

Secondary Legislation

Part 3A:

Maritime (Design, Construction, and Equipment – Lifting Appliances, Loose Gear, and Working Gear) Rules [year]

DRAFT FOR CONSULTATION

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Subpart A General

Section 1 Preliminary provisions

A1.1 Title

This Part is Part 3A: Maritime (Design, Construction, and Equipment – Lifting Appliances, Loose Gear, and Working Gear) Rules [year].

A1.2 Commencement, consequential revocations, and amendments

- (1) This Part comes into force on [commencement date].
- (2) [Relevant existing provisions to be revoked will be specified prior to finalisation of this Part.]

A1.3 Application

- (1) This Part applies to commercial ships that are New Zealand ships in relation to—
 - (a) the design, construction, installation, testing, examination, inspection, marking, and certification of lifting appliances, items of loose gear, and working gear on those ships; and
 - (b) the design, construction, installation, testing, examination, inspection, marking, and certification of cargo lifts, vehicle lifts, and vehicle ramps on those ships.
- (2) For the purposes of subrule (1), a commercial ship is a ship that—
 - (a) was a New Zealand ship immediately before the commencement date; or
 - (b) becomes a New Zealand ship on or after the commencement date.

Note: A distinction is made between a ship that was a New Zealand ship before the commencement date and a ship that becomes a New Zealand ship on or after that date to enable the transitional and savings provisions in A1.5 and the Schedule to apply.

This allows the requirements to be applied differently to ships that were already in the domestic commercial fleet (A1.3(2)(a)), or “deemed” to be in the commercial fleet (AMSA and class-certified ships), and to any ships that are brought within the New Zealand survey and certification regime during the transitional period. For consultation purposes, see Appendix 1 of the Survey and Certification Policy Summary document.

- (3) Unless otherwise provided in this Part, the equipment referred to in subrule (1) must comply with all applicable requirements in this Part.
- (4) Despite subrule (1), working gear is subject only to—
 - (a) Subpart A; and
 - (b) Subpart B; and
 - (c) Section 1 of Subpart C; and
 - (d) Section 2 of Subpart C, except for rule C2.2; and
 - (e) Section 3 of Subpart C; and
 - (f) rule C4.1; and
 - (g) Section 6 of Subpart C, if the working gear is on a fishing ship.
- (5) Subrule (4) does not apply to equipment while it is being used as a lifting appliance or for working cargo.
- (6) Despite subrule (1), cargo lifts, vehicle lifts, and vehicle ramps are subject only to—
 - (a) Subpart A; and
 - (b) Subpart B; and

- (c) Section 1 of Subpart C; and
 - (d) rules C2.1(1), C2.1(4), C2.1(8), C2.2(2), C2.2(3), and C2.5; and
 - (e) Section 5 of Subpart C.
- (7) This Part does not apply to a ship to which any of the following Parts apply:
- (a) Part 2A: Maritime (Design, Construction, and Equipment – SOLAS Ships) Rules:¹
 - (b) Part 40F: Design, Construction, and Equipment – Hovercraft:
 - (c) Part 40G: Maritime (Design, Construction, and Equipment – Novel Ships) Rules:
 - (d) Part 82: Commercial Jet Boat Operations – River:
 - (e) Part 404: Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels.

Note: The survey and certification rules set out in Part 1A do not include the survey rules for Cape Town ships, which are addressed under Part 404. However, work is ongoing to align the survey rules where appropriate.

The survey and certification rules for ships such as ships that operate under a specified limits permit; safe operational plan; or a barge safety certificate will be considered and consulted on as part of Package 4 of this reform project.

- (8) In this Part, a reference to a ship includes a reference to a barge with persons on board during a voyage.

A1.4 Certification

A ship must be certified for compliance with this Part in accordance with Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules.²

A1.5 Transitional, savings, and related provisions

- (1) A ship may rely on the transitional provisions set out in the Schedule if—
- (a) the ship—
 - (i) was a New Zealand ship immediately before the commencement date; or
 - (ii) becomes a New Zealand ship within 1 year after the commencement date; and
 - (b) its keel was laid, or the ship was at a similar stage of construction, within the period beginning 2 years before the commencement date.

Note: Rule A1.5(1) applies only to ships that are in the process of being built around the commencement date. Ships that were already New Zealand ships immediately before the commencement date are dealt with separately in the Schedule.

