



RADIO (SHIPPING) REGULATIONS 1993

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 1st day of November 1993

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to Sections 25 and 30 of the Telecommunications Act 1989, His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council hereby makes the following regulations:

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REGULATIONS

1. Title - These Regulations may be cited as the Radio (Shipping) Regulations 1993.

2. Interpretation - In these Regulations, unless the context otherwise requires -

"Chief Executive Officer" means the Chief Executive Officer of Telecom Cook Islands Limited (TCI), and includes any person acting by or under his authority;

"Coast Station" means a land station in the Maritime Mobile Service open for public correspondence;

"Compatible Double Sideband" refers to a wave, emission or signal of the type H3E;

"EPIRB" Emergency Position Indicating Radio Beacon;

"Home Trade" means Sea-going ships trading principally from and in the Cook Islands territorial waters whether for the carriage of passengers or cargo or both;

"PEP" means Peak Envelope Power of a radio transmitter;

"Marine Board" means the Cook Islands Marine Board;

"Radiotelegraph Ship" means a ship that is provided with a radiotelegraph installation as its main radio installation;

"Radiotelegraphy" means a system of radiocommunication for the transmission of written matter by the use of signal code;

"Radiotelephone Operator" means a person holding an appropriate certificate of qualification pursuant to the provisions of the Radio Regulations 1993;

"Radiotelephone ship" means a ship with a radio telephone installation as its main radio installation;

"Radiotelephony" means a system of radiocommunication set up for the transmission of speech, or in some cases other sounds;

"Radio Regulations" means the Radio Regulations 1993;

"Radio Watch" means listening for signals on the appropriate distress frequency having regard to the type of installation on the vessel;

"Silence Periods" means the periods of three minutes duration beginning, for Radio-telephone vessels, at each hour and at 30 minutes after each hour, and for Radiotelegraphy vessels, for those times and at 15 minutes and at 45 minutes after each hour according to Co-ordinated Universal Time (UTC);

"TCI" means Telecom Cook Islands Limited.

PART I PRELIMINARY

3. Signals and Emissions - In relation to signals and emissions:

TYPE A1 refers to on-off keying such as Morse code.

TYPE A3E means double sideband amplitude modulated radiotelephony with full carrier signal.

TYPE H3E means a single sideband amplitude modulated radiotelephony having a carrier emitted at a level not more than 6 decibels below the peak power.

TYPE J3E means a single sideband amplitude modulated radiotelephony with the carrier emitted at a level 40 decibels or more below the peak envelope power.

4. Application - These Regulations shall apply to all ships which are:
- (a) Registered under the Shipping Registry Act 1985, and
 - (b) Sea-going ships trading principally to, from and within the Cook Islands territorial waters whether for the carriage of passengers or cargo or both, of the types specified in Parts II, III, and IV of these regulations;
 - (c) Small Fishing Boats as defined in Part V of these regulations;
 - (d) Any vessel of the type defined in Part VI that plies for hire while in Cook Islands territorial waters;

provided that these Regulations shall not apply to:

- (e) Troopships not registered in the Cook Islands;
- (f) Any vessel that belongs to the Defence Forces of any other country and is not engaged in trade;
- (g) Any ship that is in the opinion of the CEO of traditional build;
- (h) Pleasure craft or fishing boats of less than 6 metres in length;
- (i) Tugs whilst engaged in port operations.

5. EPIRB'S - (1) Every ship to which these Regulations apply shall carry an EPIRB on a frequency of 121.5 MHz which is of a type approved by the CEO.

(2) The EPIRB must be kept in a position to be readily accessible.

(3) The EPIRB must be certified for a period greater than 1 month from the date of the beginning of any voyage.

6. Ships and persons in distress - Nothing in these Regulations shall prohibit any ship, survival craft or person in distress from using any means at their disposal to attract attention, make known their position and obtain help.

PART II RADIO TELEGRAPHY

7. Application - This Part shall apply to - (1) Ships certified to carry more than 250 passengers and which will be at sea for more than 16 hours between two consecutive ports.

- (2) Cargo ships of 1,600 tons and upwards engaged on international voyages.
- (3) Cargo ships of 3,200 tons and upwards engaged on home trade voyages.

8. Approval of Radiotelegraph Equipment - All radiotelegraph equipment including the main transmitter, reserve transmitter, and the radiotelegraph main receiver and reserve receiver shall be of a type approved by the CEO.

