



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 43 (Re-numbered)

Rarotonga.

Sir,

Pursuant to Section 53 of the Shipping Act 1998, the Regulations Act 1971-72 and the Legislative Service Act 1968-69, I have the honour to submit the Shipping Load Line Convention) Regulation 2001, Serial No. 2001/10

I have the honour to be,

Sir

Your obedient servant,

Mr A. Tairea
Secretary of Transport

The HON. T. MARSTERS, Minister of Transport

Price \$3.00



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 59

Rarotonga.

Sir,

Pursuant to Section 53 of the Shipping Act 1998, the Regulations Act 1971-72 and the Legislative Service Act 1968-69, I have the honour to submit the Shipping (Load Line Convention) Regulations 2001, Serial No. 2001/10

I have the honour to be,

Sir,

Your obedient servant,

Mr A. Tairea
Secretary of Transport

The HON. DR T. MAOATE, Minister of Transport

Price \$3.00



SHIPPING (LOAD LINE CONVENTION) REGULATIONS 2001

F. Goodwin

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga this **17th** day of **July** 2001

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to Section 53 of the Shipping Act 1998 the Queen's representative, acting by and with the advice and consent of the Executive Council hereby make the following Order.

ANALYSIS

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| 2. Definition | 10. Application of Annex I and II |
| 3. Application | 11. Exemption |
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| 6. Application of Regulations 10 - 26 | 14. May assign greater free-board |
| 7. Application of Regulations 41 - 45 | 15. General Prohibition |
| 8. Ships of Wood or of Composite Construction | 16. Offences |
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ORDER

1. Title and Commencement - (1) These Regulations may be cited as the Shipping (Load Line Convention) Regulations 2001.

Price \$3.00

(2) These Regulations shall come into force on the date they are assented to by the Queen's Representative.

2. Definition - (1) In these Regulations, unless the context otherwise requires -

"Act" means the Shipping Act 1998;

"Annex I, II or III" means Annex I, II or II of the Load Line Convention, as the case may be;

"Load Line Convention" means -

(a) The International Convention on Load Lines, 1966, as has been or may be amended or supplemented from time to time by the International maritime Organization.

(b) "Regulation" means a regulation in one of the Annexes.

(2) For the purpose of these regulations and for greater certainty, a reference to -

(a) "Administration" in the Load Line Convention is, in these regulations, a reference to the Government of the Cook Islands as represented by the Minister responsible for Shipping.

(b) The Load Line Convention includes a reference to:

(i) Annexes I, II and III; and

(ii) The amendments to the Load Line Convention made by the International Maritime Organisation by the following resolutions - A.231 (VIII); A.319 (IX); A.320 (IX); and A.411 (XI).

(3) The "Supplement relating to the International Convention on Load Lines, 1966" London 1981 - reprinted 1984, (S.N. 70581.02.E), a document published by the International Maritime Organisation, is adopted and incorporated by reference as part of these regulations, and for greater certainty;

(a) the "Unified Interpretations of the Regulations of the Convention", and

(b) the "Form of Record of Conditions of Assignment of the Load Lines" as contained in that document apply.

(4) Reference should be made, as necessary and appropriate, to the interpretation provisions of the Load Line Convention.

3. Application - (1) The Load Line Convention shall have the force of law in the Cook Islands and is incorporated by reference as a part of these regulations, and a reference to the Load Line Convention or to a Part of it, as may be appropriate.

(2) No person shall be prosecuted for contravening the Load Line Convention, incorporated as part of these regulations under paragraph (1) of this Regulation, if the Convention is not accessible for inspection and copying in accordance with section 205 of the Act, and that section applies.

4. Application Generally - (1) Subject to paragraph (2) of this regulation, these regulations apply, in accordance with regulations 4 to 14, to every ship engaged on an international voyage.

- (2) These regulations do not apply to -
- (a) Vessels of the Government of the Cook Islands;
 - (b) New ships of less than 35 metres in length;
 - (c) Existing ships of less than 500 gross tons;
 - (d) Pleasure crafts or yachts not engaged and in trade;
 - (e) Fishing vessels;
 - (f) Any ship solely navigating in the special areas referred to in Article 5 (2) of the Convention.

5. Application of Regulation 1 - 40 of Annex I - (1) Ships with mechanical means of propulsion or lighters, barges and other ships without independent means of propulsion shall be assigned freeboards in accordance with the provision of the Regulations 1-40 of Annex I.

(2) Ships designed to carry sail, whether as the sole means of propulsion or as a supplementary means, and tugs, shall be assigned freeboards in accordance with the provisions of Regulations 1-40 of Annex I, and such additional freeboard shall be required as determined by the Director of Marine.

6. Application of Regulation 10 - 26 of Annex I - (1) In Regulations 10 - 26 of Annex I shall apply to every ship to which a minimum freeboard is assigned.