A mid-build ship may rely on the transitional, savings, and related provisions in the Schedule only if it meets the conditions in subrule (1).

- (2) A ship may also rely on the transitional provisions set out in the Schedule if—
- (a) it meets the requirements of rule A1.6(1) or (2); and
 - (b) it enters service within 10 years after the commencement date.
- (3) To the extent that a ship relies on the transitional provisions set out in the Schedule, the ship is not required to comply with the corresponding requirements of this Part to which those transitional provisions apply.

¹ Draft Rule Part 2A to be consulted on in 2027.

² Draft Rule Part 1A consulted on with this Rule Part in 2026.

- (4) The transitional, savings, and related provisions set out in the Schedule have effect according to their terms.

A1.6 Ships certified in Australia or by recognised classification societies

- (1) For the purposes of rule A1.5(2)(a), a ship meets the requirements of this subrule if the ship—
- (a) immediately before entering service, holds a valid Australian Certificate of Survey for a ship categorised as a new domestic commercial vessel under Marine Order 503 (Certificates of survey – national law) 2018; and
 - (b) was constructed under survey in accordance with the requirements applying to that certificate; and
 - (c) is certified for a scope of certification equivalent to the scope proposed for the ship in New Zealand.
- (2) For the purposes of rule A1.5(2)(a), a ship meets the requirements of this subrule if the ship—
- (a) immediately before entering service, holds a valid class certificate confirming that the ship has been certified in accordance with the standards of that recognised classification society; and
 - (b) was constructed under survey by that recognised classification society; and
 - (c) is classified and surveyed by that recognised classification society for a scope of certification equivalent to the scope proposed for the ship in New Zealand.

Section 2 Interpretation

A2.1 Status and effect of MTIs

- (1) An MTI made for the purposes of this Part may specify—
- (a) technical requirements including testing loads and inspection standards, for lifting appliances, loose gear, working gear, and winch brakes; and
 - (b) detailed matters necessary to give effect to this Part.
- (2) If there is an inconsistency between this Part and an MTI, this Part prevails to the extent of the inconsistency.

A2.2 References to rules and MTIs

- (1) Where a rule in this Part contains a reference to a rule in another Part, the reference includes the Part number as the prefix to the reference.
- (2) A reference, in this Part, to a rule includes any MTI provided for in the rule.
- (3) A reference in a rule in this Part to an MTI is a reference to an MTI as amended or replaced from time to time.
- (4) Where a rule in this Part refers to “an MTI” without specifying the MTI, that reference is to—
- (a) any MTI applicable to that rule; and
 - (b) an MTI made for the purposes of this Part that applies to that rule.
- (5) An MTI is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

A2.3 Definitions

In this Part, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

Australian Certificate of Survey means a survey certificate issued under Marine Order 503 (Certificates of survey – national law) 2018

barge means any barge, lighter, or similar ship that has no means of self-propulsion

cargo includes—

- (a) ship's stores, provisions, equipment, and fuel; and
- (b) mail; and
- (c) material for the repair of the ship or for the fitting of a cargo space; and
- (d) containers, shipborne barges, and any other unit of a permanent character that facilitates the transport of an aggregation of cargo as a single unit, but does not include items of loose gear; and
- (e) catch when being unloaded from a fishing ship; and
- (f) aquaculture product when being loaded onto or unloaded from a ship

Definition of cargo is intended to differ from other DCE rules.

Certificate of Survey means a valid certificate of survey issued by a surveyor under Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules

Certificate of Surveyor Recognition has the meaning set out in Part 44: Surveyor Responsibilities and Survey, Certification, and Maintenance for Ships in Maritime Transport Operations

certificate of test means a certificate of test issued under this Part

class certificate means a certificate issued by a recognised classification society to a ship as evidence that the ship complies with the rules of that society in relation to its structure, material, equipment, propulsion and other machinery, including electrical installations, and with requirements regarding review of plans and drawings, surveys, checks and tests for entry into, and maintenance of, class

commencement date means the date on which this Part comes into force under rule A1.2

commercial ship has the meaning set out in section 2(1) of the Act

competent person means a person who, in relation to a ship's lifting appliances, items of loose gear, working gear, cargo lifts, vehicle lifts, or vehicle ramps, is authorised to carry out testing, thorough examination, and issue of certificates required by this Part by—

