

Maritime Transport Act 1994

Maritime Rules

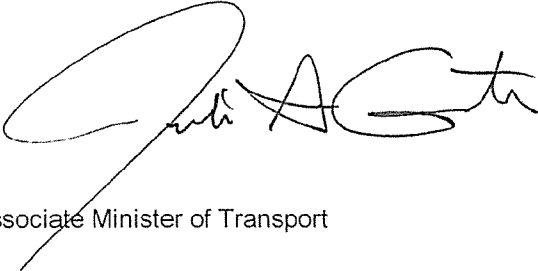
Maritime Rules Various Amendments 2019

Pursuant to section 36 of the Maritime Transport Act 1994 I, Julie Anne Genter, Associate Minister of Transport, having had regard to the criteria in section 39(2) of the Maritime Transport Act 1994, hereby make the following Maritime Rules.

Signed at Wellington

This 10th day of November 2019

By Hon JULIE ANNE GENTER



Associate Minister of Transport

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Objective

The objective of the Maritime Rules Various Amendments 2019 is to correct minor errors contained in the Maritime Rules Parts 20, 21, 23, 24B, 24C, 24E, 31, 32, 34, 40A, 40B, 40C, 40D, 40E, 40G, 42A, 43, 45, 46, 47, 48, 51, 90, and the Maritime Rules Various Amendments 2016.

Maritime Rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Extent of consultation

On 9 July 2019, Maritime New Zealand consulted, via its website, with the public on the proposed amendments to the maritime rules in accordance with the Act, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 9 July 2019. The deadline for making a submission was 9 August 2019. One submission was received.

Entry into force

These rules enter into force on 13 December 2019.

Part 20: Operating Limits

1. Rule 20.1 Application

In rule 20.1, in subrule (1)(b), replace “to which rule 46.28 applies” with “that is not subject to Port State control under rule 46.27”.

2. Rule 20.2 Operating limits defined

In rule 20.2, in subrule (a) of the definition of “inshore fishing limits” replace both references to “36° 42’S” with “46° 42’S”.

3. Rule 20.20 Operating limits assigned to ships

In rule 20.20, in subrule (2)—

- (a) at the end of subrule (c), replace “; or” with a full stop (“.”); and
- (b) delete subrule (d).

4. Rule 20.60 Coastal or restricted coastal operating limits assigned under former Part 20

In rule 20.60, in subrule (2)(e)—

- (a) replace “in any case in which rule 46.28 applies to a ship (which relates to” with “for”; and
- (b) after “New Zealand coast”, delete the closing bracket.

5. 20.81 Operating limits assigned to ships

In rule 20.81, in subrule (2)—

- (a) at the end of subrule (e), replace “; or” with a full stop (“.”); and
- (b) delete subrule (f).

6. 20.83 Coastal or restricted coastal operating limits assigned under former Part 20

In rule 20.83, in subrule (2)(e)—

- (a) replace “in any case in which rule 46.28 of the maritime rules applies to a ship (which relates to” with “for”; and
- (b) after “New Zealand coast”, delete the closing bracket.

7. Part 20 Appendix 1 Restricted Limits part 1 enclosed water limits

In Part 20, in part 1 of Appendix 1, in the second column of the row headed “Bay of Islands”, after “Round Island to”, insert “Orenewai Point through”.

8. Part 20 Appendix 1 Restricted Limits part 2 inshore limits

In Part 20, in part 2 of Appendix 1—

- (a) in the second column of the row headed “Bay of Plenty”, replace “170° 45’ E” with “176° 44’ E”; and
- (b) in the second column of the row headed “Foveaux Strait”, replace “46° 45’S, 167° 36.5’ E” with “46° 46.8’ S, 167° 38.5’ E”.

Part 21: Safe Ship Management Systems

9. Rule 21.5 Definitions relating only to section 1

In rule 21.5, in the definition of “International Safety Management Code”, replace “Maritime Organisation” with “Maritime Organization”.

