



## Maritime New Zealand Guidelines

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MARINE GUIDANCE NOTICE ISSUE 25 – NOVEMBER 2016

### Clarification of the definition of “passengers” for non-SOLAS passenger and non-passenger ships

#### This guidance notice is for:

- Vessel owners
- Surveyors

#### Purpose

This guidance clarifies the definition of passengers on non-SOLAS ships. It particularly addresses circumstances where persons employed or engaged by the operator are carried on board a ship that is normally defined as non-passenger under Maritime Rules Part 40C.

#### Guidance

##### Who is a passenger?

A passenger is defined under Maritime Rules Part 40C as meaning any person carried on a ship, other than –

- a) 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.
- b) 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 neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- c) A child under the age of 1 year.

Where employees of the operator, or contractors to the operator, are being transported on a vessel for the purposes of their trade or occupation, then they are not considered by Maritime NZ to be passengers under Maritime Rules Part 40C.

They are also not crew, unless they are employed or engaged in any capacity for work on board the ship. They sit in an “other” category, and while their safety must be catered for in the ship’s safety management system, their presence does not require the ship to be surveyed as a passenger vessel (unless passengers are also carried). The ship is still required to be surveyed as either a non-passenger or fishing vessel, dependent on the operation.

## What safety steps need to be taken with passengers and “others”?

All persons who are on board a ship, whether regularly or for a short period of time, must receive an appropriate safety briefing, to ensure that they know what to do in an emergency. This safety briefing must be contained in the ship’s approved safety management system as appropriate to the types of persons carried on board the ship.

Examples of passengers versus “not passengers” (N.B. not exhaustive):

Type of person	Passenger	Not Passenger
Staff (involved in the operator’s work)	-	✓
Volunteers (directly involved in the operator’s work)	-	✓
Iwi (E.G. consultation)	✓	-
Contractors (involved in the operator’s work)	-	✓
Public	✓	-
MNZ Inspectors/Surveyors	-	✓

### Further information

For further information, please contact Maritime New Zealand’s Wellington office:

Ph: 0508 22 55 22 or (04) 473 0111

Fax: (04) 494 8901

Email: [enquiries@maritimenz.govt.nz](mailto:enquiries@maritimenz.govt.nz)