



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 22 (Re-numbered)

Rarotonga.

Sir,

In term of 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 (Tonnage Measurement) Regulations 2000, Serial No. 2000/06

I have the honour to be,

Sir

Your obedient servant,

Aukino Tairea
Secretary of Transport

The HON. T. MARSTERS, Minister of Transport

Price \$3.00



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 33

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A. Tairea
Secretary of Transport

The HON. DR R. WOONTON, Minister for Ports Authority

Price \$3.00

2000/06



SHIPPING (TONNAGE MEASUREMENT) REGULATIONS 2000

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga this **14th** day of **July** 2000

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 makes the following Order.

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Price \$3.00

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REGULATIONS

1. **Short Title and Commencement** – These Regulations may be cited as the Shipping (Tonnage Measurement) Regulations 2000 and shall come into force on the date that they are assented to by the Queen’s Representative.

2. **Interpretation** – (1) In these Regulations, unless the context otherwise requires -

“Act” means the Shipping Act 1998;

“Administration” means the Government of the State whose flag the vessel is flying;

“Contracting Government” means a Government that is a Party to the Tonnage Convention;

“Director” means the Director of Marine;

“existing ship” means a vessel which is not a new vessel;

“gross tonnage” means the measure of the overall size of a vessel determined, as appropriate, in accordance with these Regulations;

“international voyage” means a sea-going voyage between a port or place in one country and a port or place in another country;

“net tonnage” means the measure of the useful capacity of a vessel determined, as appropriate, in accordance with these Regulations;

“new ship” means a vessel the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of these Regulations;

“Tonnage Convention” means the International Convention on Tonnage Measurement of Ships 1969, as amended or may be amended from time to time by the International Maritime Organization.

(2) For the purposes of these Regulations a reference to “Cook Islands Ship” includes a reference to a fishing vessel.

3. Application – (1) Subject to sub-regulation (4) of this Regulation, these Regulations apply to all Cook Islands vessels, and in particular -

(a) Part II applies to all Cook Islands vessels 24 metres or more in length where:

- (i) the vessel is engaged on international voyages;
- (ii) the vessel is a new vessel;
- (iii) subject to sub-regulation (2) of this Regulation, the vessel has undergone a major alteration affecting the gross tonnage;
- (iv) the vessel is an existing vessel and its owner requests that Part II of the Tonnage Regulations be applied; or

(b) Part III applies to all Cook Islands vessels 15 metres or more in length but less than 24 metres.

(2) For the purposes of sub-regulation (1)(a)(iii) of this Regulation, an alteration that results in a variation of 10% or more of the vessels existing gross tonnage is conclusively deemed to be a major alteration.

(3) A vessel retains its tonnage existing on the date of entry into force of these Regulations for the purpose of the application of that tonnage to the relevant requirements under other existing international conventions.

(4) These Regulations do not apply to:

- (a) ships of war, including naval auxiliaries and patrol vessels of the Cook Islands Government; or
- (b) to a vessel less than 15 metres in length.

PART I GENERAL

4. Force Majeure – A vessel which is not subject to the provisions of these Regulations at the time of the vessel's departure on any voyage shall not become subject to these Regulations on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.

5. Issue of Certificates – The Director shall issue a -

- (a) Class A Tonnage Certificate (the International Tonnage Certificate (1969), as contained in Chapter 4, Part 1, Schedule 1 of the Maritime Code;

- (b) Class B Tonnage Certificate, as contained in Chapter 4, Part 1, Schedule 4 of the Maritime Code to every vessel the gross and net tonnages of which have been determined in accordance with Chapter 4, Part 1, Schedule 3 of the Maritime Code.

6. Form of Certificate – Subject to Regulation 12, every certificate issued under these Regulations may be in the Cook Islands Maori and English languages, in the Form required by the Director.

7. Cancellation of Certificate – A certificate issued under these Regulations shall cease to be valid and shall be canceled by the Director if alterations have taken place in the arrangements, construction, capacity, use of spaces, total number of passengers the vessel is permitted to carry as indicated in the vessel's passenger certificate, assigned load line or permitted draft of the vessel, such as would necessitate an increase in gross or net tonnage.

8. Fees – (1) The owners, agent or master of a vessel shall pay the appropriate fees for -

- (a) the services of a surveyor, other than one who is employed by a classification society;
- (b) the issue of a certificate; and
- (c) any other matter for which a fee or other charge may be imposed under these Regulations, in accordance with the Schedule.

(2) Where the services are provided by a surveyor employed by a classification society, the owner or his agent shall pay the appropriate fee for the service provided, as agreed upon beforehand.

PART II

MEASURE UNDER THE TONNAGE CONVENTION

9. Tonnage Convention – For the purposes of this Part, Annexes I and II, including Appendices 1 and 2 of Annex II, of the Tonnage Convention are adopted and incorporated by reference as part of these Regulations, and a reference to these Regulations includes a reference to the Annexes and Appendices, as appropriate.

10. Certificate issued by another Government – (1) A Contracting Government may, at the request of the Cook Islands Government, determine the gross and net tonnages of a Cook Islands vessel and issue an International Tonnage Certificate (1969) to the vessel in accordance with the Tonnage Convention.

