



Maritime New Zealand Guidelines

MARINE GUIDANCE NOTICE ISSUE 07 - 2008

LARGE COASTAL SHIPS - SAFETY REQUIREMENTS

This guidance is for:

- Any person who operates or is considering operating a passenger or cargo ship on the New Zealand coast where:
 - the ship is 45m or more in length; and
 - operates beyond restricted limits, but not undertaking international voyages; and
 - is registered as a New Zealand ship
- Classification societies recognised by the Director of Maritime New Zealand for the purposes of issuing maritime documents.

For the purpose of this notice these ships will be referred to as “large coastal ships”.

Introduction

Within the Maritime Rules there is a clear “watershed” of requirements for ships operating on the New Zealand Coast:

Ships of 45m or more in length that operate beyond restricted limits are required to comply with maritime rules based on international conventions; the primary conventions being the International Convention for the Safety of Life at Sea 1974 and the protocols relating to that convention (SOLAS), and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW-95).

Ships of any length which operate within restricted limits, or of less than 45m in length operating within Offshore limits, are required to operate generally under maritime rules which have been developed over a period of time based on domestic needs and experiences.

A further differentiation for large coastal ships is that they are currently required to be designed, constructed, maintained and certified in compliance with the structural, mechanical and electrical requirements of one of the following classification societies:

- American Bureau of Shipping
- Bureau Veritas
- Det Norske Veritas
- Germanischer Lloyd
- Lloyds Register of Shipping.

Safety requirements

The safety requirements for large coastal ships are set within a number of maritime rule parts:

| | TITLE | SUMMARY |
|---------------------|------------------------------|--|
| Part 21 (section 1) | Safe ship management systems | Implements the international safety management code which under SOLAS is mandatory. |
| Part 22 | Collision prevention | Implements the convention on the international regulations for preventing collisions at sea, which sets requirements for navigation lights, day shapes and basic ‘rules of the road’ |

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| Part 23 | Operational procedures and training | Implements the operational requirements of chapter III and V of SOLAS i.e. muster lists, emergency alarms and drills, training and contingency planning |
| Part 24A | Carriage of cargoes (Dangerous Goods) | Implements the international maritime dangerous goods code which is a mandatory requirement under SOLAS for ships carrying packaged dangerous goods. |
| Part 24B | Carriage of cargoes (stowage and securing) | Implements the international cargo ship securing code as an appropriate minimum for cargo and ro-ro ships. |
| Part 24C | Carriage of cargoes (specific cargoes) | Sets specific requirements for timber, grain and livestock ships |
| Part 25 | Nautical publications and charts | Implements regulations 21 (international code of signals) and 27 (nautical charts and publications) of SOLAS, setting the charts and publications to be carried and how they are maintained current. |
| Part 31A | Crewing and watchkeeping | Implements procedures by which the minimum safe manning of a ship is determined and approved, based on international Maritime Organisation guidelines and the STCW convention |
| Part 40B | Design, construction and equipment | Sets there requirement for ships to meet the certification requirements of a classification society, invokes a number of chapters of SOLAS which cover such items as lifesaving equipment, fire fighting equipment, fire boundaries |
| Part 41 | Anchors and cables | Sets the certification and testing requirements for anchors over 75Kg in weight and cables of over 12.5mm in diameter. |
| Part 43 | Radio | Implements the Global maritime distress and safety system by setting requirements for radio personnel, survey of radio equipment and performance standards for radio equipment. |
| Part 45 | Navigation equipment | Implements chapter V (Safety of Navigation) of SOLAS by setting the requirements for outfit of navigation equipment |
| Part 46 | Maintenance and survey | Sets the survey and certification requirements for the issue of international and New Zealand ship safety certificates. |
| Part 47 | Load Line | Implements the international load line convention |
| Part 48 | Tonnage | Implements the international tonnage convention |
| Part 49 | Ships' Lifting Appliances | Implements articles 21 to 30 of the International Labour Organisation (ILO) occupational safety and health (dock work) convention 1979 (no.152) which requires the inspection and testing of ships' cranes and loose lifting gear. |
| Part 50 | Medical stores | Prescribes the medicines and medical equipment to be carried. |
| Part 51 | Crew accommodation | Implements ILO crew accommodation convention (nos. 92 and 133), ILO recommendations air conditioning in crew accommodation (No.140) and noise control (no.141). Note this rules applies to ships over 200GRT beyond restricted coastal and over 500 GRT between restricted limits and restricted coastal. |
| Part 53 | Pilot safety | Implements regulation 23 of chapter V of SOLAS prescribing requirements for the provision, design, testing and operation of pilot transfer arrangements. |
| Part 73 | Logbooks | Standardises shipboard recording of routine and emergency operational information as required by SOLAS, load line and crew accommodation conventions. |
| Part 90 | Pilotage | Describes pilotage areas and which types of ships require pilots within those areas. Also sets the requirements for attaining pilotage exemptions. |
| Part 91 | Navigation safety rules | Sets the maximum speed of a vessel when close to other vessels, the shore or a vessel flying flag 'A' of the international code of signals. |

Note – Maritime rules can be downloaded free form Maritime New Zealand's website at http://www.maritimenz.govt.nz/rules/rules_legislation.asp or hard copies can be purchased from Baseline Management Limited (tel: 0800 BASELINE or view http://www.maritimenz.govt.nz/rules/hard_copies.asp)

Certification

The owner or prospective owner of a large coastal ship may choose to certificate the ship with one of the options below. The certificates noted can either be issued by the Director of Maritime New Zealand or one of the recognised classification societies. It should be noted that the latter is the norm. For more information on certification and survey requirements refer to section 1 of Maritime Rules Part 46.