Part 23: Operating Procedures and Training

10. Rule 23.2 Definitions

In rule 23.2, in the definition of "**International Safety Management Code**", replace "Maritime Organisation" with "Maritime Organization".

11. Rule 23.43 Definitions relating to section 3

In rule 23.43, in the definition of "**The International Code of Signals**", replace "Organisation" with "Organization".

12. Rule 23.53 Ship reporting systems

In rule 23.53, in subrule (1), replace "Organisation" with "Organization".

Part 24B: Carriage of Cargoes – Stowage and Securing

13. Rule 24B.2 Definitions

In rule 24B.2, in the definition of "IMO", replace "Organisation" with "Organization".

Part 24C: Carriage of Cargoes – Specific Cargoes

14. Rule 24C.11 Definitions applying to section 3

In rule 24C.11, in the definition of "**a load line ship**", replace "that rule 47.7 of the maritime rules applies to" with "to which section 1 of Part 47 applies".

Part 24E: Carriage of Cargoes — Offshore Containers

15. Rule 24E.2 Definitions

In rule 24E.2, in the definition of "IMO", replace "Organisation" with "Organization".

Part 31: Crewing and Watchkeeping

16. Table 5 Coastal and offshore limits – Navigational watchkeeping

In Part 31, in table 5—

- (a) in the first column of the row headed "Passenger ships and tankers of of 24 m or more in length but less than 500GT", after "tankers of", delete "of"; and
- (b) in the second column of the row headed "Non-passenger ships of 24 m or more in length but less than 500 GT", replace "NC²" with "NC⁵".

17. Rule 31.57 Foreign ships

In rule 31.57, in subrule (5), after "apply", insert "to".

18. Rule 31.64 Other minimum crewing requirements for fishing vessels

In rule 31.64, in subrule (2)(a), insert a space between "Table" and "7".

19. Table 14 Crewing for non-passenger ships – Inshore Limits

In Part 31, in table 14—

- (a) in the third column of the row headed "Less than 24m", after and next to "<24m", insert "or, for vessels less than 15m, industry specific certificate issued under Part 35"; and
- (b) in the third column of the row headed "Less than 12m", after and next to "SRL", insert "or industry specific certificate issued under Part 35"; and

- (c) in the third column of the row headed "Less than 6m or operating within a marine farm", delete "training".

20. Table 15 Crewing for non-passenger ships – Enclosed Limits

In Part 31, in table 15—

- (a) in the third column of the row headed "Less than 24m", after and next to "<24m", insert "or, for vessels less than 15m, industry specific certificate issued under Part 35"; and
- (b) in the third column of the row headed "Less than 12m", after and next to "SRL", insert "or industry specific certificate issued under Part 35"; and
- (c) in the third column of the row headed "Less than 6m or operating within a marine farm", delete "training".

Part 32: Seafarer Certification

21. Rule 32.2 Definitions

In rule 32.2—

- (a) in the definition of "limited waters", delete the comma (",") after "offshore limits,"; and
- (b) in the definition of "onboard yacht service", replace "spend" with "spent"; and
- (c) in the definition of "relevant training", after "relevant training" replace the comma (",") with an m-dash ("—").

22. Rule 32.10 Requirement to hold certificate and associated endorsements

In rule 32.10, in subrule (2)(a)(i), replace "an" with "a".

23. Table 3 Table of requirements for SRL

In Part 32, in table 3—

- (a) in the sixth row, in the first column, insert "6"; and
- (b) in the seventh row, in the first column, replace "6" with "7"; and
- (c) in the eighth row, in the first column, replace "7" with "8".

24. Table 8 Table of requirements for MEC 5 Steam

In Part 32, in table 8, in row 4, in the third column, in paragraph (c), after "operating experience", delete "in".