9. Radiotelegraph Room - Every radiotelegraph room shall -
- (a) be solely for the purpose of radiotelegraphy functions;
 - (b) be in such a position as to minimize disturbance by extraneous noises or otherwise to the transmission or reception of the radio signals;
 - (c) be situated as high as practicable and reasonable in the ship;
 - (d) be adequately ventilated;
 - (e) be of sufficient size to enable efficient operation of the radio equipment installed;
 - (f) be such as to protect the radiotelegraphy installation against the harmful effects of water, salt, or extremes of temperature.
10. Equipment - Every radiotelegraph room shall be provided with -
- (a) an efficient two way means of calling and voice communication with the bridge and to any other place from which the ship is normally navigated, which shall be independent of the main communication system of the ships main source of electrical energy;
 - (b) a reliable clock with a centre seconds hand and a dial of no less than 5 inches in diameter, mounted in such a position that the entire dial can be easily and accurately observed from the radiotelegraph operating position;
 - (c) an electric lamp, operated from an independent source to that supplying the rest of the ships installation apart from the radio equipment, which shall be permanently arranged so as to provide adequate illumination of the operating controls of the main and emergency radiotelegraph installations including the clock and controlled by two way switches placed near the entrance to the radiotelegraph room and the radiotelegraph operating position respectively. These switches shall be clearly labelled to indicate their purpose;
 - (d) a complete list of spare equipment and spare parts carried on board the ship for the maintenance of the radiotelegraph installation, and indicating where the spare equipment and parts are kept;
 - (e) A complete diagram of the wiring of the installation.

11. Aerials - (1) Every radiotelegraph ship shall be fitted with a main aerial and a reserve aerial, provided that the reserve aerial may be carried complete with all accessories so long as it is capable of rapid erection while the ship is at sea.

(2) Means shall be provided to enable the quick connection either the main or reserve aerial to either the main or reserve transmitters, and to the main and reserve receivers.

12. Range of Transmitters - The normal range of the radiotelegraph transmitters shall not be less than 175 nautical miles for the main transmitter and 150 nautical miles for the reserve transmitter on the frequency of 500 kilohertz (kHz) so as to provide a signal strength of at least 50 microvolts per metre.

13. Supply of Electrical Energy - (1) There shall be available in every telegraph room a supply of electrical energy, from the ships main source of electrical energy, and sufficient energy for the operation of the main radiotelegraph equipment and for charging the batteries associated with the radiotelegraph installation.

(2) The reserve equipment shall include a source of electrical energy independent of the propelling power of the ship and the rest of the installation, and capable of being brought into immediate operation by means of a switchboard which shall be situated in the radiotelegraph room or readily accessible therefrom. This source shall be situated as high as practicable and reasonable in the ship. It shall be of such capacity and shall be maintained at all times when at sea in such a condition as to be able to supply continuously for a period of six hours, a total current required to operate the reserve transmitter and the reserve receiver with the reserve transmitter being keyed for 3/5ths of the time.

14. Tools, measuring instruments, spare parts - Every radiotelegraph ship shall carry the tools, measuring instruments, spare parts and other materials required to maintain the efficient operation of the radio installation and keep an up-to-date list of same for inspection by the CEO as required.

15. Provision of Radio Officers - (1) Every radiotelegraph ship which upon proceeding to sea is not fitted with an auto-alarm on 500 kHz shall be provided with -

- (a) Two radio officers where voyages are less than 48 hours between consecutive ports;
 - (b) Three radio officers for all other cases.
- (2) If a ship is provided with an auto-alarm on 500 kHz, then -
- (a) Passenger ships certified to carry more than 250 passengers shall carry two radio officers, and
 - (b) Other ships shall carry one radio officer.

16. Qualifications of Radio Officers - (1) Radio officers must be qualified as evidenced by an appropriate certificate issued by the CEO or an equivalent certificate recognised by the CEO.

(2) For passenger ships, a minimum of one operator shall hold a first-class radiotelegraph operators certificate.

(3) In other cases, radio officers must hold at least a 2nd class radiotelegraph operators certificate.

17. Radio Watch - (1) Subject to Regulation 15 (2) of these regulations, the radio watch for a ship not provided with a radiotelegraph auto-alarm, shall be continuous.

(2) If the ship is provided with a working radiotelegraph auto-alarm, the watch shall be 16 hours a day.

18. Watchkeeping by Radio Officers - (1) Radio officers on board a radiotelegraph ship shall keep radio watch by headphones or by loudspeaker reception.

