Secondary Legislation

Part 3B:

Maritime (Design, Construction, and Equipment – Stability, Drainage, Freeboard and Subdivision) Rules [year]

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Subpart A General

Section 1 Preliminary provisions

A1.1 Title

This Part may be cited as Part 3B: Maritime (Design, Construction, and Equipment Stability, Drainage, Freeboard, and Subdivision) Rules [year]

A1.2 Commencement and revocation

(1) This Part comes into force on [ ]

(2) [List current relevant 40-series Parts/provisions] are revoked.

A1.3 Application

(1) This Part applies to—

(a) the design and construction of New Zealand ships that are commercial ships; and

(b) the stability, drainage, and subdivision of, and freeboard on these ships; and

(c) the stability assessments and stability information for these ships.

(2) This Part does not apply to a ship that any of the following Parts apply to:

(a) Part 2A: Maritime (Design, Construction, and Equipment – SOLAS Ships) Rules:[1]

(b) Part 404: Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels:

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

(d) Part 40F: Design, Construction, and Equipment – Hovercraft:

(e) Part 82: Commercial Jet Boat Operations – River.

(3) An existing ship must comply with this Part only to the extent specified in the Schedule.

A1.4 Certification

A ship must be certified for compliance with this Part in accordance with Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules.[2]

A1.5 Transitional and savings provisions

The transitional, savings, and related provisions set out in the Schedule have effect according to their terms.

Note that the extent to which the proposed new rules apply to existing ships is yet to be determined. See note in Schedule.

Section 2 Interpretation

A2.1 Conflict

If a conflict exists between this Part and an MTI, or an MTI made under section 452B of the Act for the purposes of any other Part, this Part applies.

A2.2 References to rules and MTIs

(1) Where a rule in this Part contains a reference to a rule in another Part, that reference includes the Part number as the prefix to the reference.

(2) A reference, in this Part, to a rule includes any MTI provided for in the rule.

[1] Draft Rule Part 2A to be consulted on in 2026.
[2] Draft Rule Part 1A and MTI to be consulted on in 2025/26.

(3) A reference to an MTI in a rule in this Part is a reference to an MTI as amended or replaced from time to time.

(4) An MTI is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

A2.3 Definitions

In this Part, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

approved stability information means information approved by a surveyor

barge means any barge, lighter, or similar ship that has no means of self-propulsion

cargo means all items that are transported by the ship except the following:

(a) fuel and ballast for the ship (either solid or liquid):

(b) consumables (including fresh water) to be used on board:

(c) permanent outfit and equipment of the ship:

(d) stores and spare gear for the ship:

(e) crew and their personal baggage, passengers and their personal baggage, and industrial personnel and their equipment and personal baggage

Certificate of Survey means a certificate of survey issued by a surveyor under Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules

Certificate of Surveyor Recognition has the meaning set out in Part 44: Surveyor Responsibilities and Survey, Certification, and Maintenance for Ships in Maritime Transport Operations

classification society has the meaning set out in Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules

coastal limits has the meaning set out in Part 20: Operating Limits

collared ship means a ship with a rigid hull (including a rigid hull inflatable boat) that has 1 or more buoyant collars around the periphery of the ship such that—

(a) the buoyant volume of the collars constitutes greater than one-fifth of the total intact and unswamped displaced volume of the ship in the maximum loaded condition; and

(b) the collar may be inflatable, foam-filled, or of rigid construction; and

(c) inclusion of the buoyancy of the collars is essential for the ship to meet the intact or damaged stability criteria

commencement date means the date specified in rule A1.2

commercial ship has the meaning set out in section 2(1) of the Act

crew has the meaning set out in section 2(1) of the Act

decked ship means a ship that is categorised in accordance with rule C2.3

Director has the meaning set out in section 2(1) of the Act

dredger means any navigable ship that is used to dredge or carry spoil from the bed of a river, harbour, or the sea

enclosed water limits has the meaning set out in Part 20: Operating Limits

existing ship means a ship that—

(a) is a New Zealand ship on the day before the commencement date; or

(b) becomes a New Zealand ship on or after the commencement date and holds current certification—

(i) confirming the ship was constructed under survey and in accordance with the relevant rules of a classification society; or

(ii) from an Australian authority authorised to issue certification in accordance with the Marine Safety (Domestic Commercial Vessel) National Law Act 2012

Under consideration - see commentary in Invitation to Comment.

