

Buying or leasing a boat to use in MOSS

Last updated: August 2019

This document is uncontrolled if printed, please refer to the Maritime New Zealand website for the latest version.

The following scenarios are designed to provide you with an easy to understand overview of what you need to do when buying or leasing a boat you will use for commercial purposes.

Your local maritime officer will also be happy to guide you through the process.

Refer to the Maritime NZ website for the contact information for all our offices.

[maritimenz.govt.nz/contact us](https://maritimenz.govt.nz/contact-us)

a) I am not in MOSS and I am buying a boat

You may have been told the boat is in MOSS when you were looking to buy it. MOSS is about the safety system that applies to the whole operation. It includes information about the boat but the focus is on the operator (the business or person who uses the commercial vessel) and the operation. This means that the boat 'leaves MOSS' when it leaves the operation.

You will need to take the following steps:

- Look at the *entering into MOSS* section on the Maritime NZ website. Here you will find guidance, templates and sample documents under the *MOSS resources and tools* section.

www.maritimenz.govt.nz/moss

- Develop an operator plan for your business and apply to Maritime NZ for a Maritime Transport Operator Certificate (MTOC).
- Check that the boat has a current certificate of survey at the time of applying for your MTOC. It may already have one.
- If not, you will need to get in touch with a Maritime NZ recognised surveyor (surveyor) who has a periodic (P) approval recognition from Maritime NZ. The P surveyor carries out intermediate and renewal surveys.
- If the boat has had any recent major modifications or will be working in different operating limits, you will need to have the boat surveyed by a design approval (DA) surveyor first. The DA surveyor makes sure the boat meets the requirements of the maritime and marine protection rules for the work the boat will do and that it will cope with the operating limits the boat will be used in.

Refer to the list of surveyors available on Maritime NZ's website for names and contact details. The link is on the MOSS page under the *contact a surveyor* section.

www.maritimenz.govt.nz/moss

b) I am a MOSS operator and I have sold a boat

If you are a MOSS operator and you sell your boat, you will need to take the following steps:

- Notify Maritime NZ that it has left your operation. Use the *notification of update to an operator plan* form and complete section 2.6.
- Complete the *change of vessel status or ownership* form (MSF011). This will stop Maritime NZ invoicing you for shipping charges for that boat.

These forms are available on the Maritime NZ website under the *operating in the MOSS framework* section in MOSS.

www.maritimenz.govt.nz/moss

c) I am in MOSS and I want to add a boat to my operation

If you are adding a boat to your business, you will need to take the following steps:

- Notify Maritime NZ using the *notification of update to an operator plan* form and complete section 2.6. This is available on the Maritime NZ website under the *operating in the MOSS framework* section in MOSS.

www.maritimenz.govt.nz/moss

- Update your operator plan with information about the new boat. Make sure you add any additional operating procedures or safety equipment required.
- Check that the boat has a current certificate of survey at the time of buying it. It may already have one. If not, you will need to get in touch with a surveyor who has a periodic (P) approval recognition from Maritime NZ. The P surveyor carries out intermediate and renewal surveys.
- If the boat has had any recent major modifications or will be working in different operating limits, you will need to have the boat surveyed by a design approval (DA) surveyor first. The DA surveyor makes sure the boat meets the requirements of the maritime rules for the work the boat will do and that it will cope with the operating limits the boat will be used in.

d) I am not in MOSS, have bought a boat and will lease it (or contract it) to a MOSS operator

If you are leasing or contracting a boat to a MOSS operator, you will need to take the following steps:

- Complete the change of vessel status form (MSF011). This will stop Maritime NZ invoicing you for shipping charges for that boat.
- The MOSS operator you are leasing the boat to should follow the steps outlined in c) above.

e) I am buying a MOSS operation from a third party

If you are buying a MOSS operation in its entirety, contact your local Maritime Officer who will guide you through the process of entering MOSS. Depending on your circumstances, you may be able to update the existing operator plan or you may need to make a new application.

www.maritimenz.govt.nz/contact-us

f) The boat was a recreational boat and I want to use it commercially

If you are buying a recreational boat to use commercially, there are a number of requirements you need to meet.

Survey

You will need to get the boat surveyed.

- Design approval – a surveyor who has a design approval (DA) recognition will check that the design of the boat meets the requirements of the New Zealand maritime and marine protection rules to operate commercially. This includes requirements such as crew facilities, and structural requirements to cope with the operating limits the boat will be used in.

