

1990—No. 814

MARITIME SERVICES ACT 1935 - REGULATION

(Relating to the means of opening hatches and exterior doors
and the carrying of lifejackets)

NEW SOUTH WALES



[Published in Gazette No. 174 of 21 December 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935, has been pleased to approve the Regulation made by the Maritime Services Board of New South Wales and set forth hereunder.

BRUCE BAIRD
Minister for Transport.

The Maritime Services Board of New South Wales, in pursuance of the Maritime Services Act 1935, hereby makes the following Regulation:

Commencement

1. This Regulation commences on 1 January 1991.

Amendments

2. The Boating (Safety Equipment) Regulation - N.S.W. is amended:
 - (a) by inserting after clause 4A the following clauses:

Hatches and exterior doors

4B. (1) This clause applies to each vessel the construction of the hull of which commenced on or after 1 January 1991, except

a vessel which is the subject of a vessel permit under the Commercial Vessels Act 1979.

(2) The manufacturer of a vessel must ensure that the vessel is built in such a way that any hatch cover and exterior door on the vessel capable of being used as a means of access by persons can be opened from both outside and inside.

(3) A manufacturer who contravenes this clause is guilty of an offence against this Regulation and liable to a penalty not exceeding \$1500.

When locking of hatches and exterior doors prohibited

4C. (1) The master of a vessel must ensure that any hatch or exterior door on a vessel which:

(a) is capable of being used as a means of access by persons; and

(b) is fitted with a lock or similar device,
is kept unlocked at all times when any person is on board the vessel on enclosed waters.

(2) This clause applies to all vessels despite clause 3.

(3) A master who contravenes this clause is guilty of an offence against this Regulation and liable to a penalty not exceeding \$1500.

(b) by omitting item 2(a) of Schedule 2 and by inserting instead the following paragraph:

(a) the failure to carry, for each person on board, one lifejacket or one buoyancy vest	400	400
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(c) by omitting items 9 and 10 of Schedule 2 and by inserting instead the following items:

9. Offence under clause 19 in respect of:		
(a) a lifejacket or buoyancy vest	400	400
(b) only one item (other than a lifejacket or buoyancy vest)	40	40
(c) more than one item (other than a lifejacket or buoyancy vest)	80	80

10. Offence under clause 20 in respect of:		
(a) a lifejacket or buoyancy vest	400	400
(b) only one item (other than a lifejacket or buoyancy vest)	40	40
(c) more than one item (other than a lifejacket or buoyancy vest)	80	80

DATED this sixth day of December 1990.

The *COMMON SEAL* of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES* was hereto affixed in the presence of the Chief Executive:

M. MOORE-WILTON

EXPLANATORY NOTE

The object of this Regulation is to amend the Boating (Safety Equipment) Regulation - N.S.W. so as:

- (a) to require that, from 1 January 1991, the hatches and doors of new vessels must be capable of being opened from both the inside and outside; and
 - (b) to require that hatches and doors must not be locked when vessels are on enclosed waters; and
 - (c) to provide that the penalty fixed by a penalty notice for not carrying a lifejacket or buoyancy vest for each person on board a vessel is \$400.
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