

1976/92



THE SHIPPING (MANNING OF RESTRICTED-LIMIT SHIPS) REGULATIONS 1976

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 5th day of April 1976

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Shipping and Seamen Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Shipping (Manning of Restricted-limit Ships) Regulations 1976.

(2) These regulations shall come into force on the 3rd day of May 1976.

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

“The Act” means the Shipping and Seamen Act 1952:

“Approved bridge control”, in relation to any ship, means such control mechanism and instrumentation located adjacent to the helmsman’s main steering position as is sufficient in the opinion of a Surveyor of Ships for the safe operation and effective control of the main propulsion machinery and the ship:

“Crew member” means a bona fide member of the crew who is over the age of 15 years and is engaged in the business of the ship, being a member who is remunerated for his services and has contributed no other consideration for his carriage:

“Director” means the person for the time being holding the office of Director of the Marine Division of the Ministry of Transport; and includes the Deputy Director of that Division:

“Length”, in relation to any ship, means either the register length, or 95 percent of the length measured from the foreside of the head of the stem to the extreme after end of the ship, whichever is the greater:

“Owner”, in relation to any ship, includes any person for the time being responsible for the navigation and management of the ship:

“Restricted-limit ship” means a ship (not being a New Zealand fishing boat) in respect of which a restricted-limit certificate is for the time being in force:

“Tug” means a ship which is engaged in towing, pushing, or otherwise propelling barges, hulks, or other ships:

Other expressions defined in the Act have the meanings so defined.

3. Application—These regulations shall apply with respect to every restricted-limit ship, except one which is for the time being towed or propelled by another ship.

4. Manning—(1) Every ship to which these regulations apply shall carry a duly certificated master and engineer according to the scale set out in the First Schedule to these regulations.

(2) The owner of every ship to which these regulations apply shall ensure that sufficient other crew is carried as is necessary for the safe operation of the ship:

Provided that in no case shall the total complement (including the master and engineer) be less than that specified in Part II of the First Schedule to these regulations.

(3) Any crew member carried on board any ship which is being towed or propelled by another ship shall be additional to the complement required to be aboard the towing or propelling ship pursuant to the scale set out in the First Schedule to these regulations.

5. Alternative certificates—(1) Certificates of competency or service which shall be accepted as alternatives to those specified in the First Schedule to these regulations are specified in the Second Schedule to these regulations.

(2) Certificates of competency or service granted by or under the authority of the Government of another Commonwealth country which pursuant to section 18 of the Act are of the same force and effect as certificates granted under the Act shall, for the purposes of these regulations, be of the same effect as the New Zealand certificates to which they are recognised as corresponding.

6. Training of crew—The master of every ship to which these regulations apply shall ensure that every crew member—

- (a) Is familiar with the location of, and has been instructed in the correct usage of, all items of safety equipment, including life-saving and fire appliances, carried on the ship; and
- (b) Has received adequate instructions in the normal operation of the ship and in the duties that he is required to perform in the event of an emergency.

7. Ships subject to special manning—Where the Minister is satisfied that, having regard to the size, design, or intended use of any ship to which these regulations apply, the requirements of the scale set out in the First Schedule to these regulations are insufficient for the safe and efficient management of any ship, he may, by notice in writing to the owner, require that the ship shall carry such certificated master, certificated officers, and other crew members as are specified in the notice, and in that case the ship shall carry a master, certificated officers, and other crew members as specified in the notice.

8. Exemptions—(1) Where before the commencement of these regulations the Minister or the Secretary has pursuant to the Act specified the manning of a ship by notice in writing to the owner thereof, that notice shall, unless revoked or amended by the Minister or the Secretary, as the case may be, continue to have effect, notwithstanding any provision of these regulations:

Provided that no such notice shall be amended or revoked unless the owner has been consulted and has been given not less than 3 months' notice in writing of the proposed amendment or revocation.

(2) The Minister may, if he thinks fit, by notice to the owner of a ship, allow in substitution for the manning requirements specified in the First Schedule to these regulations such alternative manning as he considers reasonable, having regard to the size, type, and service of that ship, and may at any time by notice to the owner cancel that first-mentioned notice.