favourable weather means conditions that—

(a) throughout a voyage or excursion, the effects of swell, height of waves, strength of wind and visibility, either individually or in combination, do not cause unreasonable risk to the safety of the ship, including handling ability; and

(b) are understood by the operator and master as part of their safe operating procedures; and

(c) take into account wind and sea state limits set by the ship's designer or surveyor, and

(d) take into account the ship's geographical operating areas, arrangement and purpose

fishing ship means a ship that is required to be registered under the Fisheries Act 1996 other than an eel fishing boat

freeboard deck means—

(a) the uppermost deck having means of weathertight closure and below which all openings in the sides of the ship have means of watertight closure; and

(b) the uppermost complete deck exposed to weather and sea with permanent means of closing all openings in the weather-exposed part of the deck, and below which all openings in the sides of the ship have permanent means of watertight closing

high complexity ship has the meaning given to it by rule C2.2(2)

hire and drive boat—

(a) means a commercial boat that—

(i) is let, without a skipper, for hire or reward or for any other consideration whatsoever; and

(ii) the hirer uses solely for pleasure; and

(iii) is of less than 24 metres in LLL; and

(b) includes a ship provided in conjunction with a holiday establishment or hotel for the use of guests or tenants

hirer means a person who—

(a) hires a hire and drive boat; or

(b) uses a hire and drive boat while under hire

houseboat means any ship that—

(a) is let for hire or reward or for any other consideration whatsoever; and

(b) has a fixed house above the deck with accommodation that may be used by persons on board for an overnight period or longer; and

(c) is less than 20 metres in LOA; and

(d) does not proceed beyond enclosed water limits

inflatable boat means a boat that—

(a) achieves its shape and buoyancy through the medium of inflation; and

(b) is propelled by an engine

inshore fishing limits has the meaning set out in Part 20: Operating Limits

LCG is longitudinal centre of gravity

like-for-like, in relation to repairs or replacements means—

(a) the replacement of equipment or materials for equipment or materials that are similar in design, function, use, and maintenance, whether or not they are from the same manufacturer; and

(b) no additional alteration or modification of existing finishes or fixtures is required to install and occupy the same or similar footprint as the original equipment or materials

LLL means load line length and has the meaning set out in Part 2C: Maritime (Design, Construction, and Equipment – Load Line) Rules[3]

LOA means length overall of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship; and—

(a) includes structures such as deckhouses that project beyond those terminal points; and

(b) does not include fittings such as beltings, bowsprits, platforms, pulpits, and booms that project beyond those terminal points

low complexity ship has the meaning given to it by rule C2.2(3)

major alteration—

(a) means an alteration or repair to the design or construction of a ship and its structure, systems, equipment, or fittings, specified in Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules; and

(b) includes the replacement, removal, or addition of non-permanent parts; and

(c) does not include direct like-for-like repairs or replacements of parts

maritime transport instrument (MTI) means a transport instrument, made by the Director, for the purposes of this Part, under section 452B of the Act

master has the meaning set out in section 2(1) of the Act

new ship means**—**

(a) a ship that is not an existing ship; or

(b) a ship, the keel of which is laid, or that is at a similar stage of construction on or after the commencement date

New Zealand ship has the meaning set out in section 2(1) of the Act

offshore supply ship means a ship that is used for the transportation of stores, materials, equipment, or personnel to, from, and between offshore installations

open ship means a ship that is categorised in accordance with rule C2.3

operate has the meaning set out in section 2(1) of the Act

Part means a group of rules made under the Act

passenger has the meaning set out in section 2(1) of the Act

recess means an exposed portion of deck or sole, bounded by a volume of reserve buoyancy, or bulwarks or gunwales, and designed in a way to prevent drainage of solid water over the side, including an inset, space, cockpit or well[4]

reserve buoyancy is the volume of a ship above the water plane that can be made watertight and thus increase the ship's buoyancy

[3] Draft Rule Part 2C to be consulted on in 2026.

