

Loading and Discharging Ships and Handling Cargo or Coal.

52. (1) All lifting-machinery, derricks, and cargo-gear used for loading or discharging cargo or coal into or from a ship, hulk, lighter, or store-ship shall have been tested and examined in the manner set out in the General Harbour Regulations dated the 17th day of May, 1927, and any amendments thereto. All such appliances shall be inspected once in every twelve months and shall be thoroughly examined once at least in every four years.

(2) For the purpose of this regulation "thorough examination" means a visual examination, supplemented, if necessary, by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined. If necessary for the purpose, parts of the machine and gear must be dismantled. At the times prescribed for a thorough examination, the cargo-gear and derricks shall be subjected to a special loading test and shall be inspected after such test.

(3) All running-gear and subsidiary appliances used for loading or discharging cargo shall be inspected from time to time, and shall at all times be maintained by the owners thereof in good order and condition.

(4) The examinations, inspections, and tests herein prescribed shall be carried out—

- (a) In the case of machinery, including winches, on any hulk, store-ship, or lighter not self-propelled, by an Inspector of Machinery.
- (b) In the case of running-gear and subsidiary appliances, on any such hulk, store-ship, or lighter, by a Surveyor of Ships or other officer appointed for the purpose.
- (c) In the case of such machinery, derricks, and cargo-gear, on any other ship, by a Surveyor of Ships.

(5) The Inspector, Surveyor, or other officer may order such alterations or repairs to be made to the machinery, gear, or appliances as he may consider necessary, or he may prohibit the use of any such machinery, gear, or appliances as he considers unfit for use; and the owner thereof shall not use or permit to be used any such machinery, gear, or appliances until they are certified as again fit for use.

(6) The owner may appeal to the Marine Department against any such order or prohibition, but he shall not use, or permit to be used, any machinery, gear, or appliances in respect of which an order is made or prohibition of use imposed, pending the receipt of a decision on his appeal.

53. (a) It shall be the duty of the owner, master, or officer in charge of a ship to comply with Regulations 54 to 73 inclusive of these regulations.

(b) It shall be the duty of the owner of machinery or plant used in the work of loading, unloading, or handling of cargo or coal on ships or wharves, and in the case of machinery or plant carried on board a ship not being a ship registered in New Zealand it shall also be the duty of the master of such ship, to comply with Regulations 74 to 75 inclusive of these regulations.

(c) It shall be the duty of every person who by himself, his agents, or workmen carries on the work last hereinbefore mentioned, and of all agents, workmen, and persons employed by him in such work, to comply with Regulations 76 to 84 inclusive of these regulations:

Provided that, where the work is carried on by a stevedore or other person other than the owner of the ship, it shall be the duty of the owner, master, or officer in charge of the ship to comply with Regulation 78, so far as it concerns—

- (1) Any hatch not taken over by the said stevedore or other person for the purpose of the work; and
- (2) Any hatch which, after having been taken over by the said stevedore or other person for the purpose of the work,—
 - (i) Has been reported by written notice in the prescribed form to the owner, master, or officer in charge of the ship, by or on behalf of the said stevedore or other person, as being a hatch at which the works have been completed or completed for the time being; and