(2) Every radio operator on board a radiotelegraph ship provided with an auto-alarm shall, whenever radio watch ceases to be maintained at the end of his watch, put the auto-alarm into operation and test its efficiency before signing off. Any defects shall be immediately reported to the Master of the ship.

(3) Watch duties while at sea shall include:-

- (a) a test of the reserve radio-telegraph connected to a dummy load once a day;
- (b) a test of the reserve radiotelegraph transmitter connected to the reserve aerial once during each voyage;
- (c) a test once a day by voltmeter and once a month by hydrometer of any batteries which are a source of energy for the radiotelegraph installation;
- (d) test the operation of the radio telegraph auto-alarm.

(4) While a radiotelegraph ship is at sea, the radio officer(s) shall take all steps within his or her power to ensure that the radio equipment and associated power sources are properly maintained and repaired when necessary.

19. Radiotelegraph Log - (1) A radiotelegraph log book shall be kept and made available for inspection by any person authorised by the CEO.

(2) The log shall be kept updated with entries of all related events pertaining to the radiotelegraph station. These include -

- (a) the radio officer's name; and
- (b) the time at which he goes on and off duty; and
- (c) the time, date, identifying number and the communication station for all messages transmitted and received; and
- (d) all incidents occurring which relate to distress or safety at sea; and
- (e) all incidents occurring which relate to immediate assistance at sea requirements; and
- (f) all incidents and faults relating to the efficiency of the radiotelegraph installation including power sources and the auto-alarm if fitted.

(3) The Master and the senior radio officer shall sign the radiotelegraph log book each day.

PART III **RADIOTELEPHONY I**

20. Application - This part shall apply to all vessels registered in the Cook Islands greater than 35 metres in length, or 200 tons, excepting those vessels used in home trade.

21. Approval of Radio Equipment - All radiotelephone equipment including the transmitter and the receiver, shall be of a type approved by the CEO.

22. Frequencies - (1) The radio transmitter and radio receiver shall be capable of transmission and reception respectively on carrier frequencies using the types of emission listed below -

<u>FREQUENCIES</u>	<u>TYPE OF EMISSION</u>
2182 kHz	2.8 H3E/J3E
4125 kHz	2.8 J3E
6215.5kHz	2.8 J3E

(2) Additional working frequencies shall also be provided for operation as are appropriate for the area of operation.

23. Radiotelephone Installation - The radiotelephone installation shall be:-

- (a) Installed as high as practicable and reasonable in the ship;
- (b) Protected against the harmful effects of water, salt and extremes of temperature;
- (c) Installed in such a place that it will not affect any of the vessels compasses or other navigational equipment;
- (d) Installed in such a place as to minimize disturbance by extraneous noises or otherwise to the transmission or reception of radio signals;
- (e) Provided with a loudspeaker installed in such a place and sufficient volume as to enable an effective listening watch to be maintained.

24. Equipment - Radiotelephone ships shall have -

- (a) An efficient two-way means of calling and voice communication with the bridge and any other place from which the ship is normally navigated, which shall be independent of the main communication system of the ship and the ships main source of electrical energy;
- (b) A reliable clock which shall be securely mounted within sight of the operating position of the radiotelephone installation;
- (c) An electric lamp operated from an independent source to that supplying the rest of the ships installation apart from the radio equipment, shall be permanently mounted so as to provide adequate illumination of the operating controls of the radiotelephone installation and the clock;
Such lamp shall be controlled by two-way switches placed near the entrance to the radiotelephone room and at the radiotelephone operating position respectively. These switches will be clearly labelled to indicate their purpose.
- (d) A card giving a clear summary of the radiotelephone distress, urgency and safety procedures shall be displayed at the operating position.

25. Aerials - (1) Every radiotelephone ship shall be fitted with a main aerial and a reserve aerial, provided that the reserve aerial may be carried complete with all accessories and capable of rapid erection while the ship is at sea.

(2) Means shall be provided to enable the quick connection of radio equipment to either the main or reserve aerial.

26. Range of transmitters - The normal range of the radiotelephone transmitters shall not be less than 250 nautical miles.

27. Supply of electrical energy - (1) There shall be a source of electrical energy capable of operating the main radiotelephone installation in the vessel, including the charging of any batteries associated with the radiotelephone installation.

