



**BOAT SAFETY RULES 1994**

**RULES MADE BY THE COOK ISLANDS MARINE BOARD**

At Avarua, Rarotonga, this      28th                      day of                      February                      1994

**Present:**

Henry T. Puna	-	Chairman
Donald Herbert Silk	-	Member
Joseph Caffery	-	Member
Stuart Davies	-	Member

PURSUANT to Sections 27, 47 and 48 of the Cook Islands Shipping Ordinance 1963, the Cook Islands Marine Board hereby makes the following rules:

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## RULES

1. Title and commencement - (1) These rules may be cited as the Boat Safety Rules 1994.  
(2) These rules shall come into force on the 4th day of April 1994.
2. Interpretation - In these rules, unless the context otherwise requires -  

"Board" means the Cook Islands Marine Board appointed pursuant to the provisions of the Cook Islands Shipping Ordinance 1963;

"Boat" means any small craft, whether open or decked less than 12 metres in length but shall not include a ship as defined in the Cook Islands Shipping Ordinance 1963, or any canoe, or any bona fide visiting pleasure craft;

"Chairman" means the Chairman of the Cook Islands Marine Board;

"EPIRB" means an Emergency Position Indicating Radio Beacon;

"Harbourmaster" means the Harbourmaster appointed pursuant to the provisions of the Waterfront Industry Act 1973-74;

"Ordinance" means the Cook Islands Shipping Ordinance 1963;

"Owner" means any person owning or operating the boat;

"Passenger" means every person on a boat other than the skipper; whether or not that person is paying any fee or other form of remuneration to the owner or skipper;

"Skipper" shall mean the person having navigational or operating control of a boat.
3. Application of rules - These rules shall apply to every boat proceeding beyond the reef of any island of the Cook Islands.
4. Restrictions on voyages - Every boat proceeding beyond the reef from its point of departure shall be equipped with -
  - (a) a functional life jacket for each person on board; and
  - (b) a minimum of one distress flare and one orange smoke signal.
5. Requirements for motorised boats operating beyond the reef of any island -
  - (1) The minimum requirements to be provided by the owner and skipper for the time being of any motorised boat operating beyond the reef of any island shall be:
    - (a) sufficient approved life jackets for all on board; and
    - (b) a waterproof distress flare pack containing
      - (i) one rocket (parachute) flare; and
      - (ii) two red hand flares; and
      - (iii) one smoke flare; and

- (c) one conventional EPIRB capable of transmitting on 121.5 MHz and 243.0 MHz; and
- (d) a radio communication arrangement satisfactory to the Marine Board or Telecom Cook Islands Limited; and
- (e) a strobe light; and
- (f) a radar reflector; and
- (g) a sea anchor.

(2) If the owner or skipper of any motorised boat fails to comply with this rule or any part thereof that person commits an offence against this rule, and on conviction shall be liable to a fine not exceeding one thousand dollars (\$1,000).

6. Requirements for voyages made more than one mile from outside the reef edge of Rarotonga and within sight of land - (1) No boat shall ply between the edge of the reef of Rarotonga to an outward distance of more than one mile, or beyond land sight of Rarotonga (whichever distance is the lesser) unless there is on board that boat -

- (a) a functional life jacket for each person on board; and
- (b) a waterproof distress flare pack; and
- (c) a compass; and
- (d) a distress flag consisting of orange nylon cloth of not less than one square metre; and
- (e) one strobe light; and
- (f) a transceiver radio of the type that verbal communications are able to be maintained with the island of Rarotonga; and
- (g) one conventional EPIRB capable of transmitting on 121.5 MHz and 243.0 MHz; and
- (h) a radar reflector.

(2) A radio call shall be made by the owner or skipper of the boat to Rarotonga Radio prior to departure of the boat, giving the number of persons on board and the estimated time of returning to port. A final call shall be made to confirm the completion of the voyage.

(3) The transceiver radio referred to in rule 6(1)(f) shall be of a type approved by Telecom Cook Islands Limited, provided that the owner or skipper of a boat will be deemed to have complied with that rule if he has complied with the requirements of the Radio (Shipping) Regulations 1993.