[4] A well deck encapsulated by bulwarks is not considered to impede water over the side and is therefore not a recess provided the bulwarks meet the freeing arrangements in Section 10.

restricted coastal limits[5] has the meaning set out in Part 20: Operating Limits

restricted limits has the meaning set out in Part 20: Operating Limits

rigid air chamber means a buoyant space that is sealed watertight and contains air that is intended to be counted as part of the reserve buoyancy and is—

(a) made independent of the ship's structure; or

(b) integral in the ship structure but is—

(i) too small to allow physical periodic inspection of the interior; and

(ii) not connected to the bilge system of the ship

rigid-hulled inflatable boat means a ship that—

(a) has a rigid bottom structure; and

(b) has inflatable sides that chiefly ensure the intact stability of the boat; and

(c) is propelled by an engine

rules has the meaning set out in section 2(1) of the Act

rules of a classification society means the rules published by a classification society for the manufacture, examination, testing, and certifying of the hull, machinery, and electrical components

safe haven means a temporary place of refuge or protection or a safe port of return for a ship, considering the weather forecast and geographical factors that could potentially impact on the safety of a location

sailing ship means a commercial ship that—

(a) is designed to be navigated under wind power and for which any motor provided is an auxiliary means of propulsion only; or

(b) is a ship that possesses a non-dimensional ratio of [sail area/(volume of displacement) $^{2/3}$] of more than 9

series production ship means a ship that is one of a series of ships built to a standard design

ship has the meaning set out in section 2(1) of the Act

For ease of reference:
"ship" means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—
(a) a barge, lighter, or other like vessel:
(b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
(c) a submarine or other submersible

sister ship means a ship that is—

(a) built to the same lines plan as a ship that has approved stability data; and

(b) in all respects, similar in construction and outfit as a ship that has approved stability data

stability booklet has the meaning and form given to it by rule C7.3(3)

stability compliance report has the meaning and form given to it by rule C7.3(1)

stability statement has the meaning and form given to it by rule C7.3(2)

[5] For the purposes of this Rule Part, where restricted coastal is used it is intended only to allow seaward journeys up to 50NM within a defined segment or segments of the coastal limit, these journeys are expected to be of short duration (<24hrs) and in favourable weather only.

standard has the meaning set out in section 4(1) of the Standards and Accreditation Act 2015 and includes other material incorporated by reference under section 452 of the Act

surveyor means a person who holds a valid Certificate of Surveyor Recognition

survival craft means a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship

swamp means a process of taking in water to any part of the interior or non-self-draining spaces of a ship, except for air tanks

SWL is safe working load

TCG is transverse centre of gravity

valid means—

(a) in respect of a certificate—

(i) the certificate has been issued in accordance with the rules; and

(ii) is not expired, lapsed, suspended, or revoked; and

(b) in respect of an endorsement—

(i) the certificate has been endorsed in accordance with the rules; and

(ii) the conditions set out in paragraph (a) are met in respect of the applicable certificate

(iii) the endorsement is not expired or suspended

VCG also known as KG is vertical centre of gravity measured vertically from underside of keel or baseline

voyage has the meaning set out in section 2(1) of the Act and, for the purposes of this Part, a ship that is a barge is not on a voyage if—

(a) a person is on board only for the purposes of anchoring or securing a mooring line so that the barge can be securely docked; or

(b) the barge is secured with studs or anchors to the bed of the sea, river, or lake; or

(c) the barge is secured by means of cables to the wharf or land

watertight means capable of preventing the passage of water through the structure in any direction under a head of water for which the surrounding structure is designed

weathertight means that in any sea state conditions water will not penetrate the ship.

Subpart B Responsibilities

B1.1 General responsibilities of operators to ensure compliance

(1) An operator must—

(a) ensure all stability assessments required for the ship to enter into and operate in service are conducted and that the ship complies with this Part; and

(b) manage risks related to the ship's stability including, where appropriate, ensuring safe loading conditions and monitoring changes that could negatively affect stability; and

(c) ensure that the crew understand and have appropriate training or guidance on how to manage stability risks.

(2) An operator may request a high complexity assessment for a ship as an alternative to a low complexity assessment.

B1.2 Major alteration or major change to ship's operation

An operator must ensure that a ship undergoes the appropriate survey if, as specified in Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules,—

(a) a major alteration is made to the ship; or

(b) a major change is made to the operation of the ship.

B1.3 Responsibilities of surveyors

(1) A surveyor must only conduct a stability assessment of a ship for entry into and operation in service if they hold a valid Certificate of Surveyor Recognition authorising them to perform that function.

(2) The surveyor specified in subrule (5) must conduct or directly supervise all parts of the assessment.

(3) A surveyor must provide the operator with the necessary information related to the ship's stability to ensure the operator can manage changes that could negatively affect stability and establish safe loading conditions.