(2) The reserve source of electrical energy shall be independent from all other sources and be of such capacity and so maintained at all times while the vessel is at sea to be able to supply continuously for a period of six hours a total current equal to sum of -

- (a) 1/2 the current required to operate the single sideband radiotelephone transmitter for the transmission of speech; and
- (b) The current required to operate the radio-telephone single sideband receiver; and
- (c) The current required to operate the electric lamp required in Regulation 24 (c).

28. Tools, measuring instruments, spare parts - Every radiotelephone ship shall carry the tools, measuring necessary instruments, spare parts and other materials to maintain the efficient operation of the radio installation and keep an up-to-date list of same for inspection by the CEO as required.

29. Provision of Radio Operators - Every radiotelephone ship shall be provided with at least one qualified radiotelephone operator holding the appropriate certificate of qualification, issued by the CEO or an equivalent certificate recognised by CEO.

30. Qualifications of Radio Operators - (1) The grade of certificate shall be a second class radiotelegraph operators certificate except where -

- (a) The power in the aerial does not exceed 100 watts PEP; or
- (b) The power in the aerial does not exceed 500 watts PEP in cases where the operation of the transmitter requires only simple switches.

in which cases a general radiotelephone operators certificate shall be sufficient.

(2) A restricted radiotelephone operators certificate shall suffice in cases where the power in the aerial does not exceed 250 watts PEP where the operation of the transmitter requires only the use of simple external switches.

31. Radio Watch - While a radiotelephone ship is at sea, a continuous radio watch on the distress frequency, shall be maintained except where -

- (a) The radiotelephone equipment is being used for traffic; or
- (b) When, in the opinion of the Master, conditions are such that maintenance of the radio watch would interfere with the safe navigation of the ship.

32. Watchkeeping Duties - (1) While a radiotelephone ship is at sea, the radiotelephone operator shall arrange for any batteries associated with the radiotelephone installation to be tested once a day and brought up to a fully charged condition as soon as possible.

(2) The radiotelephone installation shall be maintained at all times in such condition that it is always capable of immediately fulfilling the functions for which it is provided.

33. Radiotelephone Log - (1) A radiotelephone log book is to be kept and made available for inspection by any person authorised by CEO.

(2) The log is to be kept updated with entries of all related events pertaining to the radiotelephone station. These include -

- (a) The radio operator's name;
- (b) The time at which he goes on and off duty;
- (c) The time, date, identifying number and the communication station for all messages transmitted and received; distress or safety at sea
- (d) All incidents occurring which relate to
- (e) All incidents occurring which relates to immediate assistance at sea requirements
- (f) All incidents and faults relating to factors which affect the efficiency of the radiotelephone installation including power sources and auto-alarm if fitted.

(3) The Master and senior radio officer shall sign the radiotelephone log book each day.

PART IV RADIOTELEPHONY 2

34. Application - (1) This part shall apply to -

- (a) All ships which ply for hire or reward, the carriage of passengers or cargo or both, either solely within the Cook Islands or between the Cook Islands and any place beyond the Cook Islands;
- (b) Any fishing vessel which operates in the Cook Islands and exceeds 12 metres in length at the water line.

other than those to which Parts II or III apply.

(2) Notwithstanding subsection (1), the CEO may exempt any ship that complies with regulations or rules of an equivalent nature to those of this Part from some other country.

35. Approval of Radiotelephone Equipment - (1) Every ship shall be provided with an efficient radiotelephone installation. The transmitter and receiver must be a type approved by CEO.

(2) The transmitter shall be capable of producing at least 60 watts PEP into the aerial.

36. Frequencies - The radio transmitter and the radio receiver shall be capable of transmission and reception respectively on the carrier frequencies using the types of emissions listed below for the distance from the Rarotonga coast station.

<u>Voyage</u>	<u>Ships Transmit Frequencies</u>	<u>Ships Receive Frequencies</u>	<u>Type of Emission</u>
up to but not beyond 150 nautical miles from Rarotonga	2182 kHz	2182 kHz	H3E
	2162 kHz	2207 kHz	H3E
up to but not beyond 680 nautical miles from Rarotonga	2182 kHz	2182 kHz	H3C
	2162 kHz	2207 kHz	H3E
	4125 kHz	4125 kHz	J3E
	4146 kHz	4149 kHz	J3E
beyond 680 nautical miles from Rarotonga	2182 kHz	2182 kHz	H3E
	2162 kHz	2207 kHz	H3E
	4125 kHz	4125 kHz	J3E
	4146.6kHz	4149.6kHz	J3E
	8255 kHz	8779.9kHz	J3E
	8267.4kHz	8791.3kHz	J3E
	12293.1kHz	13140 kHz	J3E