7. Requirements for voyages made beyond the sight of Rarotonga or in the hours of darkness - (1) No boat shall ply -

- (a) beyond the land sight of Rarotonga or;
- (b) beyond one nautical mile from the outer edge of the reef of Rarotonga during the hours of darkness, unless the skipper shall possess sufficient knowledge of navigation as the Chairman or Harbourmaster may approve to ensure that the boat shall be safely navigated and there is on board that boat -
  - (i) a functional life jacket for each person on board; and
  - (ii) one conventional EPIRB capable of transmitting on 121.5 MHz and 243.0 MHz; and
  - (iii) a waterproof distress flare pack containing not less than
    - (a) 4 parachute flares
    - (b) 2 red hand flares
    - (c) 2 orange hand smokes; and

- (iv) a compass; and
- (v) a distress flag consisting of orange nylon cloth of not less than one square metre; and
- (vi) a strobe light; and
- (vii) a transceiver radio of the type that verbal communications are able to be maintained with Rarotonga Radio; and
- (viii) a man-overboard buoy; and
- (ix) a first aid kit; and
- (x) a fire extinguisher; and
- (xi) an anchor and anchor rope; and
- (xii) appropriate tools and spare parts for the propulsion unit/s; and
- (xiii) adequate food supply and fresh water for the voyage; and
- (xiv) a radar reflector; and
- (xv) inflatable life raft with accommodation for every person on board.

(2) A radio call shall be made by the owner or skipper of the boat to Rarotonga Radio, prior to the departure of the boat, giving the number of persons on board and the estimated time of returning to port. A final call shall be made to confirm the completion of the voyage.

(3) The transceiver radio referred to in rule 7(1)(c)(vii) shall be of a type approved by Telecom Cook Islands Limited, provided that the boat will be deemed to have complied with that rule if it has complied with the requirements of the Radio (Shipping) Regulations 1993.

8. Lifejackets - (1) Where it is a requirement under these rules to carry on board functional life jackets, they shall be of a type approved by the Standard Association of New Zealand or an equivalent body approved by the Board.

(2) The Chairman or Harbourmaster or any person appointed by the Chairman may at any time inspect any lifejacket carried on any boat and if he is not satisfied with the condition of any lifejacket he may direct that the life jacket be taken ashore and not carried on any boat.

9. Life rafts - Where it is necessary under these rules to carry on board any inflatable life raft, that life raft shall be checked annually by a qualified person approved by the Board and a certificate obtained from that person as to its sea worthiness.

10. Carriage of passengers - (1) Except as may be provided in any other rules made by the Board the number of persons to be carried on any boat shall be such number as the Chairman and one other Board member, or the Harbourmaster and one other Board member, may jointly agree to in writing.

(2) Any decision as to the number of persons permitted to be carried on any boat under this rule may be altered from time to time.

11. Directions to return to Rarotonga or refusal to allow to sail - (1) The Chairman, Harbourmaster or any Board member, may where satisfied that -

- (a) any boat is unseaworthy; or
  - (b) these rules are not being complied with; or
  - (c) for any other reason there may be any danger to any passenger,
- direct that the boat not sail, or that it shall return to Rarotonga.

(2) Any direction given under this rule may be appealed against by the skipper in writing to the Board, whose decision shall be final.

12. Rules to be read with Ordinance and other rules - These rules shall be read together with the Cook Islands Shipping Ordinance 1963 and any other rules made pursuant to that Ordinance by the Board, and shall not prevent the exercise of any other powers vested in the Board by that Ordinance or other rules.

13. Exemption - Notwithstanding anything contained in the provisions of these rules, the Board may from time to time exempt any boat from any provisions of these rules, subject to such conditions as the Board thinks fit.

14. Copy of rules to be carried - A copy of these rules shall be carried on any boat, to which they apply.

15. Police Assistance - The Police shall render such surveillance and other assistance to the Marine Board as the Marine Board may reasonably require for the purposes of enforcing these rules, and shall have all such powers (including the power to stop and search without warrant any small boat) as are necessary to provide such assistance.

16. Offences and Penalties - Every owner and skipper who fails to comply with any part of these rules for which no other penalty is provided, commits an offence and shall be liable on conviction to a fine not exceeding One Thousand Dollars (\$1000).

17. Revocation - The Boat Safety Rules 1979/11 are hereby revoked.

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These Rules are administered by the Cook Islands Marine Board

BY AUTHORITY:

RAROTONGA, COOK ISLANDS: Printed by the Cook Islands Government - 1994

