



**THE SHIPPING (EMERGENCY POSITION-INDICATING RADIO
BEACONS ON FISHING VESSELS) REGULATIONS 1988**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 4th day of July 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 235 and 504 of 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 (Emergency Position-Indicating Radio Beacons on Fishing Vessels) Regulations 1988.

(2) These regulations shall come into force on the 28th day after the date of their publication in the *Gazette*.

2. Deep-sea fishing vessels and coastal fishing vessels to carry emergency position-indicating radio beacons—(1) Every deep-sea fishing vessel and every coastal fishing vessel shall, on and from the 1st day of January 1989, carry at least 1 emergency position-indicating radio beacon when proceeding on a voyage or excursion.

(2) The beacon shall be stowed adjacent to the steering position in the wheelhouse of the fishing vessel.

3. Requirements for emergency position-indicating radio beacons—(1) Any emergency position-indicating beacon required to be carried under regulation 2 of these regulations shall—

(a) Be of a type accepted by the Director pursuant to subclause (2) of this regulation:

(b) Comply with such performance standards as may from time to time—

(i) Be prescribed for the purposes of these regulations by the Minister by notice in the *Gazette*; or

(ii) Be issued by the International Maritime Organisation and endorsed by the Minister by notice in the *Gazette* for the purposes of these regulations:

(c) Be kept at all times fit and ready for use.

(2) The Director may accept any emergency position-indicating radio beacon for the purposes of these regulations if the Director is satisfied that—

(a) That type of beacon has been tested and found to comply with performance standards prescribed or endorsed under subclause (1) of this regulation; or

(b) That type of beacon has been tested and approved in accordance with any relevant code of practice or performance standards issued in respect of emergency position-indicating radio beacons by the International Maritime Organisation or any other maritime or aeronautical authority accepted by the Director; or

(c) That type of beacon has been tested and found to comply with any code of practice or performance standards that are substantially similar to those referred to in paragraph (a) or paragraph (b) of this subclause.

(3) Copies of performance standards issued under subclause (1) of this regulation shall be available from the Secretary for Transport.

4. Offences—(1) Where, in relation to any fishing vessel or any emergency position-indicating radio beacon on a fishing vessel, there is a contravention of regulation 2 or regulation 3 (1) of these regulations, the owner and master of the vessel each commit an offence and are each liable on conviction to—

(a) A fine not exceeding \$1,000; and

(b) Where the offence is a continuing one, a further amount not exceeding \$100 for every day on which the offence has continued.

(2) It is a defence to a prosecution under subclause (1) of this regulation if the defendant proves that—

(a) The offence occurred without the knowledge, fault, or negligence of the defendant; and

- (b) The defendant had taken all reasonable steps to ensure that such an offence would not occur.

MARIE SHROFF,
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 impose a requirement on deep-sea fishing vessels and coastal fishing vessels to carry at least 1 emergency position-indicating radio beacon when proceeding to sea. The requirement comes into effect on 1 January 1989.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 7 July 1988.
These regulations are administered in the Ministry of Transport.