

## INTER-ATOLL SHIPPING RULES 2015

### 1. Name

These are the Inter-Atoll Shipping Rules 2015.

### 2. Purpose

The purpose of these Rules is to govern the operation of passenger ships engaged in the carriage of passengers from one atoll in Tokelau to another atoll in Tokelau.

### 3. Interpretation

In these Rules:

**Administrator** means the Administrator of Tokelau;

**commercial ship** means a ship that is not –

- (i) a pleasure craft; or
- (ii) solely powered manually; or
- (iii) solely powered by sail;

**inter-atoll voyage** means a voyage from one atoll in Tokelau to another atoll in Tokelau, or a voyage from one atoll in Tokelau returning to that atoll;

**Maritime Rule 40A** means Maritime Rule 40A made by the New Zealand Minister of Transport pursuant to the Maritime Transport Act 1994 of the New Zealand Parliament as it applies in New Zealand as amended from time to time and available at: <http://www.maritimenz.govt.nz/Rules/Rule-documents/Part40A-maritime-rule.pdf>;

**operate**, in relation to a ship, means sail or use the ship, or cause or permit the ship to sail, be used, or be in any place, whether or not any person is present with the ship;

**passenger** means any person carried on a ship, other than –

- (i) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship;
- (ii) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled;
- (iii) a child under the age of 1 year;

**passenger ship** means a commercial ship that carries more than 12 passengers;

**pleasure craft** means a ship that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward, but does not include –

- (i) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- (ii) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing ship or for the carriage of passengers or cargo for hire or reward;
- (iii) a ship that is operated or provided by any club, incorporated society, trust, or business:

**safe manning certificate** means a manning or crewing certificate issued under the provisions of SOLAS stipulating the minimum number of crew to be carried on a SOLAS passenger ship;

**ship** means every description of boat or craft used in navigation, whether or not it has any means of propulsion, and includes –

- (i) a barge, lighter, or other like vessel;
- (ii) 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;
- (iii) a submarine or other submersible;

**SOLAS** means the International Convention for the Safety of Life at Sea 1974, the Protocols relating to that Convention and the Annexes to the Convention in those Protocols;

**SOLAS passenger ship safety certificate** means a safety certificate issued under the provisions of SOLAS to a SOLAS passenger ship;

**surveyor** means a person who holds a current surveyor's certificate issued by the Administrator in the form prescribed in Appendix 1; **Tokelau survey certificate** mean a certificate of survey in the form shown in Appendix 2 issued by a surveyor.

#### **4. Maritime Rule 40A**

Maritime Rule 40A and appendices 1, 2 and 4 is the law of Tokelau for the purposes of these Rules.

#### **5. Inter-atoll voyages**

*Inter-Atoll Shipping*

(1) No passenger ship shall carry passengers on an inter-atoll voyage unless there is in force for that ship a current SOLAS passenger ship safety certificate.

(2) The number of passengers carried on an inter-atoll voyage shall not exceed the maximum number permitted by either the SOLAS passenger ship safety certificate or a Tokelau survey certificate issued for that ship, whichever shall be the greater.

(3) In respect of every SOLAS passenger ship for which a Tokelau survey certificate is in force, the Tokelau survey certificate shall specify –

(i) The maximum number of passengers able to be carried on that ship, which shall be determined by a surveyor in accordance with Appendix 2 of Maritime Rule 40A. For the purposes of calculating the number of passengers in accordance with Appendix 2, the SOLAS passenger ship shall be deemed to be operating in the coastal limit.