25. Table 9 Table of requirements for Marine engineer class 5 - motor and steam

In Part 32, in table 9—

- (a) in row 1, in the third column, after "none", insert a full stop ("."); and
- (b) in row 4, in the third column, in the first sentence, after "minimum", delete the comma (","); and
- (c) in the fifth row, in the first column, insert "5"; and
- (d) in the sixth row, in the first column, replace "5" with "6".

26. Table 10 Table of requirements for MEC 4

In Part 32, in table 10, in row 4, in the third column, in the first sentence—

- (a) after "completes approved sea", insert "service"; and
- (b) delete space between "minimum" and the m-dash ("—").

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27. Rule 32.63 Skipper Restricted Limits endorsed to between 500 GT and 3000 GT

In rule 32.63, in subrule (3)(a), replace "Limits" with "limits".

28. Rule 32.83 Privileges of Able seafarer deck

In rule 32.83, after "crew member", insert "(including a deck crew member forming part of a navigational watch)".

29. Table 14 Table of requirements for AB Engine

In Part 32, in table 14—

- (a) in row 1, in the third column, after "age", insert full stop ("."); and
- (b) in row 2, in the third column, after "equivalent", insert full stop ("."); and
- (c) in row 4, in the third column, delete the space between "the Code" and full stop (".").

30. Table 15 Table of requirements for IR

In Part 32, in table 15, in row 4, in the third column, in the first sentence, after "minimum", delete the comma (",").

31. Table 19 Table of requirements for Master<500GT

In Part 32, in table 19, in the fifth row, in the first column, insert "5".

32. Rule 32.97 Privileges of Master on ships less than 500 GT

In rule 32.97—

- (a) at the end of subrule (c), replace the full stop (".") with "; and"; and
- (b) after subrule (c), insert new subrule (d) as follows:
 - "(d) an officer in charge of a navigational watch on ships of any gross tonnage in any operating area."

33. Rule 32.101 Privileges of Chief mate on ships less than 3000 GT

Under the heading of rule 32.101, replace rule 32.101 with the following:

"The privileges of a certificate of competency as Chief mate on ships less than 3000 GT are to perform the functions and duties of—

- (a) a chief mate on ships of less than 3000 GT in any operating area; and
- (b) an officer in charge of a navigational watch on ships of any gross tonnage in any operating area."

34. Rule 32.108 Chief mate yacht

In rule 32.108, after "that corresponds to", insert "the STCW certificate under".

35. Rule 32.110 Master yacht less than 500GT

In rule 32.110, after "competency that", replace "is a" with "corresponds to the".

36. Rule 32.112 Master yacht

In rule 32.112, after "that corresponds", replace "is a" with "to the".

37. Table 27 Table of requirements for Master yacht

In Part 32, in table 27, in row 7, in the third column, in paragraph (a), delete "<3000GT".

38. Rule 32.123 Privileges of Marine engineer class 2 on ships less than 3000 kW

Under the heading of rule 32.123, replace rule 32.123 with the following:

“The privileges of a certificate of competency as Marine engineer class 2 on ships less than 3000 kW are to perform functions and duties as—

- (a) a second engineer on ships propelled by main propulsion machinery of less than 3000 kW in any operating area; and
- (b) an officer in charge of engineering watch at an operational level in a manned engine room; and
- (c) a designated duty engineer in a periodically unmanned engine room on ships powered by main propulsion machinery of any propulsion power.”.

39. Rule 32.125 Privileges of Marine engineer Class 2

In rule 32.125, in subrule (a), delete “or more”.

40. Table 38 Table of requirements for ADH-F

In Part 32, in table 38, in row 4, in the third column, delete the space between “STCW-F” and full stop (“.”).

41. Rule 32.184 Misrepresentation of sea service or meeting of requirements

In rule 32.184, in subrule (1)(c), after “record book”, delete “book”.

42. Table 45 List of specified certificates Type-A, Type-B, and Type-C

In Part 32, in table 45—

- (a) in column 2, in item numbered “11”, insert “Licence” after “Launchman’s”; and
- (b) in column 3, in item numbered “3”, insert “(NZCM)” after “Master”.

