

Merchant Shipping (Deck Cargoes) Regulation 2007

STATUTORY INSTRUMENT

No. 10 of 2007

Merchant Shipping (Deck Cargoes) Regulation

Being a Regulation,

MADE by the Head of State, acting with and in accordance with, the advice of the National Executive Council under the Merchant Shipping Act (Chapter 242).

1. Interpretation.

In this Regulation the following definitions apply

"Act" means the Merchant Shipping Act (Chapter No. 242);

"Authority" means the National Maritime Safety Authority established by the National Maritime Safety Authority Act 2003;

"Container" means a freight unit designed for repeated use by different modes of transport, and having fittings to facilitate ready handling by equipment such as forklifts and cranes. It therefore includes ISO containers, in addition to locally manufactured units of smaller size;

"Deck Cargo" means cargo carried on or above the weather deck of any ship;

"Load Line Ship" means any ship assigned a Load Line under the International Load Line Convention;

"Owner" in relation to a ship means the registered owner of the ship, or in the absence of a registered owner, the person who is for the time being responsible for the management of the ship;

"Papua New Guinea ship" means any ship registered in Papua New Guinea or entitled to Papua New Guinea registration operated from a base within Papua New Guinea;

"Ship" means any ship, barge, lighter, or other cargo carrying system used for transportation on the water;

"Warship" means any ship of the defence force or armed forces, including fisheries patrol vessels.

2. Application.

This Regulation applies to the carriage of cargo, other than containers on the deck of a purpose built container or roll on/roll off vessel with permanent container fittings on deck, on a ship that is a:

(a) Papua New Guinea ship regardless of type or size, except wooden vessels of traditional construction or warships, carrying cargo on deck; or

(b) Papua New Guinea warship or Government owned ship carrying commercial cargo on deck.

3. Carriage of Deck Cargoes.

(1) Deck cargo may only be carried on board a Load Line Ship that is authorised to carry deck cargo or on a ship with a current deck cargo permit or deck cargo licence.

(2) Any Load Line Ship authorised to carry deck cargo may do so without requiring additional authorisation from the Authority, provided that:

(a) the master has on board information relating to the types, weights, volumes, and distribution of deck cargo that may be carried, as is appropriate to the trade on which the ship is engaged; and

(b) the approved stability information provided for that vessel is on board and the conditions and requirements of the stability information are complied with at all times; and

(c) the deck cargo is carried in accordance with the requirements of Paragraphs (a) - (g) of Subsection (4).

(3) The Authority may issue either single voyage deck cargo permits; or annual deck cargo licences authorising any ship to carry deck cargo, but in every case:

(a) the permit or licence shall be signed by the Authority; and

(b) the permit or licence shall only be issued on the basis of a formal risk assessment that confirms that safety of life, property and the environment is not unduly threatened as a result of the authorised deck cargo carriage; and

(c) the risk assessment required by sub-section 3 (b) shall take into account the:

(i) design and construction of the vessel; and

(ii) the deck and hatch strength; and

(iii) the length of voyage and nature of the service; and

(iv) the ship's stability; and

(v) the provision for stowage and securing; and

(vi) the nature of other cargo and passengers allowed to be carried; and

(vii) any other factors that may influence the seaworthiness of the vessel; and

(d) the Authority may impose any conditions upon any deck cargo permit or licence necessary to maintain the safety of the vessel.

(4) No deck cargo shall be carried on board any vessel from a Papua New Guinea port unless:

(a) the master has verified that the vessel has adequate reserve stability throughout the intended loading, carriage and discharge of the cargo; and

(b) the master retains any stability calculations or evidence of checks performed on board, as required by the Authority, Safety Management System or the International Load line Convention, for a period of 3 months and makes these available on request to an officer of the Authority; and

(c) the visibility from the wheelhouse and any bridge wings allows an adequate visual lookout to be maintained and does not impede the maintenance of situational awareness during berthing, anchoring and mooring operations; and

(d) the securing of the deck cargo:

(i) in vessels to which the SOLAS Convention applies, is in accordance with the Cargo Securing Manual approved by the Authority for that vessel; or

(ii) in all other vessels is adequate to withstand all conditions that could reasonably be expected on passage; and

(iii) is checked by the master and an entry to this effect made in the vessel's log book prior to sailing and at regular intervals on long passages or as conditions require; and

(e) the deck cargo loading does not exceed the design or actual strength of the deck structure or hatch strength as applicable; and

(f) the deck cargo loading:

(i) allows safe access to all persons that may be required to access any space or area on board via the deck; and

(ii) does not restrict access to internal spaces within the ship; and

(iii) does not prevent the closing of portholes or ventilators that may be open at the time of loading or are open during passage; and

(iv) does not prevent access to, or the operation of, any safety equipment required to be carried; and

(g) the carriage of the deck cargo is in accordance with the conditions of deck cargo permit, deck cargo licence or International Load Line Certificate.

(5) No person shall attempt or conspire, through either direct instruction or indirect actions, to influence:

(a) any officer of the Authority to permit deck cargo to be carried; or

(b) the master, owner, or agent of a vessel to carry deck cargo,

other than in accordance with this Regulation. Any person so doing commits an offence and shall be liable upon conviction to a fine not exceeding K25,000 or a term of imprisonment not exceeding 2 years, or both.

(6) Any person who permits deck cargo to be carried other than in compliance with this Regulation commits an offence, and where no penalty is specified, shall be liable upon conviction to a fine not exceeding K25,000 or a term of imprisonment not exceeding 2 years, or both.