



SHIPPING REGISTRY (SHORT INTERNATIONAL VOYAGES)
REGULATIONS 1997

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 25th day of March 1997

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL

PURSUANT to section 68 of the Shipping Registry Act 1985, the Queen's Representative, acting by and with the advice and consent of the Executive Council hereby makes the following regulations:

ANALYSIS

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| 1. Title | 4. Survey |
| 2. Interpretation | 5. Issue of Certificate |
| 3. Short International Voyages | 6. Application of Convention |

REGULATIONS

1. Title - These regulations may be cited as the Shipping Registry (Short International Voyages) Regulations 1997.

2. Interpretation - In these regulations, "the Act" means the Shipping Registry Act 1985, and "Short International Voyages" means voyages of less than twenty eight (28) days in duration.

3. Short International Voyages - Any ship registered under the Act or proposed to be registered under the Act as a cargo ship may carry in excess of twelve (12) passengers on short international voyages provided the Minister is satisfied that the requirements of these regulations have been complied with, or he is satisfied that the owner can demonstrate that it has taken steps to bring the ship and its operations into compliance with these regulations and has issued a certificate under these regulations.

4. Survey - Before any ship registered under the Act can carry in excess of twelve (12) passengers on a short international voyage, the owners shall cause a naval architect or registered surveyor to survey the ship and recommend any modifications which that architect or surveyor thinks necessary and appropriate to bring the ship as close as is reasonably practical to the International Convention for the Safety of Life at Sea (SOLAS) 1974 and its associated Protocols having particular regard to -

- (a) the condition and adequacy of lifeboats, liferafts, means of release of same and access to same;
- (b) the adequacy of an access to sufficient life saving devices, life jackets, and flotation devices;
- (c) the adequacy of fire detection and extinction devices;
- (d) the provision of adequate fire and boat drills as a passenger ship under that Convention.

5. Issue of Certificate - Where an application is made to the Minister by the owners of a ship, being a cargo vessel which otherwise complies with relevant safety conventions, for permission in terms of these regulations, to carry in excess of twelve (12) passengers on any short international voyage, the Minister may take all such factors into account, including but not limited to -

- (a) the necessity of accommodating more than twelve (12) passengers on a particular service and the unavailability of passenger vessels;
- (b) the nature and intended duration of the service;
- (c) the degree of compliance with the relevant safety conventions in respect of passenger ships;
- (d) the number, location and capacity of lifeboats, liferafts and other life saving devices, including life jackets and EPIRP's;
- (e) the provision of equipment for the detection and extinction of fires;
- (f) the vessel's intact and damaged stability and the effect of the additional number of persons on board;
- (g) the extent of the vessel's freeboard and the loadline zone in which the vessel is to trade and time of year.

and if the Minister is satisfied that the safety of the vessel, crew and passengers will not in any way be reduced by the carriage of additional passengers, he may instruct the Registrar to issue a certificate authorising the use of the ship on short international voyages, which certificate shall state the number of passengers and the manner in which they may be carried and the conditions to which the certificate is subject.

6. Application of Convention - The Minister may cause to be issued a certificate under the preceding regulation notwithstanding that the ship is not in strict compliance with the terms of the International Convention for the Safety of Life at Sea (SOLAS) 1974 and its Protocols provided the Minister is satisfied, on advice received from the relevant naval architect or surveyor and from the Registrar, that there is not a reasonably practicable alternative in respect of the non-complying aspect of the ship or its operations, and provided further that the Minister is reasonably satisfied that health and safety are not compromised.

P. Puna
Clerk of the Executive Council

These Regulations are administered by the Ministry of Tourism and Transport

BY AUTHORITY
Cook Islands Government - 1997