- In-construction and initial – a surveyor who has an in-construction and initial (IC) recognition from Maritime NZ will check that the construction of the boat meets the design approval recommendations. They also check that the boat's performance is sound once it's in the water.

The surveyor(s) will guide you through what you need to do to make the boat comply with the maritime and marine protection rules. Refer to the list of surveyors available on Maritime NZ's website for names and contact details. The link is on the MOSS page under the *contact a surveyor* section.

www.maritimenz.govt.nz/moss

Operator plan

You will need to develop your operator plan and apply for a Maritime Transport Operator Certificate. Take the following steps:

- Look at the entering into MOSS section on the Maritime NZ website. Here you will find guidance, templates and sample documents under the *MOSS resources and tools* section.

www.maritimenz.govt.nz/moss

- Develop an operator plan for your business and apply to Maritime NZ for a Maritime Transport Operator Certificate (MTOC).

Registration

If your boat is 24 metres or more in length, or any length on an international voyage (including Australia) you must register it so that it has NZ nationality. Refer to the Maritime NZ website section on registration.

If your boat is already registered you will need to register a change of use from recreational to commercial. This applies to all vessels, no matter how long the boat is.

www.maritimenz.govt.nz/commercial/ships/registration

If you are considering buying a CE-certified recreational craft refer to the sub-section 'I'm buying a boat from overseas'. You can find this below on page 7.

g) I'm buying a brand new boat from a New Zealand boat builder

Survey

You will need to get the boat surveyed if you are going to use it for commercial purposes. Before building the boat, you will need a surveyor who has a design approval (DA) recognition from Maritime NZ. The DA surveyor checks the plans of the boat to make sure it complies with maritime rules for the type of work the boat will do and where it will operate. Some boats will also need to meet electrical design approval. Make sure you ask the surveyor if this is required for your boat.

If the boat is a series production vessel and is less than 7.5 metres long, it may not need design approval. Talk to your surveyor or Maritime Officer for further information.

Once the design of the boat has been surveyed and approved, you will need to get in touch with a surveyor who has an in-construction and initial (IC) approval recognition from Maritime NZ. The IC surveyor checks that the construction of the boat meets the design approval recommendations at each stage of the build. They also check that the boat's performance is sound once construction is complete.

The surveyors will guide you through what you need to do to make the boat comply with Maritime Rules. Refer to the list of surveyors available on Maritime NZ's website for names and contact details. The link is on the MOSS page under the *contact a surveyor* section.

Operator plan

You will also need to develop an operator plan for your boat and apply to Maritime NZ for a Maritime Transport Operator Certificate (MTOC). Look at the *entering into MOSS* section on the Maritime NZ website. Here you will find guidance, templates and sample documents under the *MOSS resources and tools* section.

www.maritimenz.govt.nz/moss

Registration

If your boat is 24 metres or more in length, or any length on an international voyage (including Australia) you must register it so that it has New Zealand nationality. Refer to the Maritime NZ website section on registration.

www.maritimenz.govt.nz/commercial/ships/registration

h) I'm buying a boat from overseas

Before you buy a boat overseas and bring it to New Zealand there are a number of things you need to be aware of.

Certificate for international voyage

If you buy a boat overseas and bring it back to New Zealand under its own power for commercial use in New Zealand, you must have a certificate for international voyage (CIV). This certificate is issued by Maritime NZ.

If you are a MOSS operator, complete the CIV application form available on the Maritime NZ website. The form can be found under *MOSS resources and tools* section.

www.maritimenz.govt.nz/moss

This asks for information about the boat, the voyage plan, safety equipment, navigation and communications equipment and manning requirements. You will need to discuss this with your surveyor as they will need to determine if the boat is able to make the voyage (or not). The boat must have a current certificate of survey, issued by a surveyor recognised by Maritime NZ. The surveyor will also advise you if any exemptions are required and how to apply for them.

If you are not a MOSS operator, but intend to be one once you have your boat in New Zealand, you will need to apply for an exemption from MOSS. We will assess your boat and its equipment for an international voyage at the same time.

If your boat is being delivered to New Zealand in a heavy lift ship or as cargo, the certificate for international voyage is not required.

