

[LEGAL NOTICE NO. 85]

MARITIME TRANSPORT DECREE 2013  
(DECREE NO. 20 OF 2013)

**Maritime (Ships' Lifting Appliances)  
Regulations 2014**

IN exercise of the powers conferred upon me by section 241(1)(f) of the Maritime Transport Decree 2013, I hereby make these Regulations—

PART 1—PRELIMINARY

*Short title and commencement*

1. These Regulations may be cited as the Maritime (Ships' Lifting Appliances) Regulations 2014 and shall come into force on a date appointed by the Minister by notice in the *Gazette*.

*Interpretations*

2. In these Regulations, unless the context otherwise requires—

“cargo” includes—

- (a) ship's stores, provisions, equipment and fuel;
- (b) mail;
- (c) material for the repair of the ship or for the fitting of a cargo space; and
- (d) containers, ship-borne 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 cargo gear;

“certificate of test” means a certificate of test issued under these Regulations or the Health and Safety at Work Act 1996 recognised by the Chief Executive Officer under the Maritime Transport Decree 2013;

“competent person” means a person who, in relation to a ship's lifting appliances and loose cargo gear, is authorised by—

- (a) the manufacturer of that equipment;
- (b) a classification society in pursuance of a scheme of classification or certification of such equipment;
- (c) a testing establishment recognised by—
  - (i) for a Fiji ship or a foreign ship, the Chief Executive Officer; and
  - (ii) for a foreign ship, the Flag State Administration;

- (d) an international or national inspection agency approved by—
  - (i) for a Fiji ship or a foreign ship, the Chief Executive Officer; and
  - (ii) for a foreign ship, the Flag State Administration; or
- (e) any Flag State Administration,

to carry out any testing or thorough examination, and issue any certificate of test required by these Regulations;

“Chief Executive Officer” means the Chief Executive Officer of Maritime Safety Authority of Fiji;

“Decree” means the Maritime Transport Decree 2013;

“inspection” means a visual inspection by a responsible person to decide whether a ship’s lifting appliance or loose cargo gear is safe for continued use;

“lifting appliance” means for the purposes of regulations 5 to 12, any stationary cargo-handling appliance on board a ship used for suspending, raising or lowering a load or moving a load from one position to another while being suspended or supported. For the purposes of regulation 13, it means any appliance or gear fitted in or carried by the ship and used in the ship’s machinery spaces to lift any item associated with the operation, maintenance and servicing of such spaces;

“loose cargo gear” means equipment by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load, and includes any steel wire rope, shackle, block, hook, clamp, tray, crate, tub, grab, or other receptacle used to convey any cargo, personnel cradle, pallet bar, connecting plate, swivel, ring, chain, beam sling, overhauling weight, lifting beam, spreader, lifting frame, magnetic lifting device, vacuum lifting device or any other similar device that is designed or used to facilitate loading or unloading of cargo, but does not include containers as defined by the International Convention for Safe Containers 1972 (CSC);

“proof load” means the total load that any lifting appliance or loose cargo gear is subjected to under test;

“responsible person” means—

- (a) in relation to regulation 8, a crew member of the ship that the master of the ship has deemed competent to undertake inspections of loose cargo gear and appointed to perform that function; or
- (b) in relation to regulation 10(3)—
  - (i) the master or the deck officer of the ship delegated with the task of keeping and maintaining the register of equipment; or
  - (ii) a competent person;

“SWL” means safe working load;

“thorough examination” means a detailed visual examination by a competent person, supplemented if necessary by other means or measures of examination in order to arrive at a reliable conclusion as to the safety of the lifting cargo gear examined; and

“working cargo” means—

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

*Purpose*

3.—(1) These Regulations—

- (a) deal with the testing, examination and inspection of a ship’s lifting appliances and the loose cargo gear carried on board the ship; and
- (b) require the marking of a ship’s lifting appliances and loose cargo gear and the carriage of a register of equipment, rigging plan and certificates of test for the lifting appliances and gear.

(2) These Regulations complement Part 5 of the Factories Act (Cap. 99).

(3) These Regulations and the Factories Act (Cap. 99) implement requirements of the International Labour Organisation’s Occupational Safety and Health (Dock Safety) Convention 1979, No. 152 and No. 32.

*Application*

4.—(1) Except as provided in sub-regulation (2), these Regulations shall apply to—

- (a) every lifting appliance on a Fiji ship;
- (b) any item of loose cargo gear carried on a Fiji ship;
- (c) every lifting appliance on a foreign ship that is used for working cargo in Fiji; and
- (d) any item of loose cargo gear that is carried on a foreign ship and used for working cargo in Fiji.