37. Radiotelephone equipment - All Radiotelephone equipment shall be -

- (a) capable of being easily set for both the reception and transmission on the Radio Telephone Distress Frequency of 2182 kHz. Selection of this frequency shall be by not more than 2 controls;
- (b) installed as high as practicable and reasonable in the ship;
- (c) installed in such a position and manner as to minimize disturbance by extraneous noises or otherwise to the transmission or reception of radio signals;
- (d) installed in such a place that it will not affect any of the vessel's compasses or other navigational equipment;
- (e) protected against the harmful effects of water, salt and extremes of temperature.

38. The Radiotelephone Installation - Every radiotelephone installation shall be provided with -

- (a) A reliable clock mounted in such a position that the entire dial can be easily and accurately seen from the radiotelephone operating position;

- (b) An electric lamp operated from an independent source to that supplying the rest of the ship's installation apart from the radio equipment, shall be permanently arranged so as to provide adequate illumination of the operating controls of the radiotelephone equipment and the clock and controlled by two way switches placed respectively near the entrance to the radiotelephone room and the radiotelephone operating position. These switches shall be clearly labelled to indicate their purpose;
- (c) A card giving a clear summary of the radiotelephone distress, urgency and safety procedures shall be displayed at the operating position.

39. Aerials - (1) Every radiotelephone ship shall be fitted with a main aerial and a reserve aerial except that the reserve aerial may be carried complete with all accessories and capable of rapid erection while the ship is at sea.

(2) It shall be the responsibility of the Master to ensure that -

- (a) Stay wires, rigging and other shipboard equipment is kept clear of the aerial(s).
- (b) In the event of the aerial(s) being lowered at any time to work cargo or for any other purpose, it shall be replaced in its proper position before the ship sails for the next port.

40. Supply of Electrical Energy - (1) There shall be a source of electrical energy capable of operating the radiotelephone installation in the vessel, including the charging of any batteries associated with the radiotelephone installation.

(2) There shall be provided a reserve source of electrical energy independent from all other sources and be of such capacity as so maintained at all times while the ship is at sea to be able to supply continuously for a period of six hours a total current equal to the sum of -

- (a) Half the current required to operate the single sideband radiotelephone transmitter for the transmission of speech;
- (b) The current to operate radiotelephone single receiver;
- (c) The current consumed by the electric lamp as referred to in regulation (38(2)).

(3) Any batteries associated with the radiotelephone installation are to be installed as high as practicable and reasonable.

41. Tools, Measuring Instruments, Spare parts - Every radiotelephone ship shall carry the tools, measuring instruments, spare parts and other materials needed to maintain the efficient apparatus of the radio installation and keep an up-to-date list of same for inspection by TCI as required.

42. Provision of Radio Operators - Every radiotelephone ship to which this Part applies shall carry at least two radiotelephone operators whose minimum certification will be Restricted Radiotelephone Operators certificate issued by TCI or an equivalent certificate recognised by TCI.

43. Certificate of Compliance - (1) No radiotelephone ship to which this Part applies shall put to sea unless a Certificate of Compliance has been issued by TCI to the effect that the ship complies with these regulations.

(2) The Certificate of Compliance shall be prominently displayed close to the radiotelephone equipment.

(3) The Certificate of Compliance shall be valid for one year from the date of issue.

44. Masters Responsibility - (1) No radiotelephone ship to which this Part applies shall put to sea unless the Master -

- (a) Ensures that the ship has a Certificate of Compliance;
- (b) Ensures that the ship has two qualified radiotelephone operators on board;
- (c) Has obtained from the Chief Executive Officer a written statement of the times he will maintain watch with Rarotonga Radio, provided that statement once supplied can cover any number of voyages made for a period not exceeding one year.

(2) Before putting to sea, the batteries shall be checked and brought up to full charge.

(3) A call to Rarotonga Radio shall to be made -

- (a) when departing the harbour or anchorage;
- (b) when returned to the harbour or anchorage.

(4) The Master shall while at sea or at any anchorage while on a voyage to or from Rarotonga, endeavour to maintain a minimum of two radiocommunication calls each day with Rarotonga Radio.