New Zealand Ship Safety Certificate

The New Zealand Ship Safety Certificate is a maritime document issued under section 41 of the Maritime Transport Act 1994 in accordance with maritime rule part 46, which indicates that the ship, in question, complies with all relevant maritime and marine protection rules, and enables the ship to operate on the New Zealand coast.

A New Zealand Ship Safety Certificate is not internationally recognised and therefore a ship, issued such a certificate, cannot undertake international voyages, except for docking / maintenance purposes.

For the purposes of design, construction and equipment (Maritime Rules Part 40B) a New Zealand Ship Safety Certificate only requires the ship to meet the requirements of SOLAS in force at the time of construction. Therefore any amendments to SOLAS, in respect to design and construction, do not apply, unless such amendments have been notified in the *New Zealand Gazette*. At the date of this marine guidance notice no amendments had been notified.

Passenger or Cargo Ship Safety Certificate

A Passenger Ship Safety Certificate and a Cargo Ship Safety Certificate are maritime documents issued under section 41 of the Maritime Transport Act 1994 in accordance with Maritime Rules Part 46, which indicate that the ship, in question, complies with all relevant maritime and marine protection rules, and enables the ship to operate on the New Zealand coast and undertake international voyages with passengers or cargo.

For the purposes of design, construction and equipment (Maritime Rules Part 40B) a Passenger or Cargo Ship Safety Certificate requires the ship to meet the requirements of SOLAS in force at the time of construction and any retrospective amendments.

Failure to comply for operational reasons

Should a ship's design, outfit or operation not comply with relevant maritime rules for operational reasons then an exemption may be considered by the Director of Maritime New Zealand, subject to section 47 of the Maritime Transport Act 1994 which states:

1. *The Director may, if he or she considers it appropriate and upon such conditions as he or she considers appropriate, exempt any person, ship, or maritime product from any specified requirement in any maritime rule.*
2. *The Director shall not grant an exemption under subsection (1) of this section unless he or she is satisfied in the circumstances of each case that:*
 - a. *The granting of the exemption will not breach New Zealand's obligations under any convention; and*
 - b. *Either:*
 - i. *The requirement has been substantially complied with and that further compliance is unnecessary; or*
 - ii. *The action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement; or*
 - iii. *The prescribed requirements are clearly unreasonable or inappropriate in the particular case; or*
 - iv. *Events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case; and*
 - c. *The risk to safety will **not** be significantly increased by the granting of the exemption*

3. *The number and nature of any exemptions granted under subsection (1) of this section shall be notified as soon as practicable in the Gazette*
4. *Nothing in this section shall apply in any case where any maritime rule specifically provides that no exemptions are to be granted*

It should be noted that exemptions cannot be granted solely because compliance is too expensive.

Section 47(2)(a) should be specifically noted when considering which form of certification is requested for the ship. If an owner or prospective owner chooses to certificate the ship with a Passenger or Cargo Ship Safety Certificate and chooses **not** to undertake international voyages section 47(2)(a) will still apply. Therefore the ability to issue an exemption is significantly restricted.

When applying for an exemption the owner or prospective owner has the responsibility to provide all relevant data or evidence, and to clearly demonstrate to the Director, that section 47(2)(a) and (c), and one or more of section 47(2)(b), have been met. Any restrictions or additions intended to be placed on the operation, design or equipment of the ship required in order for the conditions in section 47(2) to be met must also be provided to the Director of Maritime New Zealand. It should also be clear which rule the exemption request relates to.

Flexibility within the classification society system

Within the rules and regulations of the classification societies, structure (hull, decks and superstructure) and machinery may be assessed and certificated as being compliant for specific operating areas. These areas range from deep ocean international voyages to near coastal voyages, ie within 20 miles of the shore.

Large coastal ships may take advantage of this flexibility provided that the classification society assessment and certification is relevant to the area in which the ship will operate.

Should this flexibility be utilised the ship may only be issued with a New Zealand Ship Safety Certificate and the limits of the assessment must be noted on that certificate. It should also be noted that further conditions / restrictions may be placed on the ship, by the Director of Maritime New Zealand or the classification society, in relation to docking / maintenance voyages where these require the ship to undertake an international voyage.

Definitions

In relation to this Marine Guidance Notice the following definitions apply:

Length – means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the head of stem to the axis of the rudder stock on that waterline, if that is the greater length. In ships designed with a rake of keel, the waterline on which this length is measured must be parallel to the design waterline.

Restricted limits – means enclosed water limits and inshore limits. (Note: inshore limits do not enable ships to undertake a voyage across Cook Strait).

Further information or questions

Email: enquiries@maritimenz.govt.nz or write to the General Manager Maritime Operations, Maritime New Zealand, PO Box 27006, Wellington 6141.