(2) These Regulations shall not apply to—

- (a) a fishing ship, provided that the lifting appliances aboard that ship are exclusively used in fishing operations and the handling and discharge of the fish catch of that ship;
- (b) a pleasure craft;
- (c) a warship of the Fiji Navy; or
- (d) a warship of any other State.

## PART 2—LIFTING APPLIANCES AND LOOSE CARGO GEAR

*General*

5.—(1) Subject to regulation 6(7), the owner and master of a ship shall be required to ensure that a certificate of test is obtained for every lifting appliance and every item of loose cargo gear carried on the ship, and that the validity of the certificate of test is maintained.

(2) The owner and the master of a ship shall be required to ensure that every lifting appliance and every item of loose cargo gear carried on the ship is maintained in good repair and working order.

(3) A person using a lifting appliance on a ship or any item of loose cargo gear carried by the ship must—

- (a) do so in a safe and proper manner; and
- (b) not load the lifting appliance or gear beyond its safe working load or loads, except for testing purposes required by regulation 6, in which case it must be loaded and used under the direction of a competent person.

(4) No person may use a ship's lifting appliance or item of loose cargo gear unless there is in force for that lifting appliance or item of loose cargo gear a valid certificate of test.

*Testing of lifting appliances and loose cargo gear*

6.—(1) The owner of a ship shall ensure that before using a lifting appliance or loose cargo gear for the first time after the lifting appliance or loose cargo gear has undergone any substantial alteration or repair that affects the ship's safety,—

- (a) the lifting appliance on the ship is tested in accordance with sub-regulation (3) by a competent person; and
- (b) each item of loose cargo gear carried on the ship is tested in accordance with sub-regulation (4) by a competent person.

(2) For the purposes of sub-regulation (1), built in sheaves and blocks and other items permanently attached to the lifting appliance shall not be considered as loose cargo gear, and any test on the complete system as rigged shall be accepted as a test on these items.

(3) The owner of a ship shall ensure that every lifting appliance on a ship, subject to sub-regulation (7), is tested and re-tested at least once in every 5 year period by a competent person.

(4) Where a lifting appliance is tested, the proof load must not be less than the applicable load (SWL) specified in the following table—

<i>SWL of Lifting Appliance (tonnes)</i>	<i>Proof Load</i>
Not more than 20	SWL x 1.25
More than 20 but not more than 50	SWL +5 tonnes
More than 50	SWL x 1.1

(5) Where an item of loose cargo gear is tested, the proof load must not be less than the applicable load specified in the following table—

<i>Item and SWL (tonnes)</i>	<i>Proof Load</i>
Single sheave block	SWL x 4
Multi sheave blocks:	
Not more than 25	SWL x 2
More than 25 but not more than 160	(SWL x 0.933) + 27 tonnes
More than 160	SWL x 1.1
Hooks, shackles, chains, rings, swivels etc.	
Not more than 25	SWL x 2
More than 25	(SWL x 1.22) + 20 tonnes
Lifting beams, spreaders, frames, magnetic and vacuum lifting devices	
Not more than 10	SWL x 2
More than 10 but not more than 160	(SWL x 1.04) + 9.6 tonnes
More than 160	SWL x 1.1
Trays, Crates, Tubs, Grabs, etc. and Personnel Cradles	
Not more than 3	SWL x 2
More than 3 but not more than 12	SWL + 3 tonnes
More than 12 but not more than 20	SWL x 1.25
More than 20	SWL + 5 tonnes

(6) The breaking load of any steel wire rope forming part of a lifting appliance or loose cargo gear must be indicated by a certificate of test details of which are maintained in the register of equipment under regulation 10.

(7) The breaking load shall be determined in accordance with the test requirement of the International Organisation for Standardisation, standard ISO 3108:1974 Steel wire rope for general purposes or British Standards BS 302:1987 Stranded steel wire rope, or an equivalent standard.

(8) Upon the completion of any test of a lifting appliance or item of loose cargo gear in accordance with sub-regulations (1) and (2), the competent person must conduct a thorough examination of that lifting appliance or item of loose cargo gear.

(9) Where the design of a lifting appliance is such that compliance with regulation 6(3) is, in the opinion of a competent person impracticable, the test and thorough examination may be dispensed with, provided that the manufacturer's specification, schedule of examination and maintenance manual are available to the competent person and the examination and maintenance procedures carried out are recorded in the ship's register of equipment by a competent person.

*Examination of lifting appliances and loose cargo gear*

7.—(1) The owner or master of a ship shall be required to ensure that every lifting appliance on the ship and every item of loose cargo gear carried by the ship is thoroughly examined by a competent person at least once in every 12 months.

(2) The competent person must ensure that the completion of a satisfactory thorough examination is recorded in the register of equipment required under regulation 10.