(3) Where in the case of any ship the manning required by these regulations exceeds that required in the same circumstances immediately before the commencement of these regulations, the Director may, on written application by the owner made within 6 months after the commencement of these regulations, grant a permit to the owner allowing the ship to operate with the former manning for such period as may be specified in the permit.

SCHEDULES

FIRST SCHEDULE

MANNING SCALES FOR RESTRICTED-LIMIT SHIPS

Part I: Grades of Certificate Required by Master and Engineer of Restricted-limit Ship

In this Schedule, the power of the main propulsion machinery in kilowatts (kW) shall be deemed to be the power shown in the ship's certificate of registry or, in the case of a ship which is not registered, as declared by a Surveyor of Ships, that declaration to be based on the maker's continuous rated brake or shaft power of all a ship's propulsion engines, whether or not all are normally used, and whether or not any part of the developed power is diverted from the propeller shafts, and whether or not the ship normally runs at reduced power.

Length of Ship	Grade of Certificate to be held by Master	Grade of Certificate to be held by Engineer			
		Motor Ship		Steamship	
20 metres and under	Master of restricted-limit launch	*		River engineer or marine-engine driver	
Exceeding 20 metres	Master of river ship	For ships of less than 425 kW—			
		Single screw ELMS†	Twin screw ELMS†	Single screw 3 steam	Twin screw 3 steam
		For ships of 425 kW and less than 850 kW—			
		Single screw 2CM	Twin screw ELMS†	Single screw 2 steam	Twin screw 3 steam
		For ships of 850 kW and over—			
		Single screw 2CM	Twin screw 2CM	Single screw 2 steam	Twin screw 2 steam

NOTES

*If the ship is not fitted with approved bridge control, a separate engineer holding a certificate as engineer of restricted-limit motor ship shall be carried.

†Where the master holds the engineer's certificate and the ship is equipped with approved bridge control, a separate engineer is not required.

ELMS—Engineer of local motor ship.

2CM—Second-class coastal motor engineer.

3 Steam—Third-class steam engineer.

2 Steam—Second-class steam engineer.

FIRST SCHEDULE—continued

Part II: Minimum Total Complement (Including Master or Master and Engineer)

1. Ships in Extended River Limits—							
	Number of Passengers on Board						Total
50 or less	..	..	..	..	..	..	1
More than 50 and less than 150	..	..	..	..	..	..	2
150 or more	..	..	..	..	..	..	3
2. Ships in River Limits—							
	Number of Passengers on Board						Total
150 or less	..	..	..	..	..	..	1
More than 150 and less than 300	..	..	..	..	..	..	2
300 or more	..	..	..	..	..	..	3
3. Tugs—							
	Operation						Total
When towing wholly within the gazetted river or extended-river limits of one port	..	..	..	..	..	..	1
When towing within the gazetted river or extended-river limits of more than one port	..	..	..	..	..	..	3

SECOND SCHEDULE

ALTERNATIVE CERTIFICATES

TABLE A

For Master of Restricted-limit Launch

Where Part I of the First Schedule to these regulations specifies for any ship a master holding certificate as master of restricted-limit launch, the holder of any of the following certificates may act as master of that ship, subject to such limitations as are specified:

Grade of Certificate	Limitations in Use as Equivalent to Master of Restricted-limit Launch
(a) Master of foreign-going ship	} Provided appropriate engineer qualifications as specified in Part I of the First Schedule are held or a crew member with such qualification is carried.
(b) First mate of foreign-going ship	
(c) Second mate of foreign-going ship	
(d) Master of home-trade ship	
(e) Mate of home-trade ship	
(f) Master of small home-trade ship	
(g) Master of ship under 25 register tons carrying cargo only	
(h) Master of river ship	
(i) Tugmaster home-trade	
(j) Skipper of deep-sea fishing boat	
(k) Mate of deep-sea fishing boat	
(l) Skipper of coastal fishing boat	
(m) Local launchman's licence		Limited to the ship and plying limits specified in the licence.
(n) Master of restricted-limit motor ship not exceeding 10 register tons	..
(o) Master of ship not exceeding 6 register tons propelled by mechanical power other than steam and plying in a harbour or within other restricted limits; issued on r after 3 December 1948	..