(2) Relaxation from the requirement of paragraph (1) of this regulation may be granted by the Director of Marine to a ship to which a greater than minimum freeboard is assigned, if he is satisfied -

- (a) with the safety conditions provided;
- (b) that the relaxation will not;
 - (i) adversely effect safety of life at sea;
 - (ii) harm the public interest.

7. Application of Regulations 41 - 45 of Annex I - Ships carrying timber deck cargoes maybe assigned, in addition to the freeboards prescribed in Regulation 2 (2) of the Load Line Convention, timber freeboards in accordance with the provisions of Regulations 41 - 45 of Annex I.

8. Ships of Wood or of Composite Construction - Ships of wood or of composite construction, or of other materials, the use of which is approved, or ships whose constructional features are such that the application of the provisions of Annex I are rendered unreasonable or impracticable, shall be assigned freeboards determined by the Director of Marine.

9. Application of Annex I - (1) The Regulations in Annex 1 are specifically applicable to new ships.

(2) Existing ships that do not fully comply with the requirements of the Regulations in Annex I shall meet at least such lesser related requirements as are required for ships on international voyages before the coming into force of these regulations, but in no case shall such ships be required to increase their freeboards.

(3) In order to take advantage of any reduction in freeboard from that previously assigned, existing ships shall comply with all of the requirements of these regulations.

10. Application of Annex II - The Regulations in Annex II are applicable to new and existing ships to which these regulations apply.

11. Exemptions - (1) The Director of Marine may exempt any ship that is engaged on short international voyages between near neighbouring ports of two or more States from any requirement of these regulations for the period that the ship remains engaged on those voyages, if -

- (a) the governments of the States in which the ports are situated are satisfied that the sheltered nature of conditions of the short international voyages make it unreasonable to apply that requirement to that ship; and
- (b) the Director of Marine is satisfied that to grant the exemption would not -
 - (i) adversely affect safety of life at sea, and
 - (ii) harm the public interest.

(2) The Director of Marine may exempt any ship that embodies features of a novel kind from any requirements of these regulations the application of which may seriously impede research into the development of such features and their incorporation in ships engaged on international voyages, however, any such ship shall comply with safety requirements that the Director of Marine considers adequate for the service for which the ship is intended, and which are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship.

(3) Where the Director of Marine grants an exemption under paragraph (1) or (2) of this Regulation, the Government shall communicate to the International Maritime Organisation particulars of the exemption and reasons for granting it, so that the International Maritime Organisation may circulate the particulars and reasons to the Contracting Governments for their information.

12. Exemption for Ships on Occasional International Voyage - A ship not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Director of Marine on conditions he considers appropriate from any one or more of the requirements of these regulations, if he is satisfied -

- (a) that the safety requirements complied with by the ship are adequate for the voyage to be undertaken;
- (b) that there will be no -
 - (i) adverse effect on safety of life at sea; and
 - (ii) harm caused to the public interest.

13. Ships Undergoing Repairs etc. - (1) With respect to the application of these regulations, a ship that undergoes repairs, alterations, modifications and out-fitting related thereto shall continue to comply with at least the appropriate requirements previously applicable to it, and an existing ship in such a case shall not, as a rule, comply to a lesser extent with the requirements for a new ship than it did before.

(2) Repairs, alterations and modifications of a major character, and outfitting related thereto, shall meet the requirements for a new ship to the extent that the Director of Marine considers reasonable.

14. Director may assign greater freeboard - Nothing in these regulations prevents the Director of Marine from assigning a freeboard for a ship greater than the minimum freeboard determined in accordance with Annex I.

15. General Prohibition - Subject to regulations 11,12 and 14, no ship to which these regulations apply shall proceed to sea on an international voyage after the date on which these regulations come into force, unless, in accordance with these regulations;

- (a) it has been surveyed, marked and issued with an International Load Line Certificate (1966); or
- (b) where appropriate, it has been issued with an International Load Line Exemption Certificate.

16. Offence - Where a ship to which these regulations apply, in whole or in part, proceeds to sea in contravention of regulation 15 or otherwise fails to meet any provision of these regulations applicable to it, the owner of the ship and its master are each guilty of an offence and liable on conviction;

- (a) in the case of the owner to a fine not exceeding \$10,000; and
- (b) in the case of the master, to a fine not exceeding \$5,000.

17. Fees - (1) The owner, agent or master of a ship shall pay the appropriate fees listed in Schedule A for survey and inspection by a surveyor other than one who is employed by a classification society.

(2) Where a survey and inspection is carried out under these regulations by a surveyor employed by a classification society, the owner or his agent, shall pay the appropriate fees for the service provided as agreed upon beforehand.

A. Taripo
Acting Clerk of the Executive Council

These Regulations shall be administered by the Ministry of Transport

BY AUTHORITY:
Cook Islands Government - 2001

(Regulation 17)

Schedule A

FEES

Part of Survey Carried Out
of a metre, of the length

Fee for each metre, or part
of the ship

(1) Load Line

\$2.50
