclause (1) thereof;

“(ii) Regulations 148 and 152 hereof.

“164. Unless exempted in writing by the Harbourmaster, the master of a tank ship shall, immediately on the ship being berthed, have steel-wire hawsers sufficiently strong to enable the ship to be hauled away from the berth placed over the fore and after ends of the ship and made securely fast on board, and the master shall maintain those

hawsers in position so long as any Class A, Class B, or Class C oil cargo is on board and until the ship has been rendered free from inflammable vapour.

“165. (1) The master or owner of a tank ship and the owner of the installation shall not commence or continue the loading or discharge of any Class A or Class B oil cargo in bulk on to or from the ship, unless and until—

- “(a) A barricade to prevent access by any unauthorised person to the ship and to pipeline hose-connections has been erected to the satisfaction of the Harbourmaster and is maintained at all times when the ship is berthed unless the ship is certified gas-free or its holds are completely shut down; and
- “(b) A watchman is stationed at each opening of the barricade to prevent the entrance of any unauthorised person; and
- “(c) Notice boards with conspicuous lettering not less than 6 in. in size, and bearing the words ‘DANGER—NO SMOKING’ are erected at each opening of the barricade; and
- “(d) The arrangements for safety have been approved by the Harbourmaster.

“(2) No person shall drive a powered vehicle capable of producing and emitting a spark or flame within the barricaded areas or drive such a vehicle within 50 ft of any pipeline hose-connections while Class A or Class B oil cargo is being unloaded or discharged or the pipelines are unsealed. A Harbour Board may make bylaws prohibiting the approach of any such vehicle within 50 ft of any vessel or storage space at any time.

“(3) No person shall use a hand truck or similar wheeled appliance within the barricaded areas unless the hand truck or wheeled appliance is equipped with rubber tyres.

“(4) No person shall smoke or have in his possession or under his control any means of ignition or lamp other than a safety lamp within any such barricaded area.

“166. Before any loading or discharging of Class A, Class B, or Class C oil cargo in bulk on to or from any tank ship is commenced, the master and the owner of the ship and the owner of the installation shall ensure that a competent signalling staff is in attendance both on the wharf and aboard the ship and that direct uninterrupted telephonic communication between the wharf and the oil storage installation is established for use during the period of pumping. The owner of the installation shall also ensure that responsible staff are in attendance on the wharf to superintend the opening and closing of valves and for patrol of the pipeline.

“167. The following precautions in the loading and discharging of Class A, Class B, or Class C oil cargo in bulk shall be taken by the owner of the installation:

- “(a) Pipelines, valves, and hoses, constructed to be resistant to Class A, Class B, or Class C oil products, as the case may require, and maintained in good order, free from leakage, gas-tight, and suitably bonded and earthed, shall be used for connecting from shore installation to ship; and

“(b) A non-return valve shall be placed immediately behind the connection between hose and shore-installation pipe and, where required by the Harbourmaster, at the shore end of the wharf also:

“Provided that in special circumstances and with the approval in writing of the Harbour Board, the requirement of a non-return valve at the seaward end of the pipeline may be dispensed with if a non-return valve is provided at the shore end of the pipeline and the distance from the outer or seaward end of the line to the non-return valve on shore does not exceed 50 ft:

“Provided further that in special circumstances, and with the approval in writing of the Harbour Board, a non-return valve may be by-passed by the installation of a rising-spindle gate-valve:

“Provided also that in special circumstances, and with the approval in writing of the Harbour Board, a non-return valve may be dispensed with on pipelines used exclusively for the loading of petroleum products:

“Provided also that no approval shall be given by a Harbour Board under this paragraph, unless any appropriate exemption required by the Dangerous Goods Regulations 1958* has been granted; and

“(c) When pumping ceases temporarily, valves on the ship and on the shore pipeline shall be closed; and

“(d) On completion of the loading or unloading, pipelines and valves on or under any wharf shall be thoroughly cleared of Class A and Class B oil products by flushing with water and shall be kept full of water, and hoses shall be thoroughly cleared of Class A, Class B, and Class C oil products:

“Provided that the Harbourmaster may grant exemption from the requirements of this paragraph in the case of underwater pipelines used for the transmission of Class A, Class B, or Class C oil products, or any specified pipeline provided it is patrolled to the satisfaction of the Harbourmaster; and

“(e) Sufficient drip trays of a type approved by the Harbourmaster shall be provided and available for use on the wharf or on the ship under any valves and fittings which may be found to be leaking.