Refer to the Maritime NZ's website for further guidance and fact sheets specific to your operator plan. The fact sheets can be found on the MOSS page under the *international relocation voyages* section.

www.maritimenz.govt.nz/moss

Ship registration in New Zealand for the purpose of nationality

When buying a boat, you must register it so that it has New Zealand nationality in two situations:

- the boat is 24 metres or more in length and you plan to use it for commercial purposes in New Zealand waters
- you are bringing the boat to New Zealand on a relocation voyage from overseas under its own power.

Refer to the ships registration section of the Maritime NZ website for guidelines and the application form.

www.maritimenz.govt.nz/commercial/ships/registration

Survey

You will need to get the boat surveyed. For a boat that is new to New Zealand, there are two survey requirements.

- Design approval (DA) - a surveyor who has a design approval (DA) recognition from Maritime NZ will check that the design of the boat (including hull, machinery and electrical) meets the requirements of the New Zealand maritime and marine protection rules.
- A surveyor who has In-construction and Initial (IC) recognition from Maritime NZ will have an Initial Survey physically inspecting the boat against the applicable rules (including its structure, machinery and systems, safety equipment, etc.) and any outstanding items identified by the design approver. They also check that the boat is in general, fit for its intended operation in New Zealand waters.

Please note you also need to engage recognised electrical surveyors for both DA and Initial Survey as these are surveyor recognition categories separate from the (hull and machinery) Design Approver and Surveyor.

The surveyor will guide you through what you need to do to make the boat comply with the Maritime and Marine Protection Rules. Refer to the list of surveyors available on Maritime NZ's website for names and contact details. The link is on the MOSS page under the *contact a surveyor* section.

www.maritimenz.govt.nz/moss

Built in Australia

If the boat was built in Australia, it may have a current certificate of survey (CoS) issued by the Australian Maritime Safety Authority (AMSA). However, vessels that comply with AMSA or Class requirements might not comply with New Zealand Maritime Rules. Refer to the guidance *check before you buy* on the Maritime NZ website. You can find the link under the *commercial* section by clicking on *safety* and then *check before you buy* on the left hand menu.

www.maritimenz.govt.nz/commercial

Talk to your Maritime NZ recognised surveyor to guide you through the requirements. The list of recognised surveyors including those recognised in Australia is available on the Maritime NZ website.

Built anywhere else in the world

The boat needs to be surveyed by a surveyor recognised by Maritime NZ. Maritime NZ has recognised a number of class societies around the world. Their surveyors may be able to assist you. Contact your local Maritime Officer for further information. You will need a certificate for international voyage if you are bringing the boat to New Zealand under its own power.

CE-certified recreational craft

To operate commercially in New Zealand a vessel must hold a current Maritime Transport Operator Certificate under Maritime Rules Part 19, which includes the requirement for a Certificate of Survey (CoS) stating that the vessel meets all applicable maritime and marine protection rules.

A CE vessel¹ that is repurposed for commercial service in New Zealand must meet all applicable maritime and marine protection rules or hold exemptions to those rules under the Maritime Transport Act (MTA).

If you are considering buying a CE-certified vessel to operate commercially in New Zealand, Maritime NZ recommends that you:

- obtain the European conformity documentation before confirming an order or making the decision to purchase
- seek advice from a recognised surveyor about the quality of the conformity documentation and the extent to which the documentation will support the provision of a *Certificate of Survey*.

Refer to the Maritime NZ website for the guidance on the survey and certification of *CE-certified recreational craft* for commercial service in New Zealand. The link is on the MOSS page under the *MOSS resources and tools* section. www.maritimenz.govt.nz/moss

Exemption application

If any of the requirements of the design approval and/or the structural survey are assessed (and found satisfactory) using CE-certification the surveyor will assist you with an exemption application. Their survey report along with the design approval report and the CE conformity documentation will be used as supporting information.

An exemption can only be granted on the grounds provided for in section 47 of the Maritime Transport Act 1994. To apply for an exemption, you need to complete the relevant form(s).

- Your application must provide sufficient 'technical' reasons for it to be granted and show that the risk to safety (or the marine environment) is not increased.
- Your application must state which of the four legal criteria under which you are applying.

Guidance on applying for an exemption and exemption request forms are available at:

www.maritimenz.govt.nz/exemptions

For further information contact exemptions.officer@maritimenz.govt.nz

Crewing and Seafarer Certification

You will need to ensure that the master of the vessel has a NZ certificate of competency (CoC) that allows him to carry out the duties of a master on the size of your vessel and its operating area. There is an exception if the vessel is bareboat chartered either as a *hire and drive boat*² or a *bareboat charter sailing ship*³ then the master does not need to hold a commercial qualification.