45. Radio Watch - While the ship is at sea, a continuous radio watch on the radiotelephone distress frequency shall be maintained except where -

- (a) The radiotelephone equipment is being used for traffic.
- (b) When, in the opinion of the master, conditions are such that the maintenance of such a watch would interfere with the safe navigation of the ship.

46. Watchkeeping Duties - (1) While the ship is at sea, the Master shall ensure that any batteries associated with the radio-telephone installation are tested once a day and brought up to a fully charged condition.

(2) The radiotelephone installation is to be maintained at all times in such condition that it is always capable of immediately fulfilling the functions for which it is provided.

47. Radio Telephone Log - (1) A radiotelephone log book is to be kept and made available for inspection by any person authorised by TCI.

(2) The log is to be kept updated with entries of all related events pertaining to the radiotelephone station. This includes the testing of any batteries associated with the radiotelephone installation.

PART V
SMALL FISHING BOATS

48. Application - (1) This part shall apply to small fishing boats less than 12 metres in length and greater than 6 metres at the water line, which are domiciled in the Cook Islands.

(2) This regulation is not compulsory to all fishing boats, at the discretion of the CEO.

(3) Boats fitted with AM radiotelephony equipment are restricted to a limit of 20 nautical miles range from the reef.

49. Radiotelephone installation - Every radiotelephone installation shall:

- (a) Be situated as high as practicable and reasonable in the boat.
- (b) Be positioned and protected so as to safeguard it against the harmful effects of water, salt and extremes of temperature.
- (c) Be provided with a card giving a clear summary of the radiotelephone distress, urgency and safety procedures displayed at the operating position.

50. Radio Equipment - (1) The radiotelephone transmitter and receiver must be of a type approved by TCI.

(2) The transmitter may transmit either AM (A3E) or SSB (J3E) or Compatible AM (H3E) signals.

(3) The frequencies to be carried must include carrier frequencies as specified below -

<u>Boats transmit frequency</u>	<u>Boat receive frequency</u>
2182 kHz	2182 kHz
2162 kHz	2207 kHz

(4) The radiotelephone equipment shall be installed in such a place that it will not affect any of the boats compasses or other navigational equipment.

51. Supply of Electrical Energy - (1) There shall be a source of electrical energy capable of supplying the radiotelephone installation including any batteries associated with the radiotelephone installation.

(2) A battery independent of any other source shall be provided solely for the purpose of the radiotelephone installation shall be provided. The capacity of the battery is to be determined by the Chief Executive Officer for conditions as he sees fit.

(3) The batteries are to be installed as high as practicable and reasonable in the boat.

52. Radio Operators - There shall be at least one radio operator on board who may have other duties and must be qualified by certificate issued by TCI or an equivalent as recognised by TCI. The grade of certificate shall be at least a Restricted Radio Operator Certificate.

53. Radio Operator Duties - (1) Before putting to sea, the batteries must be checked and brought up to full charge.
- (2) A call to Rarotonga Radio is to be made -
- (a) when departing the harbour or anchorage, and
 - (b) once returned to the harbour or anchorage.
- (3) A continuous listening watch on the radiotelephone distress frequency 2182 kHz is to be maintained while at sea except -
- (a) while passing of radiotelephone traffic
 - (b) when, in the opinion of the Master, conditions are such that the maintenance of the radio watch would interfere with the safe navigation of the boat.

PART VI BOATS FOR CHARTER OR HIRE

54. Application - This part applies to any ship or boat which plies for the carriage of passengers for reward other than a ship or boat which operates solely within a lagoon.

55. Requirements - (1) All vessels whose voyages are within 20 nautical miles of the reef shall comply with Part V.

(2) All vessels whose voyages are to be greater than 20 nautical miles from the reef shall comply with Part IV.

(3) Nothing in these Regulations shall prevent a vessel whose voyages are within 20 nautical miles from the reef from electing to comply with Part IV requirements.

PART VII VHF FM RADIOTELEPHONE INSTALLATIONS

56. Application - (1) Any ship or boat may elect to provide a VHF FM Maritime Radiotelephone Installation.

(2) The provision of a VHF FM Radiotelephone Installation does not exempt a ship or boat from compliance with any other part of these regulations.

57. Provision of VHF FM Radio Installation - (1) The equipment shall be of a type approved by the TCI.

(2) All equipment shall be capable of transmitting and receiving on the international distress, safety and calling frequency for the maritime mobile VHF radiotelephone service 156.8 MHz (Channel 16).