“168. The master of the ship shall ensure that—

“(a) The lids, screw caps, or other removable coverings of the oil tanks in the ship are kept securely fastened, screwed down, and gas-tight, except so far as may be necessary to enable inspection, loading, or discharge of Class A, Class B, or Class C oil cargo to proceed:

“Provided that, immediately upon the removal of any lid, screw cap, or other covering, and except during the actual operation of inspection, safety wire gauzes shall be properly fitted or other efficient steps taken, to the satisfaction of the Harbourmaster, to prevent the ignition of the cargo or any vapour therefrom; and

- “(b) An adequate number of drip trays, which shall be provided by the owner of the installation, are available for use under any valves and fittings which may be found to be leaking; and
- “(c) An adequate supply of sand is available for use, if necessary, on the decks in the vicinity of any such valves and fittings; and
- “(d) The scuppers are securely closed in order to prevent the escape of oil from the ship; and
- “(e) No unauthorised person is permitted to be on board the ship while loading or discharge is in progress.

“Class A and Class B Oil Products Exemption

“169. Where the total quantity of Class A or Class B oil products loaded, transhipped, or discharged or proposed to be loaded, transhipped, or discharged on to or from any ship on any occasion is less than 200 gallons, the Harbourmaster, in his discretion, may exempt any person from compliance with any provisions of regulations 138 to 168 hereof in relation to that ship to such extent and subject to such restrictions, limitations, and conditions as the Harbourmaster thinks fit.

“Class A, Class B, or Class C Oil Products as Bunkers

“170. The bylaws of the Harbour Board, or, subject to any such bylaws, the Harbourmaster, in his discretion, may, to such extent and subject to such restrictions, limitations, and conditions as are specified in the bylaws or, as the case may be, as the Harbourmaster thinks fit, exempt any person from compliance with any of the provisions of regulations 138 to 168 hereof in relation to any ship that is loading or intends to load Class A, Class B, or Class C oil products as bunkers for consumption by that ship.

“Class C Oil Cargo Exemption

“170A. The Harbourmaster, in his discretion, may, to such extent and subject to such restrictions, limitations, and conditions as he thinks fit, exempt any person from compliance with any of the provisions of regulation 143, paragraph (b) of regulation 161, and regulations 164 and 168 hereof in relation to any ship in which the greater part of the cargo space is not constructed or adapted for the carriage in bulk of cargo comprising oil products of any class and which has on board or is loading or discharging Class C oil cargo in bulk in or into or from tanks forming part of the ship and used mainly for the carriage of Class C oil products as bunkers or of water ballast.”

9. Regulations 27, 28, 34, 35, 36, and 37 of the General Harbour Regulations 1950, Amendment No. 2, are hereby consequentially revoked.

PART III—GENERAL PROVISIONS

10. The principal regulations are hereby further amended by inserting, after regulation 2, the following regulation:

“2A. Where by any provision of these regulations any obligation or duty is imposed upon the master of any ship, that obligation or duty shall, in the case of a ship that has no master, be performed or carried out by the owner of the ship.”

11. The principal regulations are hereby further amended by inserting, after regulation 194, the following regulation:

“194A. Where by any provision of these regulations any obligation or duty is imposed on both the master and the owner of any ship, then, if that provision is not complied with, the master and the owner shall severally be deemed to have committed an offence against these regulations:

“Provided that any such provision may be complied with by either the master or the owner, and compliance by one shall for the purposes of these regulations be deemed to be compliance by the other.”

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.

PART I—SIGNALS

This Part replaces Part II of the principal regulations prescribing the signals to be given at ports in New Zealand. The principal changes are as follows:

- (a) A change is made in the method of establishing the identity of a ship before entering a harbour, and permits the master to establish the identity of his ship by the most convenient means available.
- (b) Provision is made for signalling by radiotelephone or other means in respect of tidal, bar, and roadstead signals.
- (c) Special provision is made in respect of night bar signals.

PART II—OIL PRODUCTS

This Part replaces the existing provisions of the principal regulations relating to oil and its loading and discharge.

The present regulations refer specifically to petrol, fuel oil, and kerosene, but the new provisions divide oil into three classes, according to its flashpoint, Class A being oil having a flashpoint of less than 73°F, Class B being oil having a flashpoint of less than 150°F but not less than 73°F, and Class C being oil having a flashpoint of not less than 150°F.

The new provisions are intended to bring the regulations as to oil products and their loading and discharge more completely into line with modern practice. Provisions corresponding to most of the provisions of the new Part XII (substituted by regulation 8) appear in the existing Part XII, but many of them have been amended on account of the new system of classifying oil and oil products and in order to provide new procedures in the interests of safety.

PART III—GENERAL PROVISIONS

Regulation 10 provides that any obligation or duty that is imposed by the principal regulations (including their amendments) on the master of a ship must, in the case of a ship that has no master, be performed or carried out by the owner of the ship.

Regulation 11 provides that where any obligation or duty is imposed on both the master and the owner of a ship and that obligation or duty is not performed or carried out, each of them commits an offence, but the obligation or duty may be carried out or performed by either of them, and in such a case compliance by one is deemed to be compliance by the other.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 December 1963.

These regulations are administered in the Marine Department.