(2) A copy of the certificate issued under subsection (1) and a copy of the calculation of the tonnages shall be transmitted as early as possible to the Cook Islands Government.

(3) The Certificate issued under subsection (1) shall contain a statement that it has been issued at the request for the Cook Islands Government, and the Director shall endorse upon it, that it has the same validity and recognition as a Class A Certificate issued under Regulation 5(a).

11. Certificate issued to foreign vessel – (1) The Director may, at the request of a Contracting Government, determine the gross and net tonnages of a vessel belonging to the country of that Government, and issue an International Tonnage Certificate (1969) to that vessel in accordance with Tonnage Convention.

(2) A copy of the certificate issued under sub-regulation (1) of this Regulation and a copy of the calculation of the tonnages shall be transmitted as early as possible to the requesting Government.

(3) The Certificate issued under sub-regulation (1) of this Regulation shall contain a statement that it has been issued at the request of the Administration of the vessel, and the certificate so endorsed has the same validity and recognition as a certificate issued under Regulation 5(a).

(4) An International Tonnage Certificate (1969) shall not be issued to a vessel if that vessel's Administration is not a Contracting Government.

12. Form of the International Tonnage Certificate (1969) – Where an International Tonnage Certificate (1969) is issued under Regulations 10 or 11, it shall be in the English language and in the Form set out in Annex II of the Tonnage Convention.

13. Determination of Tonnages under the Tonnage Convention – Every vessel to which this Part applies shall have its gross and net tonnages determined in accordance with the Regulations contained in Annex I of the Tonnage Convention.

14. Acceptance of foreign certificate – A Certificate issued by a Contracting Government in accordance with the Tonnage Convention shall be accepted by the Cook Islands Government and regarded for all purposes covered by the Tonnage convention as having the same validity and recognition as a certificate issued under Regulation 5(a).

15. Inspection – (1) A vessel, the Administration of which is a contracting Government, shall be subject when in a Cook Islands port, to inspection by a surveyor to verify the following matters -

- (a) that the vessel is provided with a valid International Tonnage Certificate (1969); and
- (b) that the vessel's main characteristics correspond to the data given in that certificate.

(2) Where the surveyor determines that the main characteristics differ from those entered on the International Tonnage Certificate (1969) so as to lead to an increase in the gross or net tonnage, the Director shall inform that vessel's Administration without delay of all the relevant information.

(3) A Cook Islands vessel to which this Part applies shall be subject to inspection when in a port of a Contracting Government by officers duly authorized by that Government to verify the same matters set out in sub-regulation (1)(a) and (b) of this Regulation.

(4) In no case shall the exercise of an inspection under this Regulation cause a delay to the vessel.

PART III
MEASUREMENT OF NON-CONVENTION VESSELS

16. Interpretation – (1) This part applies to Non-Convention vessels.

(2) For the purposes of sub-regulation (3) of Regulation 17 -

“breadth” means the maximum breadth of the vessel measured amidships;

“depth” means the vertical distance measured amidships from the top of the keel to the underside of the upper deck at the center line;

“length” means:

- (a) the length shown on the vessel’s certificate of registry or on the tonnage certificate; or
- (b) where the vessel has neither a certificate of registry nor a tonnage certificate, or where the length is not recorded or is illegible on those certificates, the overall length of the vessel.

(3) In this Part, unless the context otherwise requires -

“enclosed spaces” means all those spaces bounded by the vessel’s hull, by fixed or portable partitions or bulkheads, and by decks or coverings other than permanent or movable awnings;

“upper deck” means the uppermost complete deck:

- (a) exposed to weather and sea, and which has permanent means of weather-tight closing of all openings in the weather part thereof; and
- (b) below which all openings in the side of the vessel are fitted with permanent means of watertight closing;

and in a vessel having a stepped upper deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the upper deck.

17. Determination of tonnages – (1) All measurements for tonnage under this Part shall be made in feet and decimal fractions of a foot.

(2) For the purposes of this Part “ton” means 100 cubic feet.

(3) The under deck tonnage of a vessel is the product of its length times its breadth times its depth times 6.007.

(4) The tonnage of each enclosed space above the upper deck is the product of the mean length of that enclosed space times its mean breadth times its mean depth times 0.01, the mean length, breadth and depth of that enclosed space being measured from the inside surfaces of its bulkheads, deck and deckhead.

18. Gross tonnage – A vessel’s gross tonnage shall consist of the sum of the under deck tonnage and the tonnage of each enclosed space above the upper deck.

19. Net tonnage – A vessel’s net tonnage shall consist of the product of the vessel’s gross tonnage times 0.5.

BY AUTHORITY:
Cook Islands Government - 2000

SCHEDULE**Regulation 8****FEES**

- (a) For measurement under Part II of the Regulations and issue of a Class A Tonnage Certificate. A fee of \$3.00 for each metre, or part of a metre, of the length of the vessel.
 - (b) For measurement under Part III of the Regulations and issue of a Class B Tonnage Certificate. A fee of \$2.00 for each metre, or part of a metre, of the length of the vessel.
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