43. Table 47 Transitions from specified certificate Type-B or Type-C

In Part 32, in table 47—

- (a) in the row headed “Skipper of a Coastal Fishing Boat”, in the second column, replace “<500GT limited” with “<500GT NC limited”; and
- (b) in the row headed “NZ Coastal Master”, in the second column, replace “<500GT limited” with “<500GT NC limited”; and
- (c) in the row headed “Master Small Home Trade Ship”, in the second column, replace “<500GT limited” with “<500GT NC limited”.

44. Table 48 Certificates relating to pending applications under rule 32.209

In Part 32, in table 48, in the row headed “NZ coastal master”, in the second column, replace “restricted” with “limited”.

45. Rule 32.210 Transition of confirmed holders of Master on ship less than 500 GT near-coastal to Master on ships less than 500 GT (restricted)

In rule 32.210, in subrule (3)(b), after “requirements for”, delete “the”.

46. Part 32 Schedule – Ancillary Proficiencies

In Part 32, in the Schedule, in the row headed “ACOP”, in the third column, delete “on”.

Part 34: Medical Standards

47. Part 34 Part objective

In Part 34, in the Part objective, in the second (2nd) paragraph, replace “Organisation’s” with “Organization’s”.

48. Rule 34.61 Transitional provisions relating to persons recognised as Examiner under former Part 35

In rule 34.61—

- (a) in the heading, replace “35” with “34”; and
- (b) in subrule (1), replace “35.3” with “34.3”.

Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships

49. 40A.6 Conditions under which restricted limit ships are permitted to make voyages in the coastal or offshore limits

In rule 40A.6, in the heading, after “restricted”, insert “limit or coastal”.

50. Rule 40A.9 Construction

In rule 40A.9, in subrule (2)(b), after “Commonwealth of Australia”, insert “, or the Australian Maritime Safety Authority,”.

51. Rule 40A.11 Definitions relating to section 1

(1) In rule 40A.11, replace the definition of “freeboard deck” with the following:

“freeboard deck—

- (a) for ships of 24 metres or more in length that are load line ships, has the same meaning as in section 1 of Part 47; and
- (b) for other ships, means the uppermost deck having means of weathertight closure and below which all openings in the sides of the ship have means of watertight closure:”.

(2) In rule 40A.11, after the definition of “freeboard deck”, insert the following definition:

“load line ships means any ships to which section 1 of Part 47 applies:”.

52. Rule 40A.26 Water freeing arrangements

In rule 40A.26—

- (a) in subrule (1)(a)(ii), in the equation, replace “l” with “L” (ie the first letter of length); and
- (b) in subrule (1)(a)(iii), in the equation, replace “l” with “L” (ie the first letter of length).

53. Rule 40A.61 Windlass

In rule 40A.61, in subrule (2), replace “Rule 40A.61(1)(a) does not apply” with “Subrules (1)(a) and (b) do not apply”.

54. Part 40A Appendix 3.2 Restricted coastal limits ships

In Part 40A, in the table in Appendix 3.2, in the row headed “Alarm system”, replace that heading with “Alarm and communications systems”.

55. Part 40A Annex 1 Tests to be carried out on inflatable and rigid-inflatable boats

In Part 40A, in Annex 1 to Appendix 6, in subparagraph 5(a), after “27 May”, insert “2004”.

Part 40B: Design, Construction and Equipment – SOLAS Ships

56. Rule 40B.2 Definitions

In rule 40B.2—

- (a) delete the definition of “**similar stage of construction**” that appears immediately after the definition of “**S-VDR**”; and
- (b) in the definition of “similar stage of construction” that appears immediately before the definition of “**SOLAS**”, in subparagraph (b), replace “1%” with “1 percent”.

57. Rule 40B.26 Gas carriers

In rule 40B.26, in subrule (a), replace “*Liquified*” with “*Liquefied*”.