(ii) The minimum life saving appliances that must be carried shall be determined by a surveyor in accordance with the requirements applicable to a restricted coastal limit ship in Appendix 4 of Maritime Rule 40A;

(iii) That the ship has complied with the intact stability requirements of Appendix 1 of Maritime Rule 40A and with operating conditions that include the maximum number of passengers as determined in subparagraph (i);

(iv) Any additional crew required to be carried in excess of those stated in the safe manning certificate approved by the ship's flag state which shall be determined by the surveyor in his

or

her own discretion having regard to accepted international best practice for a passenger ship of that type and to the appropriate ratio of crew to passengers needed in the event of managing an emergency;

(v) That when undertaking an inter-atoll voyage pursuant to the terms and conditions of a Tokelau survey certificate, the ship shall at all times remain within 30 miles from the coast of either Fakaofu, Nukunonu or Atafu.

(vi) Such other restrictions or conditions on the operation of the ship as the surveyor in his or her sole discretion shall deem appropriate, including but not limited to, maximum wind and wave parameters and operating

hours, and any additional equipment the ship must carry whilst undertaking an inter-atoll voyage.

(4) Authority to sail with the number of passengers specified in the Tokelau survey certificate determined by a surveyor shall at all times be subject to the approval of the master of the ship who shall:

- (i) be responsible for the safe operation of the ship on a voyage, the safety and well-being of all passengers and crew, and the safety of cargo carried; and
- (ii) have final authority to control the ship while in command and for the maintenance of discipline by all persons on board.

#### **6. Surveyor**

(1) The Administrator may appoint persons to hold the position of surveyor to carry out the functions of surveyor under these Rules.

(2) To be eligible for appointment, the surveyor must hold either current recognition from the Director of Maritime New Zealand for the approval and survey of similar ships operating within the New Zealand coastal limit, or must hold authorisation for passenger ship surveys issued by the same Classification society which issued the Class certificate for the ship surveyed.

#### **7. Periodic surveys**

(1) A Tokelau survey certificate issued by a surveyor may be for a period and for periodic intervals that match the surveys required for the ship's compliance with its SOLAS certificates.

(2) Periodic surveys shall be undertaken by a surveyor or alternatively, may be delegated to the classification organisation that has been appointed to carry out surveys required by SOLAS.

#### **8. Offences and penalties**

(1) Every person who operates a ship in contravention of these Rules commits an offence.

(2) Any person who commits an offence against these Rules is liable on conviction to a fine not exceeding \$150 in the case of an individual, and not exceeding \$100,000 in the case of a corporation.

**CERTIFICATE OF APPOINTMENT AS TOKELAU SHIPPING SURVEYOR**

**Issued under the authority of the Inter-Atoll Shipping Rules 2015**

I \_\_\_\_\_, Administrator of Tokelau,  
hereby  
certify that \_\_\_\_\_ is appointed as a Tokelau  
Shipping  
Surveyor under the Inter-Atoll Shipping Rules 2015 and is entitled to perform surveyor  
duties  
pursuant to those Rules until \_\_\_\_\_ 20\_\_ .

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

..... Administrator of Tokelau

**TOKELAU SURVEY CERTIFICATE**

**Issued under the authority of the  
Inter-Atoll Shipping Rules 2015**

**Name of Ship:**

**Type of Ship:** SOLAS Passenger Ship

**IMO Number:**

**Call Sign:**

**Port of Registry:**

**Classification Society:**

**Keel Laying Date:**

**Gross Tonnage:**

**This** is to certify that the above-named ship has been surveyed in accordance with the requirements of the Inter-Atoll Shipping Rules 2015, and

1. The ship has complied with the intact stability requirements of Appendix 1 of Maritime Rule 40A (New Zealand).
2. The ship is permitted to operate on inter-atoll voyages carrying not more than \_\_\_\_\_ passengers.
3. The minimum life saving appliances to be carried are: (specify)
4. Additional crew required to be carried in excess of those stated in the Safe Manning Certificate approved by the ship's Flag State are:
5. Other restrictions/conditions.

**This** Certificate is valid until \_\_\_\_\_ provided that the ship's Certificate of Class, and SOLAS Passenger Ship Safety Certificate, remain valid at all times.

**Issued** at \_\_\_\_\_ on \_\_\_\_\_

Place

Date

\_\_\_\_\_  
Tokelau Shipping Surveyor