- (a) the manufacturer of that equipment; or
- (b) a recognised classification society in pursuance of a scheme of classification or certification of such equipment; or
- (c) a testing establishment recognised by the Director; or
- (d) an international or national inspection agency approved by the Director; or
- (e) a Flag State Administration

constructed under survey means that, from the commencement of the building of a ship until the completion of the building of the ship, construction is subject to survey by a surveyor, or a person or organisation authorised to conduct that survey under the relevant certification regime, and is verified against the approved design and any applicable construction requirements

crew has the meaning set out in section 2(1) of the Act

davit means a mechanical appliance, including a pivoting arm, beam, or frame, installed on a ship and used to raise, lower, deploy, or recover loads, equipment, instruments, structures, or craft, typically over the side or stern of the ship

Director has the meaning set out in section 2(1) of the Act

enter service, in relation to a commercial ship, means to begin to be operated in service in New Zealand as a commercial ship for the first time; and **enters service**, **entered service**, and **entering service** have corresponding meanings

fishing ship means a vessel that is registered under the Fisheries Act 1996 other than an eel fishing boat

Flag State Administration means the Government of the State under whose authority a ship is operating, or the Government of the State whose flag the ship is entitled to fly

gantry means a mechanical or structural frame installed on a ship, including an A-frame or similar structure, used to support lifting equipment or to raise, lower, move, deploy, or recover loads, equipment, or structures

inspection means a visual inspection conducted by a responsible person to determine whether, as far as can be assessed by visual inspection, a ship's lifting appliance, items of loose gear, or working gear remains safe for continued use

lifting appliance means—

- (a) a permanently or temporarily installed mechanical appliance on board a ship designed or used for lifting, suspending, raising, or lowering loads or moving loads from one position to another while they are suspended or supported; and
- (b) for the purposes of rules C2.1 and C2.2, includes a cargo lift, vehicle lift, or vehicle ramp; and
- (c) includes—
 - (i) a crane, derrick, davit, or similar appliance used for working cargo; and
 - (ii) a davit used to launch or retrieve a tender, submersible, or similar craft while a person is lowered or retrieved with the craft; and
 - (iii) a gantry used for loading or offloading aquaculture product or cargo; but
- (d) does not include—
 - (i) working gear; or
 - (ii) a launching appliance used solely for a lifesaving appliance or survival craft

Note: The definition is intended to identify the specific higher risk uses that are treated as lifting appliances, rather than relying on a general concept such as primary operational use. This is intended to avoid uncertainty if equipment has mixed or occasional uses.

like-for-like, in relation to a repair or replacement, means the replacement of equipment or materials with equipment or materials that—

- (a) are substantially the same in design, function, use, and maintenance, whether or not supplied by the same manufacturer; and
- (b) can be installed in, and occupy, the same or a similar footprint as the original equipment or materials without additional alteration or modification of existing finishes or fixtures

loose gear—

- (a) means equipment used to attach a load to a lifting appliance, but that does not form an integral part of the appliance or load; and
- (b) includes steel wire ropes, shackles, blocks, hooks, clamps, trays, crates, tubs, grabs, or other receptacles or apparatus used to convey cargo, personnel cradles, pallet bars, connecting plates, swivels, rings, chains, beam slings, overhauling weight, lifting beams, spreader, lifting frames, magnetic lifting devices, vacuum lifting devices, and similar devices designed or used to facilitate loading or unloading of cargo; but

- (c) does not include built-in sheaves or blocks, other items permanently attached to the lifting appliance, or containers

Note: Some items may be capable of being used either as loose gear or as working gear. The distinction is intended to turn on the use specified in the relevant definition or rule. Items used for working cargo are treated as loose gear or part of the lifting appliance regime, while items used as part of the ship's operational work system are treated as working gear unless they are being used for working cargo or another specified higher-risk lifting use.

major alteration—

- (a) means a material alteration or repair to the design or construction of a ship, its systems or equipment, or its electrical installations, as specified in Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules; and
- (b) includes the replacement, removal, or addition of non-permanent parts if the alteration or repair is specified in Part 1A; and
- (c) does not include direct like-for-like repairs or replacements of parts

major change to a ship's operation means any change to a ship's category, activity, or type or any change to how or where the ship operates, or any change to who or what the ship carries, that is specified in an MTI as increasing the ship's overall operational risk

master has the meaning set out in section 2(1) of the Act

MTI means a transport instrument, made by the Director, for the purposes of this Part, under section 452B of the Act