58. Rule 40B.40 Maintenance of equipment

In rule 40B.40, in subrule (3), replace “rules 40B.39(1) and (2)” with “subrules (1) and (2)”.

Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships

59. Rule 40C.2 Definitions

In rule 40C.2, after the definition of “**watertight**”, insert the following definition:

“**weather deck** means a deck exposed to the weather and sea.”.

60. 40C.6 Condition under which restricted limit or coastal limit ships are permitted to make voyages in coastal or offshore limits

In rule 40C.6, in the heading—

- (a) replace “**Condition**” with “**Conditions**”; and
- (b) after “**voyages in**”, insert “**the**”.

61. Rule 40C.9 Construction

In rule 40C.9, in subrule (2)(b), after “Commonwealth of Australia”, insert “, or the Australian Maritime Safety Authority,”.

62. Rule 40C.11 Definitions relating to section 1

- (1) In rule 40C.11, replace the definition of “**freeboard deck**” with the following:

“**freeboard deck**—

- (a) for ships of 24 metres or more in length that are load line ships, has the same meaning as in section 1 of Part 47; and
- (b) for other ships, means the uppermost deck having means of weathertight closure and below which all openings in the sides of the ship have means of watertight closure.”.

- (2) In rule 40C.11, after the definition of “**freeboard deck**”, insert the following definition:

“**load line ships** means any ships to which section 1 of Part 47 applies.”.

63. Rule 40C.77 Cargo piping systems

In rule 40C.77—

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- (a) in subrule (3), replace “Organisation” with “Organization”; and
- (b) in subrule (4), replace “Organisation” with “Organization”.

64. Part 40C Appendix 1 Intact stability

In Part 40C, in Appendix 1, in clause 1.2, in subclause (3), replace “subrules” with “subclauses”.

Part 40D: Design, Construction and Equipment – Fishing Ships

65. Rule 40D.2 Definitions

In rule 40D.2, in the definition of “IMO”, replace “Organisation” with “Organization”.

66. 40D.6 Restricted limit or coastal limit ships making voyages in the coastal or offshore limits

In rule 40D.6, in the heading—

- (a) replace “**Restricted**” with “**Conditions under which restricted**”; and
- (b) replace “**making**” with “**are permitted to make**”.

67. Rule 40D.7 Design

In rule 40D.7—

- (a) in subrule (1)(a)(i), replace “Certificate of Survey” with “Certificate of Surveyor Recognition”; and
- (b) in subrule (1)(b), replace “Certificate of Survey” with “Certificate of Surveyor Recognition”; and
- (c) in subrule (1)(c), replace “Certificate of Survey” with “Certificate of Surveyor Recognition”.

68. Rule 40D.9 Ships of 12 metres or more in length

In rule 40D.9, in subrule (2)(b)a), after “Territories of Australia”, insert “, or the Australian Maritime Safety Authority,”.

69. Rule 40D.83 Ships of 6 metres or less in length that do not proceed beyond enclosed water limits or more than 2 miles from the New Zealand coast

In rule 40D.83, in subrule (2)(b)(v), replace “an authorised person” with “the Director”.

Part 40E: Design, Construction and Equipment – Sailing Ships

70. Rule 40E.7 Certification of construction standards

In rule 40E.7, in subrule (1)(b)(i), after “Territories of Australia”, insert “, or the Australian Maritime Safety Authority,”.

71. Rule 40E.68 Responsibilities of the bareboat charterer(s) and the master of a bareboat charter yacht

In rule 40E.68, in subrule (5), replace “SSM certificate” with “Certificate of Survey”.

Part 40G: Design, Construction and Equipment – Novel Ships

72. Part 40G.2 Definitions

In rule 40G.2, in the definition of “**classification society**”, in paragraph (b)—

- (a) replace “Maritime Organisation” with “Maritime Organization”; and
- (b) replace “*Authorisation of Organisations*” with “*Authorization of Organizations*”.