¹ Recreational craft certified under the European Recreation Craft Directives

² Hire and drive boat means a commercial ship that is let, without a skipper, for hire or reward or for any other consideration whatsoever; and the hirer uses solely for pleasure; and includes a ship provided in conjunction with a holiday establishment or hotel for the use of guests or tenants.

³ Bareboat charter sailing ship means a sailing ship that is let for hire or reward, without a skipper, including a sailing ship provided in conjunction with a holiday establishment or hotel for the use of guests or tenants, and that the hirer uses solely for pleasure.

Guide for crewing of passenger ships and sailing ships operating within Inshore Limits

Ship length	Passengers on board	Minimum Required Qualifications		Minimum Crew
		Position	Certificate	
12 m or more but less than 24 m	1 to 19	Master	Skipper Restricted Limits (SRL) endorsed to 24 m	1
		Engineer ⁴	May be the master	
Less than 12 m	1 to 19	Master	SRL	1
		Engineer ⁵	May be the master	

This table is a guide only and is not a substitute for the crewing required by the Maritime Rules.

Alternatively, the holder of a *Master Yacht less than 24m* could be master of the vessel if it is a sailing vessel less than 24 metres. This may be a good option if you already have a Royal Yacht Association (RYA) Yachtmaster Offshore certificate as there is a pathway from the RYA Yachtmaster Offshore certificate to a NZ *Master Yacht less than 24m* certificate of competency.

For more information on the crewing requirements for your vessel - refer to Subpart D of *Maritime Rules Part 31: Crewing and Watchkeeping* or you can talk to your local maritime officer. The Maritime Rules are available on the Maritime NZ website. www.maritimenz.govt.nz/rules

Refer to the Maritime NZ website to find out what you need to do to gain a seafarer certificate of competency. www.maritimenz.govt.nz/seacert

Bareboat charter

A bareboat charter is a commercial business that offers boats for hire without a Skipper. Under Maritime Rules Part 19, a bareboat charter is a commercial operation that needs to be part of the maritime operator safety system (MOSS).

The hirer of your vessel is not required to hold a commercial qualification. However, you must brief the hirer and be satisfied that they are competent to take charge of the boat within the specific operating limits assigned to it.

Refer to the Maritime NZ website for the fact sheet *guidance for bareboat charter operations*. The link is on the MOSS page under the *MOSS resources and tools* section. www.maritimenz.govt.nz/moss

⁴ Engineers not required for sailing ships

⁵ Engineer is not required on a sailing ship or a vessel where the highest powered engine is less than 750kW.

Maritime NZ number

The surveyor will apply to Maritime New Zealand for the boat's Maritime NZ number. All Maritime NZ documentation relating to the boat will use the Maritime NZ number to identify it.

Maritime Operator Safety System

If you are a new operator, you will also need to develop an operator plan for your boat and apply to Maritime NZ for a Maritime Transport Operator Certificate (MTOC). Look at the *entering into MOSS* section on the Maritime NZ website. Here you will find guidance, templates and sample documents under the *MOSS resources and tools* section.

If you are already in MOSS, you will need to notify Maritime NZ that you are adding a boat to your operation. Use the *notification of update to an operator plan* form and complete section 2.6. This is available on the Maritime NZ website under the *operating in the MOSS framework* section in MOSS.

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Ballast Water Management

Marine Protection Rules relating to ballast water management came into effect in New Zealand on the 8th of September 2017.

If your vessel can carry non-permanent ballast water, you may have to ensure that the ballast water management systems onboard meet international standards.

You can find out more about the requirements for ballast water management, and whether it will apply to your vessel, by using the online tool on our website:

www.maritimenz.govt.nz/ballast

Maritime Labour Convention

Maritime Rules relating to the Maritime Labour Convention came into effect in New Zealand on the 9th March 2017.

The Convention establishes and protects decent working and living conditions for seafarers while ensuring conditions of fair competition for shipowners.

The Convention does not apply to fishing vessels, vessels less than 200 gross tonnage operating within New Zealand waters (domestic voyage) or vessels that operate only within enclosed water limits.

You can find out more about the requirements of the Maritime Labour Convention and whether it will apply to your vessel, by using the online tool on our website:

www.maritimenz.govt.nz/mlc