New Zealand ship has the meaning set out in section 2(1) of the Act

operator has the meaning set out in section 2(1) of the Act

Part means a group of rules made under the Act

proof load means the total load that a lifting appliance, item of loose gear, working gear, cargo lift, vehicle lift, or vehicle ramp may be subjected to under test without permanent deformation

recognised classification society means a classification society that has been recognised by the Director, in accordance with section 41 of the Act, to exercise specific privileges

The recognised classification societies are:

- American Bureau of Shipping
- Bureau Veritas
- Det Norske Veritas (DNV)
- Lloyd's Register
- Nippon Kaiji Kyokai
- Registro Italiano Navale (RINA)

responsible person means—

- (a) for the purposes of inspecting lifting appliances, items of loose gear, or working gear,—
- (i) the master; or
- (ii) a crew member who is trained and experienced to carry out the inspection, assessed by the master as competent to carry it out, and appointed by the master to perform that function; or
- (iii) a competent person; and
- (b) for the purposes of keeping, maintaining, or authenticating the register of equipment,—

- (i) the master; or
- (ii) a crew member designated by the master for that purpose; or
- (iii) a competent person.

ship has the meaning set out in section 2(1) of the Act

For ease of reference:

“ship” means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

- (a) a barge, lighter, or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) a submarine or other submersible

standard has the meaning set out in section 4(1) of the Standards and Accreditation Act 2015 and includes any standard or other material incorporated by reference for the purposes of this Part under section 452 of the Act

surveyor means a person who holds a current Certificate of Surveyor Recognition

SWL means safe working load

thorough examination means a detailed visual examination by a competent person, supplemented, if necessary, by additional means or measures of examination to ensure a reliable conclusion as to the safety of the lifting appliance, item of loose gear, or working gear being examined

valid, in relation to a certificate, means that the certificate—

- (a) has been issued under, or accepted for the purposes of,—
 - (i) the maritime rules or the marine protection rules; or
 - (ii) Marine Order 503 (Certificates of survey – national law) 2018; or
 - (iii) the rules of a recognised classification society; and
- (b) has not expired, lapsed, been suspended, been withdrawn, or been revoked

vehicle ramp means any ramp raised or lowered by mechanically powered systems when cargo or vehicles are upon it

voyage has the meaning set out in section 2(1) of the Act

warp means the ropes or wires used to attach a trawl net or other fishing gear to the ship

working cargo means—

- (a) loading cargo onto, or unloading cargo from, a ship; or
- (b) handling cargo on a ship

working gear means equipment, including lifting equipment, used as part of a ship's operational work system; and includes—

- (a) in relation to a fishing ship, hauling or hoisting gear used in fishing operations; and
- (b) a davit, gantry, lift, winch, or other lifting arrangement used as part of the ship's operational work, including for mooring handling, fishing operations, scientific deployment or recovery, or aquaculture inspection of shellfish backbones, fish lines, shellfish lines, or nets; but
- (c) does not include—
 - (i) a lifting appliance; or
 - (ii) a launching appliance used solely for a lifesaving appliance or survival craft.

Subpart B Responsibilities

B1.1 General responsibilities of operators to ensure compliance

- (1) An operator must ensure that a ship's lifting appliances, items of loose gear, and working gear comply with the requirements in this Part and, where required by this Part, are maintained, tested, examined and inspected by responsible persons or competent persons.
- (2) An operator must ensure that a ship undergoes the appropriate survey if, as specified in Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules,—
 - (a) a major alteration is made to the ship; or
 - (b) a major change is made to the ship's operation.

B1.2 Responsibility of surveyors

- (1) A surveyor must not certify a ship under Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules unless the surveyor believes, on reasonable grounds, that the ship complies with this Part.
- (2) A surveyor must check that the appropriate tests, examinations, or inspections of lifting appliances, items of loose gear, and working gear have been undertaken in accordance with Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules.

B1.3 Responsibilities of competent persons

A competent person must, as applicable, carry out the following in accordance with this Part:

- (a) test and examine lifting appliances, items of loose gear, and working gear:
- (b) determine whether lifting appliances, items of loose gear, and working gear are satisfactory for continued use:
- (c) record the completed examinations in the ship's register of equipment as soon as practicable:
- (d) issue certificates of test for lifting appliances, items of loose gear, and working gear:
- (e) verify whether SWL markings on lifting appliances, items of loose gear, and working gear comply with this Part.