SECOND SCHEDULE—*continued*

- (p) Restricted-limit engineer of a ship Limited to vessels not exceeding 6 register
propelled by mechanical power tons.
other than steam, issued before
3 December 1948.

TABLE B

For Master of River Ship

Where Part I of the First Schedule to these regulations specifies for any ship a master holding a certificate as master of river ship, the holder of any of the following certificates may act as master of that ship:

- (a) Master of foreign-going ship.
- (b) First mate of foreign-going ship.
- (c) Second mate of foreign-going ship.
- (d) Master of home-trade ship.
- (e) Mate of home-trade ship.
- (f) Master of small home-trade ship.
- (g) Master of ship under 25 register tons carrying cargo only.
- (h) Tugmaster home-trade.
- (i) Skipper of deep-sea fishing boat.
- (j) Mate of deep-sea fishing boat.
- (k) Skipper of coastal fishing boat.

TABLE C

For Engineer of Restricted-limit Motor Ship

Where Part I of the First Schedule to these regulations specifies for any ship an engineer holding a certificate as engineer of restricted-limit motor ship, the holder of any of the following certificates may act as engineer of that ship:

- (a) First-class motor engineer.
- (b) Second-class motor engineer.
- (c) First-class coastal motor engineer.
- (d) Second-class coastal motor engineer.
- (e) First-class engineer of a ship propelled by mechanical power other than steam, issued before 28 February 1938.
- (f) Second-class engineer of a ship propelled by mechanical power other than steam, issued before 28 February 1938.
- (g) Engineer of local motor ship.
- (h) First-class diesel trawler engineer.
- (i) Second-class diesel trawler engineer.
- (j) Master of restricted-limit launch.
- (k) Local launchman's licence, limited to the ship and plying limits specified in the licence.
- (l) Master of a ship not exceeding 6 register tons propelled by mechanical power other than steam and plying in a harbour or within other restricted limits, issued on or after 3 December 1948.
- (m) Restricted-limit engineer of a ship propelled by mechanical power other than steam, issued before 3 December 1948.

SECOND SCHEDULE—*continued*

TABLE D

For Engineer of Local Motor Ship

Where Part I of the First Schedule to these regulations specifies for any ship an engineer holding a certificate as engineer of local motor ship, the holder of any of the following certificates may act as engineer of that ship:

- (a) First-class motor engineer.
- (b) Second-class motor engineer.
- (c) First-class coastal motor engineer.
- (d) Second-class coastal motor engineer.
- (e) First-class engineer of a ship propelled by mechanical power other than steam, issued before 28 February 1938.
- (f) Second-class engineer of a ship propelled by mechanical power other than steam, issued before 28 February 1938.
- (g) First-class diesel trawler engineer.

TABLE E

For Second-class Coastal Motor Engineer

Where Part I of the First Schedule to these regulations specifies for any ship an engineer holding a certificate as second-class coastal motor engineer, the holder of any of the following certificates may act as engineer of that ship:

- (a) First-class motor engineer.
- (b) Second-class motor engineer.
- (c) First-class coastal motor engineer.
- (d) First-class engineer of a ship propelled by mechanical power other than steam, issued before 28 February 1938.
- (e) Endorsed second-class engineer of a ship propelled by mechanical power other than steam, issued before 28 February 1938.
- (f) First-class diesel trawler engineer.

TABLE F

For River Engineer or Marine-engine Driver

Where Part I of the First Schedule to these regulations specifies for any ship an engineer holding a certificate as river engineer or marine-engine driver, the holder of any of the following certificates may act as engineer of that ship:

- (a) First-class steam engineer.
- (b) Second-class steam engineer.
- (c) Third-class steam engineer.

TABLE G

For Third-class Steam Engineer

Where Part I of the First Schedule to these regulations specifies for any ship an engineer holding a certificate as third-class steam engineer, the holder of any of the following certificates may act as engineer of that ship:

- (a) First-class steam engineer.
- (b) Second-class steam engineer.