(3) The maximum radio frequency output power at the transmitter must be not more than 25 watts mean power and the minimum of 5 watts mean power.

(4) It shall be installed as high as practicable and reasonable in the ship and protected against the harmful effects of water, salt and extremes of temperature.

(5) A card giving a clear summary of the radiotelephone distress, urgency and safety procedures shall be displayed at the operating position.

58. Aerials - (1) Every aerial shall be so placed and constructed so that it -
- (a) precludes danger to personnel as a result of accidental contact and
 - (b) does not interfere with the safe navigation of working of the vessel.
 - (c) it shall be installed as high as practicable and reasonable in the ship and protected against the harmful effects of water, salt and extremes of temperature.
- (2) The aerial installation shall be of vertical polarization.

59. Supply of Electrical Energy - (1) There shall be a source of electrical energy capable of operating the VHF radiotelephone installation.

(2) The source shall be independent from all other sources except other radio installations and be of such capacity, and so maintained at all times while the vessel is at sea, as to provide current equal to the sum of -

- (a) one half of the current required to operate the VHF radiotelephone transmitter for the transmission of speech;
- (b) the current required to operate the VHF radiotelephone receiver; and
- (c) the requirements of other radio equipment as specified in its relevant regulations if the electrical source is shared with other radio equipment.

(3) Batteries provided as a source of any part of the electrical energy for the radiotelephone installation shall in no case be of the dry type.

(4) Means shall be provided for testing the charge condition of any batteries.

60. Provision of Radio Operator - Whenever a vessel puts to sea, it shall carry one crew person who is qualified by certificate issued by TCI or an equivalent certificate recognised by TCI. The minimum qualification shall be Restricted Radiotelephone Operators Certificate.

61. Radio operator duties - (1) Before putting to sea, batteries must be checked and brought up to full charge.

(2) A call to Rarotonga Radio is to be made -

- (a) when departing the harbour or anchorage;
- (b) once returned to the harbour or anchorage.

(3) A continuous listening watch on the radiotelephone distress frequency (channel 16) is to be maintained while at sea except -

- (a) while passing of radiotelephone traffic; or
- (b) when in the opinion of the Master, conditions are such that the maintenance of the radio watch would interfere with safe navigation of the boat.

PART VIII
SURVEY FEES, RESPONSIBILITIES, OFFENCES
AND PENALTIES

62. Technical surveys - (1) The fees for TCI to check a vessel shall be -

- (a) Certificate of Compliance = \$40.00
- (b) radiotelegraph licence = \$40.00
- (c) radiotelephone licence = \$40.00
- (d) small fishing boat licence = \$30.00
- (e) VHF FM radiotelephone licence = \$30.00

(2) These charges are in addition to the licence fees presented under the Radio Regulations.

63. Responsibilities of owner - When these regulations require that a ship shall carry on the provided with any radio equipment or arrangements, it shall be the responsibility of the owner to provide such equipment or arrangements.

64. Responsibility of Master - Where these regulations require that a ship shall carry or be provided with any radio equipment on arrangements it shall be the responsibility of the Master to ensure that:

- (a) the ship does not put to sea, unless such radio equipment and arrangements are carried or provide; and
- (b) such radio equipment and arrangements are in good order and condition and fit in all respects for their intended use.

65. Exemptions - The CEO may exempt subject to such conditions as the CEO thinks fit, any ship on class of ship from any or all of the requirements of these regulations, if the CEO is satisfied that compliance therewith is unreasonable or impractical in the case of that ship or ships of that class.

66. Offences and penalties (in relation to Regulations 63 and 64) - (1) Every owner on Master of a ship who fails to comply with regulation 63 or 64 as the case may be, commits an offence and is liable to a fine not exceeding \$1,000 and where the offence is a continuing one, a further amount not exceeding \$100 for every day on which the offence has continued.

(2) It is a defence to a prosecution under subclause (1) of this regulation if the defendant proves that -

- (a) the offence occurred without the knowledge, fault or negligence of the defendant; and
- (b) the defendant had taken all reasonable steps to ensure that such an offence would not occur.

67. Penalties for offences not specified elsewhere - Any person or corporate body acting in contravention or failing to comply with the requirements of these regulations commits an offence and shall where provision is otherwise con in the Act or these regulations, upon conviction be liable to a fine not exceeding \$100.

T. Bishop
Clerk of the Executive Council

These Regulations are administered by Telecom Cook Islands Limited