B1.4 Responsibilities of responsible persons

A responsible person must carry out the following in accordance with this Part:

- (a) visually inspect every item of loose gear and all working gear for signs of significant wear or visual signs of defect before use:
- (b) care for, maintain, inspect, and discard steel wire rope:
- (c) inspect, at least every 12 months, non-luffing, non-extendable lifting appliances with a SWL of less than 300 kilograms:
- (d) record in the register of equipment, as soon as practicable, any loose gear or working gear that is found to be unsatisfactory during inspection.

B1.5 Responsibility of master

The master may appoint a crew member as a responsible person for the purposes of subparagraph (ii) of the definition of responsible person if satisfied that the crew member meets the requirements in that subparagraph.

Subpart C Ship and equipment requirements

Sections in this MTI correspond with Sections in the Subpart C. References to specific clauses in the MTI are included in boxes under specific enabling clauses.

Section 1 General requirements for lifting appliances, loose gear, and working gear

C1.1 General requirements for lifting appliances, loose gear, and working gear

- (1) A ship must comply with the requirements in this Part, including any design, construction, and installation standards for lifting appliances, working gear, and items of loose gear specified in an MTI.
- (2) Lifting appliances, items of loose gear, and working gear on a ship must be—
 - (a) maintained in good repair and working order; and
 - (b) of adequate design, strength, and capability to meet the SWL.
- (3) Lifting appliances, items of loose gear, and working gear on a ship—
 - (a) must be used in a safe and proper manner; and
 - (b) must not be loaded beyond the SWL, except as permitted under rule C2.1 for testing, under the direction of a competent person.

Note: this includes lifting appliances on board fishing ships used for unloading and loading cargo and fish.

Section 2 Testing, examination, and inspection of lifting appliances, loose gear, and working gear

C2.1 Testing of ship's lifting appliances, loose gear, and working gear

- (1) An operator must ensure that, before a lifting appliance, item of loose gear, or working gear is first put into use on a ship, or is used again after a major alteration,—
 - (a) subject to subrule (9), the lifting appliance or working gear is tested in accordance with subrules (4) and (6) by a competent person; and
 - (b) each item of loose gear is tested in accordance with subrule (5) by a competent person.
- (2) An operator must ensure that every lifting appliance on a ship is retested by a competent person at least once every 5 years and in accordance with subrule (4), unless subrule (9) applies.
- (3) An operator must ensure that working gear on a ship is retested by a competent person if a responsible person, competent person, or a surveyor identifies an issue requiring retesting, unless subrule (9) applies.
- (4) When a ship's lifting appliance is tested or retested, the proof load must not be less than the applicable load specified in an MTI.

See clause 2.2(1) of the MTI and Table 1 of Appendix 1 of the MTI.
- (5) When an item of loose gear is tested, the proof load must not be less than the applicable load specified in the MTI.

See clause 2.2(2) of the MTI and Table 2 of Appendix 1 of the MTI.
- (6) When working gear is tested, the proof load must not be less than the applicable load specified in the MTI.

See clause 2.2(3) of the MTI and Table 3 of Appendix 1 of the MTI.

- (7) The breaking load of a steel wire rope forming part of a lifting appliance, item of loose gear, or working gear must be recorded in a certificate of test, details of which are maintained in the register of equipment.
- (8) After completing a test of a lifting appliance, item of loose gear, or working gear in accordance with subrules (1), (2), or (3), a competent person must conduct a thorough examination of that lifting appliance, item of loose gear, or working gear.
- (9) If a competent person determines, on reasonable grounds and having regard to safety, that the design of a lifting appliance or working gear makes compliance with the applicable testing or retesting requirements in subrules (1) to (3) impracticable, the applicable requirements are met if—
 - (a) the operator provides the manufacturer's specifications, examination schedule, and maintenance manual upon request; and
 - (b) the competent person carries out the manufacturer's examination and maintenance procedures and records them in the register of equipment.

