



## THE SHIPPING (CONSTRUCTION) REGULATIONS 1989

PAUL REEVES, Governor-General

### ORDER IN COUNCIL

At Wellington this 11th day of September 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 197, 504, and 505A of the Shipping and Seamen Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

#### ANALYSIS

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#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Shipping (Construction) Regulations 1989.

(2) These regulations shall come into force on the 1st day of November 1989.

**2. Interpretation**—In these regulations, “the Act” means the Shipping and Seamen Act 1952.

**3. Application**—(1) Except as provided in subclause (2) of this regulation, these regulations shall apply to the following ships:

(a) New Zealand ships:

(b) Coastal ships.

(2) Nothing in these regulations shall apply to—

(a) Pleasure vessels; or

(b) Any other ship that is not subject to survey under Part IV of the Act.

**4. Classification of ships**—For the purposes of these regulations, ships shall be arranged in the following classes:

(a) Passenger ships:

*Class I:* passenger ships engaged on international voyages:

*Class II:* passenger ships engaged in the coastal trade that have or require a certificate of survey as a coastal trade passenger ship:

*Class III:* passenger ships engaged in the coastal trade plying only on daylight excursions, being ships that have or require a certificate of survey as a coastal trade passenger ship engaged on daylight excursions:

*Class IV:* passenger ships not plying beyond extended river limits, being ships that have or require a certificate of survey as a ship plying within restricted limits:

*Class V:* passenger ships plying only within river limits or on lakes or rivers, being ships that have or require a certificate of survey as a ship plying within restricted limits:

*Class VI:* passenger ships not plying beyond extreme limits, being ships that have or require a certificate of survey as a ship plying within restricted limits:

(b) Non-passenger ships:

*Class VII:* ships engaged on international voyages (not being ships of Class I or Class VIIA or Class X):

*Class VIIA:* ships engaged as factory ships in the whaling, fish processing, or canning industries:

*Class VIII:* ships engaged in the coastal trade (not being ships of any other class):

*Class IX:* ships that do not proceed beyond restricted limits (not being passenger ships or ships of Class X):

*Class X:* fishing vessels.

**5. Ship construction standards**—The construction or major alteration in New Zealand of any ship of any class to which these regulations apply shall comply with such codes of practice or performance standards as may from time to time—

(a) Be issued by the International Maritime Organisation and endorsed for the purposes of these regulations by the Minister by notice in the *Gazette*; or

(b) Be prescribed for the purposes of these regulations by the Minister by notice in the *Gazette*, after consultation by the Minister with the Marine Council.

**6. Responsibility of builder**—Every person who carries out in New Zealand the construction or major alteration of any ship of any class to which these regulations apply shall ensure that the construction or alteration complies with the provisions of such codes of practice or

performance standards as are for the time being endorsed or prescribed for the purposes of these regulations by the Minister by notice in the *Gazette*.

**7. Responsibility of owner and master**—The owner and the master of any ship that has been constructed or has undergone a major alteration in New Zealand shall ensure that the ship does not put to sea unless it complies with the provisions of such codes of practice or performance standards as are for the time being endorsed or prescribed for the purposes of these regulations by the Minister by notice in the *Gazette*.

**8. Exemptions**—The Director may exempt, on such conditions as the Director thinks fit, any ship or class of ship from all or any of the requirements of these regulations, if the Director is satisfied that compliance therewith is unreasonable or impracticable in the case of that ship or ships of that class.

**9. Offences and penalties**—(1) Every person who contravenes or fails to comply with any provision of these regulations commits an offence and is liable to a fine not exceeding \$1,000, and, where the offence is a continuing one, a further amount not exceeding \$100 for every day on which the offence has continued.

(2) It is a defence to a prosecution under subclause (1) of this regulation if the defendant proves that—

- (a) The offence occurred without the knowledge, fault, or negligence of the defendant; or
- (b) The defendant had taken all reasonable steps to ensure that such an offence would not occur.

**10. Revocations**—The Shipping (Passenger Ship) Construction and Survey Rules 1972\* and the Shipping (Cargo Ship) Construction and Survey Rules 1976† are hereby revoked.

MARIE SHROFF,  
Clerk of the Executive Council.

\*S.R. 1972/149  
†S.R. 1976/297

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## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 November 1989, replace the Shipping (Passenger Ship) Construction and Survey Rules 1972 and the Shipping (Cargo Ship) Construction and Survey Rules 1976.

The main purpose of these regulations is to require compliance with codes of practice or performance standards endorsed or prescribed for the purposes of the regulations by the Minister of Transport, by notice in the *Gazette* under section 197 of the Shipping and Seamen Act 1952. Changes made to the Act by the Shipping and Seamen Amendment Act 1987 make this approach possible. Formerly, the detailed specifications relating to ship construction were contained in the rules referred to above.

The regulations will enable the implementation of relevant provisions in the Safety of Life at Sea Convention 1974.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 September 1989.

These regulations are administered in the Ministry of Transport.