

Ships subject to Survey not exempted.

11. Nothing in the two last preceding regulations shall apply to or create an exemption for the cargo gear of any ship subject to survey in New Zealand under the Shipping and Seamen Act, 1908.

Gear of Special Character.

12. In the case of any cargo gear which by reason of special materials, design, or manufacture, or otherwise does not comply with the requirements of these regulations the Chief Surveyor of Ships may, by writing under his hand, grant permission for the sale and use of such cargo gear subject nevertheless to such restrictions and conditions as to manner, purpose, place, or period of sale, or use or other matter, as in such permission the Chief Surveyor of Ships thinks it proper to impose; and so long as such conditions are complied with such permission shall as far as it extends and subject to any restrictions thereby imposed be a defence to any person charged with a breach of these regulations in respect of the cargo gear to which such permission relates.

Substituted Test.

13. In any case in which a test of cargo gear is prescribed by these regulations the Chief Surveyor of Ships may approve an alternative test or method of testing which in his opinion is equivalent or superior to a test hereby prescribed, and may permit the terms of any test certificate hereby prescribed to be modified accordingly and any cargo gear that has withstood such alternative test shall be deemed to comply with these regulations in respect of testing and any test certificate so modified shall be sufficient for the purposes of these regulations.

### PART III.—SALE AND PURCHASE OF CARGO GEAR.

Sale of Untested Gear.

14. No maker of or dealer in cargo gear shall sell or contract to sell and no person shall purchase or contract to purchase any cargo gear for working cargo unless such cargo gear complies with the requirements of these regulations (including requirements relating to testing).

Sale to be subjected to Warranty.

15. Every contract for the sale of cargo gear for working cargo shall in the absence of an express stipulation to the contrary be deemed to imply a warranty that such cargo gear complies with the requirements of these regulations (including requirements relating to testing). The burden of proving (a) the existence of any such express stipulation and (b) compliance with the requirements of these regulations shall in case of dispute lie on the seller.

Vendor to supply Test Certificate.

16. No person shall sell or purchase or otherwise acquire any cargo gear in connection with which a test certificate is prescribed by these regulations unless upon such sale, purchase, or other acquisition there is delivered to the person purchasing or acquiring such cargo gear the appropriate test certificate (if any) herein prescribed:

Provided that (a) where a length of 100 fathoms of chain, or (b) any tested wire rope has been cut into shorter lengths for sale, or (c) where a single test certificate has been obtained for a number of chain attachments or blocks being of an identical size and tested at the one time it shall be sufficient compliance with these regulations if there is so delivered by the vendor a copy of the original test certificate accompanied by a declaration that it is a true copy thereof:

Provided also that every vendor so delivering a copy of an original test certificate shall retain the original test certificate for a period of five years from the date of delivery, and shall at all times during that period permit any Surveyor of Ships or Inspector of Gear to inspect the same.

Guarantee of Fibre Ropes.

17. Subject to Regulation 71 hereof, no person shall sell or purchase or otherwise acquire any fibre rope to be used for working cargo unless upon such sale, purchase, or other acquisition there is delivered to the person purchasing or acquiring such fibre rope a written guarantee as to the quality or brand and the breaking load.

### PART IV.—METHOD OF USING CARGO GEAR.

Gear to comply with Regulations.

18. No owner or master of any ship or other person responsible for working cargo shall use or cause or permit to be used for working cargo any cargo gear that does not comply with the requirements of these regulations.