Secondary Legislation

Nō te rere moana Aotearoa
MARITIME NEW ZEALAND

MARITIME TRANSPORT (BULWARKS, RAILS, AND GUARDS) INSTRUMENT

MTI-404.181-1

This maritime transport instrument is—

(a) made by the Director of Maritime New Zealand under section 452B of the Maritime Transport Act 1994 (the Act), after being satisfied that appropriate consultation has been carried out in accordance with section 452C of the Act; and

(b) referred to in rule 404.181 of Part 404: Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels (Part 404).

Signed at Wellington

This 17th day of March 2023

By Kirstie Hewlett

Director of Maritime New Zealand

Section 1 Preliminary provisions

1.1 Title

This maritime transport instrument is the *Maritime Transport (Bulwarks, rails, and guards) Instrument* (also referred to as MTI-404.181-1).

1.2 Commencement

This maritime transport instrument comes into force on the same date that Part 404 comes into force.

1.3 What this maritime transport instrument does

This maritime transport instrument (MTI-404.181-1) sets out further requirements in relation to the standards for bulwarks, rails, and guards on vessels.

1.4 Conflicts

(1) If there is a conflict between a provision in this maritime transport instrument and a corresponding provision of a maritime rule, the provision of the maritime rule applies.

(2) If there is a conflict between a provision in this maritime transport instrument and a corresponding provision of material incorporated by reference in this maritime transport instrument, the provision of this maritime transport instrument applies.

Section 2 Definitions

2.1 Definitions

All terms used in this maritime transport instrument and defined in Part 404 but not defined in this maritime transport instrument have the same meaning as set out in Part 404.

Section 3 Application

3.1 Application of maritime transport instrument MTI-404.181-1

This maritime transport instrument applies as follows:

(1) Section 5 applies to vessels to which rule 404.181(1) applies.

(2) Section 6 applies to vessels to which rule 404.181(3) applies:

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

(1) the Agreement

Section 5 Alternatives for bulwarks, rails, or guards

(1) If a bulwark or guardrail will impede the safe navigation of a particular vessel, other means of protecting the safety of the crew may be used on that vessel if that means is acceptable to the Director.

Section 6 Bulwarks, rails, and guards

Compliance either with option 1 or option 2 is required.

Option 1: compliance with the standards for bulwarks, rails, and guards verified by a classification society named in rule 404.30(2)(a):

Option 2: compliance with the standards set out below.

Method of calculation of the minimum distance from the deepest operating waterline to the lowest point of the top of the bulwark or to the edge of the working deck (regulation VI/3)

(1) The minimum vertical distance from the deepest operating waterline to the lowest point of the top of the bulwark or to the edge of the working deck if guard rails are fitted, referred to in regulation VI/3, should be determined for each vessel, taking into account the probability of shipping water on the deck when the vessel is in moderate beam seas when fishing. This probability should not be greater than 5 percent. The calculations should take account of the damping coefficient associated with the presence of bilge keels or any other roll damping arrangements.

(2) Where no national practice exists, this distance may be determined by means of the following formulae, based upon the regression analysis of results of the calculations of the probability of shipping water on deck, which is assumed to be 5 percent when the vessel is fishing in beam seas with the significant wave heights of about 2.9 m and about 1.4 m respectively:

$$H = 0.53 + 0.11B + 0.32\ (2.60 - B/d) + 0.85\ (CB - 0.60) + 0.61\ (GM - 0.70) \text{ metres}$$

for vessels that are intended to stop their fishing operations at the significant wave heights of more than 2.9 m, and

$$H = 0.80 + 0.23\ (2.60 - B/d) + 0.52\ (CB - 0.60) + 0.62\ (GM - 0.70) \text{ metres}$$

for vessels that are intended to stop their fishing operations at the significant wave heights of 1.4 m.

If the significant wave heights are between 2.9 m and 1.4 m, the values of H should be determined by linear interpolation. In the above formulae:

B = maximum breadth of the vessel, measured amidships to the moulded line of the frame in a vessel with a metal shell and to the outer surface of the hull in a vessel with a shell of any other material (metres)

d = maximum permissible moulded draught (metres)

CB= block coefficient

GM = initial metacentric height (metres)

All dimensions correspond to the deepest operating waterline.