(3) If on completion of a thorough examination, the competent person considers the lifting appliance or item of loose cargo gear is unsatisfactory, that lifting appliance or item of loose cargo gear must not be used until any defect is remedied to the satisfaction of a competent person.

*Inspection of ship's loose cargo gear*

8.—(1) The master of a ship shall be required to ensure that every item of loose cargo gear is inspected by a responsible person before it is used.

(2) If on inspection, the responsible person considers an item of loose cargo gear to be unsatisfactory, no person may use that item of loose cargo gear until any defect is remedied to the satisfaction of a competent person.

(3) The responsible person must record in the register of equipment required under regulation 10 any item of loose gear that is, on inspection, found to be unsatisfactory.

*Marking of lifting appliances and loose cargo gear*

9.—(1) The master of a ship shall be required to ensure that no lifting appliance on a ship and no item of loose cargo gear carried by the ship is used in loading or unloading a ship unless—

- (a) the lifting appliance is clearly and permanently marked with its safe working load for each operating condition; and
- (b) the item of loose cargo gear is clearly and permanently marked with its safe working load.

(2) The safe working load or loads of a lifting appliance and safe working load of loose cargo gear carried on a ship must be marked on each lifting appliance and item of loose cargo gear by a competent person, having regard to the design, strength, material of construction and proposed use of the lifting appliance or gear and test required by regulation 6.

*Register of equipment*

10.—(1) The master of a ship shall be required to ensure that a register of equipment listing all the lifting appliances and items of loose cargo gear carried by the ship and, stating their safe working loads, is kept and maintained on board the ship in accordance with the requirements of this regulation.

(2) The master of a ship shall be required to ensure that particulars of all tests undertaken or certificates of test issued under regulation 6, examinations under regulation 7 and inspections under regulation 8(1), that prove unsatisfactory, and any heat treatment, maintenance, repair or replacement of lifting appliances or loose cargo gear, are recorded in the register of equipment.

(3) Particulars of a certificate of test may be recorded or the certificate of test shall be kept as part of the register of equipment.

(4) A register of equipment may be kept in any convenient form, provided each entry is legible and is authenticated by the responsible person.

*Rigging plan*

11. The owner and the master of a ship fitted with derricks or cranes for working cargo shall ensure that the ship has on board a fully detailed rigging plan and any other relevant information necessary to permit the safe rigging of the ship's derricks or cranes, and associated gear.

*Certificate of test*

12.—(1) Following a satisfactory test in accordance with regulation 6(1)(a) and a satisfactory examination in accordance with regulation 6(6), the competent person shall be required to issue a certificate of test in respect of that lifting appliance to the owner of the ship.

(2) Following a satisfactory test in accordance with regulation 6(1)(b) and a satisfactory examination in accordance with regulation 6(6), the competent person shall be required to issue a certificate of test in respect of that item of loose cargo gear to the owner of the ship.

(3) The certificate of test shall be valid for a period not exceeding 5 years from the date of issue, unless the lifting appliance or loose cargo gear suffers a failure affecting the safe operation of the appliance or gear, or undergoes a substantial alteration, in which case the certificate shall expire on the date of the failure or alteration.

(4) The Chief Executive Officer shall determine a date for the purposes of sub-regulation (3) in the event a date of the failure or alteration is not attainable.

(5) A certificate of test shall specify the date of issue, name of the competent person issuing the certificate of test and the organisation authorising the competent person to issue the certificate of test.

(6) Subject to regulation 6(7), the master of a ship shall ensure that a valid certificate of test, or certified copy of the certificate of test, for each of the lifting appliances and each item of loose cargo gear carried by the ship is readily available on board the ship and kept with the register of equipment.

*Lifting appliances and loose gear used in machinery spaces*

13. A lifting appliance fitted in the machinery space of a Fiji ship and loose gear carried by a Fiji ship that is used for lifting purposes within the machinery spaces of the ship must be in compliance with regulations 5 to 10, and 12.

*Cargo or vehicle lifts and vehicle ramps*

14. The owner of a Fiji ship fitted with cargo, vehicle lifts or vehicle ramps that are capable of being raised or lowered shall be required to ensure that the cargo, vehicle lift or vehicle ramp is—

- (a) maintained and operated in compliance with the requirements of regulation 5;

- (b) tested after installation and following any major repair, renewal or alteration in accordance with regulations 6(1), 6(3) and 6(6);
- (c) issued with a certificate of test in accordance with regulation 9;
- (d) thoroughly examined by a competent person at least once in every 6 month period; and
- (e) in compliance with regulations 7(2) and 7(3).

Made this 14th day of December 2014.

P. TIKODUADUA  
Minister for Infrastructure and Transport

---