C2.2 Examination of ship's lifting appliances and loose gear

- (1) An operator must ensure that every lifting appliance and each item of loose gear on the ship undergoes a thorough examination by a competent person at least once every 12 months.
- (2) A competent person must record each completed thorough examination in the register of equipment.
- (3) If, after completing a thorough examination, a competent person considers a lifting appliance or item of loose gear to be unsatisfactory, the lifting appliance or item of loose gear must not be used until a competent person is satisfied that the matter that made it unsatisfactory has been remedied.
- (4) However, subrule (1) does not apply to a non-luffing, non-extendable lifting appliance with a SWL of less than 300 kilograms if—
 - (a) a responsible person inspects it every 12 months; and
 - (b) a competent person carries out a thorough examination every 5 years or after a major alteration.

C2.3 Examination of ship's working gear

- (1) An operator must ensure that a competent person examines working gear—
 - (a) before it is first put into use on a ship; and
 - (b) before it is used again after a major alteration; and
 - (c) if a responsible person or a surveyor identifies an issue requiring retesting or examination.
- (2) A competent person must record each completed thorough examination in the register of equipment.
- (3) If, after completing a thorough examination, a competent person considers working gear to be unsatisfactory, the working gear must not be used until a competent person is satisfied that the matter that made it unsatisfactory has been remedied.

C2.4 Inspection of ship's loose gear and working gear

- (1) An operator must ensure that, before each item of loose gear, including steel wire rope, or any working gear is used, a responsible person visually inspects it for signs of significant wear or visual signs of defect.

- (2) If, on inspection, the responsible person considers an item of loose gear, including steel wire rope, or working gear to be unsatisfactory, it must not be used until a competent person is satisfied that the matter that made it unsatisfactory has been remedied.
 - (3) Steel wire rope must be cared for, maintained, inspected, and discarded in accordance with an MTI.
 - (4) A responsible person inspecting a steel wire rope must ensure that—
 - (a) the rope is checked for any signs of general deterioration or mechanical damage, including at all points where it is attached to the lifting appliance or working gear; and
 - (b) the rope remains correctly positioned in its normal operating path and it is properly seated on the drum and runs correctly over the sheave.
- See clause 2.3 of the MTI.
- (5) A responsible person must record in the register of equipment each item of loose gear, including steel wire rope, or working gear that is, on inspection, found to be unsatisfactory.

C2.5 Certificates of test of ship's lifting appliances, loose gear, and working gear

- (1) Following a test carried out under rule C2.1(1)(a) and a thorough examination conducted under rule C2.1(8), the competent person must issue to the operator a certificate of test for the lifting appliance or working gear.
- (2) Following a test carried out under rule C2.1(1)(b) and a thorough examination conducted under rule C2.1(8), the competent person must issue to the operator a certificate of test in respect of that item of loose gear.
- (3) A certificate of test is valid for a period not exceeding 5 years from the date of issue unless—
 - (a) within the period of validity, the lifting appliance, item of loose gear, or working gear suffers a failure affecting its safe operation or undergoes a major alteration, in which case the certificate expires at the end of day on which the failure occurs, or the major alteration is completed; and
 - (b) the Director determines the date of the failure or alteration if any questions arise about that date.
- (4) The certificate of test must state—
 - (a) the date of issue; and
 - (b) the name of the competent person who issued the certificate; and
 - (c) the organisation that authorised the competent person to issue the certificate.
- (5) The operator must ensure that, where required, a valid certificate of test, or a certified copy of it, for each lifting appliance, each item of loose gear, and working gear on the ship is—
 - (a) readily available on board the ship and available to the Director upon request; and
 - (b) kept with the register of equipment.

Section 3 Marking of ship's lifting appliances, loose gear, and working gear

C3.1 Marking of ship's lifting appliances, loose gear, and working gear

- (1) A lifting appliance, item of loose gear, or working gear on the ship must not be used in loading or unloading a ship unless—
 - (a) the lifting appliance or working gear is clearly and permanently marked with its SWL for each operating condition; and
 - (b) the item of loose gear is clearly and permanently marked with its SWL.

- (2) The SWL of each lifting appliance, item of loose gear, and working gear must be clearly and permanently marked, in a durable and corrosion-resistant manner, to the satisfaction of a competent person having regard to—
- (a) its design, strength, and materials of construction; and
 - (b) its intended use; and
 - (c) the test required by rule C2.1.