73. Part 40G Appendix 1

In Part 40G, in Appendix 1, in clause 3, replace "Organisation's" with "Organization's".

Part 42A: Safety Equipment – Life-Saving Appliances

74. Rule 42A.13 Non-SOLAS liferafts – open reversible liferafts

In rule 42A.13, replace "Appendix 1" with "the Appendix".

Part 43: Radio

75. Rule 43.6 Radio surveys and inspections

In rule 43.6—

- (a) in the sentence immediately after the end of subrule (1)(d), replace "Certificate of Survey" with "Certificate of Surveyor Recognition"; and
- (b) in subrule (2), replace "Certificate of Survey" with "Certificate of Surveyor Recognition".

76. Rule 43.19 406 MHz EPIRB

In rule 43.19, in subrule (1), replace "Organisation" with "Organization".

77. Rule 43.20 1.6 GHz EPIRB

In rule 43.20, replace "Organisation" with "Organization".

78. Rule 43.22A AIS-SART

In rule 43.22A, replace "Organisation" with "Organization".

Part 45: Navigational Equipment

79. Rule 45.35 Recognition as a compass adjuster

In rule 45.35—

- (a) in subrule (1)(a)(iii), replace "rule 43.35(1)(aa) or (bb)" with "rule 45.35(1)(a)(i)(aa) or (bb)"; and
- (b) in subrule (3), replace "are cognition" with "a recognition".

Part 46: Surveys, Certification and Maintenance

80. Part objective

In Part 46, in the Part objective, in the paragraph beginning "Section 3 deals with barges", delete the last sentence "If a barge carries persons on board during any voyage they must operate in a safe ship management system and comply with the requirements of section 2.".

81. Rule 46.13 SOLAS certificates

In rule 43.13—

- (a) immediately before subrule (5), insert subrule 4 as follows:
"(4) [Reserved]"; and
- (b) in subrule (12), delete "46.13(4),"; and
- (c) in subrule (13), replace "46.13(3), or 46.13(4)" with "or 46.13(3)"; and
- (d) in subrule (14), delete "46.13(4),".

Maritime Rules

Part 47: Load Lines

82. Rule 47.6 Application

In rule 47.6, in subrule (2)(c), replace “150 gross tons or more” with “less than 150 gross tons”.

83. Rule 47.62A New rule

Replace the heading of 47.62A as follows:

“**47.62A Assigning freeboard**”.

84. Rule 47.70A New rule

Replace the heading of 47.70A as follows:

“**47.70A Assigning freeboard**”.

Part 48: Tonnage Measurement

85. Rule 48.2 Definitions

In rule 48.2, in the definition of “**authorised organisation**”, replace “Maritime Organisation” with “Maritime Organization”.

Part 51: Crew Accommodation

86. Rule 51.46 Changing rooms

In rule 51.46, in subrule (4), replace “rule 51.32(2)(b)” with “subrule (2)(b)”.

Part 90: Pilotage

87. Rule 90.110 Requirements for proficiency plan for PEC holders

In rule 90.110, in subrule (c), replace “rule 90.66(1)” with “subrules 90.66(1)(b) and (c)”.

Maritime Rules Various Amendments 2016

88. Objective

In the “Maritime Rule Various Amendments 2016”, under the heading “Objective”, in the first paragraph—

- (a) after “32,”, insert “35,”; and
- (b) replace “41, 42B, 45” with “43”; and
- (c) after “51,”, insert “52,”.

Summary of Submissions

These Maritime Rules were consulted on in conjunction with Maritime Protection Rules Various Amendments 2019, as one package of rule amendments (titled Maritime Rules and Marine Protection Rules (Domestic Omnibus) Amendments 2019), between 9 July 2019 and 9 August 2019.

One written submission was received on the proposed maritime rules relating to the use of terminology under Part 47. No amendments were made to the Amendment Rules in response to this submission as the use of this specific terminology is spread across various other maritime rules. The matter raised will be further considered during the next amendment cycle.