Section 4 Information required on board a ship

C4.1 Register of lifting appliances, loose gear, and working gear

- (1) An operator must ensure that a register of equipment is kept and maintained on board the ship in accordance with this Part.
- (2) The following details must be recorded in the register of equipment:
- (a) a list of all the lifting appliances, items of loose gear, and working gear on the ship, and their SWL;
 - (b) particulars of all tests, retests, examinations, and inspections undertaken, or certificates of test issued under Section 2 of this Subpart;
 - (c) any heat treatment, maintenance, repair, or replacement of lifting appliances, items of loose gear, or working gear.
- (3) For the purposes of subrule (2)(b), the certificate of test may be kept in the register instead of recording the particulars of the certificate.
- (4) A register of equipment may be kept in any convenient form, but each entry must be clearly legible and authenticated by a responsible person by—
- (a) signing and dating the entry; or
 - (b) using any other means that clearly identifies that person and the date of authentication.
- (5) The register of equipment is evidence of compliance with this Part and must be made available to the Director on request.

C4.2 Rigging plan and information

The operator of a ship fitted with derricks or cranes for working cargo must ensure that the ship has on board—

- (a) a fully detailed rigging plan; and
- (b) all other relevant information necessary to permit the safe rigging of the ship's derricks or cranes, and associated gear.

Section 5 Cargo lifts, vehicle lifts, and vehicle ramps

C5.1 Ships fitted with cargo lift, vehicle lift, or vehicle ramp

An operator of a ship fitted with a cargo lift, vehicle lift, or vehicle ramp that can be raised or lowered must ensure that the cargo lift, vehicle lift, or vehicle ramp is—

- (a) maintained and operated in compliance with rule C1.1; and
- (b) tested after installation and following any major alteration in accordance with rules C2.1(1), C2.1(4), and C2.1(8), and issued with a certificate of test in accordance with rule C2.5; and
- (c) subjected to a thorough examination by a competent person at least once every 6 months, and that rules C2.2(2) and C2.2(3) are complied with.

Section 6 Working gear on fishing ships

C6.1 Other working gear on fishing ships

- (1) This Section applies to a fishing ship in addition to, as applicable, Subparts A, B, and Sections 1 to 4 of Subpart C.

Winch controls

- (2) A winch control must be positioned to provide the winch driver with adequate space for its safe operation and with a clear, unobstructed view of both the winch and the surrounding work area.
- (3) If a winch is fitted with both local and remote controls, the controls must be arranged to prevent simultaneous operation.

Safe winch control

- (4) A winch must have a means to prevent—
- (a) overloading; and
 - (b) accidental release of a load that could endanger the crew or the ship in the event of a power failure.
- (5) A winch must be equipped with a means capable of effectively arresting and holding the SWL.
- (6) A winch brake must be proof tested before installation with a static load in accordance with the requirements specified in an MTI.

See clause 2.2(3) of the MTI and Table 3 of Appendix 1 of the MTI.

- (7) Winch brakes must incorporate a simple and easily accessible means of adjustment.
- (8) A winch drum capable of being disengaged from the drive system must be fitted with a separate brake.

Guiding on gear

- (9) If manually-operated guiding on gear is installed on a fishing ship, the operating wheels and guiding on gear—
- (a) must not have open spokes or protrusions that present the risk of injury to the operator of the guiding on gear; and
 - (b) must be capable of being disengaged when the warps are paying out.

Wire fastening on winch barrels

- (10) Winch barrels must have a means of fastening wire ends designed so as to prevent kinking of the wires.

Guarding of warps and moving parts

- (11) Warps located between lead rollers, sheaves, and rollers must be fitted with suitable guarding, so far as practicable, taking into account the length and location of the warp.
- (12) Moving parts of winches, warp leads, and chain leads that present a risk of injury must, as far as practicable, be effectively guarded or fenced.

Securing working gear

- (13) A fishing ship must carry chains and other suitable devices for stoppering off trawl boards.
- (14) Working gear that presents a hazard to a ship or its crew must be adequately restrained to prevent movement.

Schedule Transitional, savings, and related provisions

1. Application to ships described in rule A1.3(2)(a)

For consultation purposes, the proposed transitional, savings, and related provisions for ships described in rules A1.3(2)(a) and A1.5 are set out in Appendix 1 of the Survey and Certification Policy Summary document.

2. Existing exemptions continued

An exemption granted by the Director under section 40AA of the Act from a requirement that is in force immediately before the commencement date continues in force on and after the commencement date and is subject to the same conditions (if any) as applied before the commencement date.