(4) A surveyor must prepare stability information for a ship in accordance with this Part and issue it to the operator of the ship.

(5) A surveyor must not certify a ship under Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules unless they believe on reasonable grounds that the ship complies with this Part.

Subpart C Ship requirements

Section 1 General requirements for stability, drainage, freeboard, and subdivision

Sections in the MTI correspond with sections in Subpart C. For the purposes of consultation, references to specific clauses in the MTI are included in boxes under specific enabling clauses.

C1.1 General requirements for stability, drainage, freeboard, and subdivision

(1) A ship must comply with—

(a) the requirements in this Part (including the standards specified in an MTI); and

(b) the methods for assessing and testing a ship for the purpose of establishing and verifying its stability, as specified in this Part.

(2) A stability assessment must be conducted in accordance with the input parameters and the test conditions and criteria specified in an MTI.

See Appendix 1 of the MTI

(3) If a ship has active stability arrangements that limit the angles of roll, the ship must meet the stability criteria specified in this Part and an MTI without using active stability assistance including (but not limited) to outboard stabilisers and gyroscopes.

C1.2 Sister ships and series production ships

(1) A sister ship must have its lightship displacement and LCG confirmed by lightship survey.

(2) If a ship's lightship condition differs by equal to or greater than any of the percentages in paragraphs (a) to (c), a surveyor must conduct an inclining experiment (or other stability test, as appropriate), and undertake a stability assessment:

(a) 4 percent of original lightship displacement:

(b) 2 percent LCG (as a percentage of LOA):

(c) 1 percent VCG.

(3) For a series production ship of less than 12 metres in LOA, a surveyor may accept, from the manufacturer, documented evidence of tests of the prototype ship witnessed by another surveyor, provided that the prototype—

(a) is for the specific model of ship; and

(b) has been assessed for the same or a greater number of persons; and

(c) has a comparable arrangement, motor, fuel, and equipment.

C1.3 Major alteration, major change of operation, or change to lightship condition

(1) A surveyor must conduct an inclining experiment (or other stability test) and perform a high complexity or low complexity stability assessment, as specified in Sections 3 and 4, in specified circumstances.

(2) Subrule (1) applies if a major alteration or a major change to a ship's operation or any other change causes a ship's lightship condition to differ, either individually or cumulatively, by equal to or greater than any of the following percentages:

(a) 4 percent of original lightship displacement:

(b) 2 percent LCG (as a percentage of LOA):

(c) 1 percent VCG.

Section 2 Assessment of ship according to complexity and characteristics

C2.1 Stability assessment

The method of assessment of a ship must be determined by the ship's complexity and characteristics.

C2.2 Ships are high or low complexity

(1) A ship must be categorised as a high complexity ship or a low complexity ship in accordance with subrules (2) and (3).

(2) A high complexity ship means a ship that—

(a) is of 24 metres or more in LLL; or

(b) is certified to carry more than 50 persons on board, or more than 12 persons on board if it is an open ship; or

(c) operates beyond restricted limits or inshore fishing limits**;** or

(d) carries cargo, other than catch, greater than would equal 8 percent lightship displacement; or

(e) engages in towing as part of standard operations and where the towed object's LOA is greater than twice the LOA of the towing ship; or

(f) engages in lifting where the SWL of the lifting appliance exceeds 1 percent of the ship's lightship displacement, or 300 kilograms, whichever is greater; or

(g) is a fishing ship of 12 metres or more in LOA; or

(h) is an open ship of 12 metres or more in LOA; or

(i) is a fishing ship and engages in trawling, dredging, or other activities where heavy gear is towed, or is engaged in purse seining.

(3) A low complexity ship means a ship that is not a high complexity ship.

C2.3 Ships are open or decked

A ship must be categorised as open or decked in accordance with an MTI, depending on the following characteristics, as applicable:

(a) the residual stability with recesses swamped:

(b) the ability of the ship to shed water from decks or drain water from recesses:

(c) the minimum freeboard of the ship to the deck.

See clause 2.3 of the MTI

C2.4 Matters to be determined, undertaken, or approved by a surveyor

A surveyor—

(a) must record a ship's level of complexity, and whether it is open or decked, in the stability information required by Section 7; and

(b) must assess the ship in accordance with the methods referred to in Sections 3 and 4 and Table 2.1,[6] depending on the complexity and characteristics of the ship, specified in this Part and an MTI; and

(c) may adjust the method for stability assessments in certain circumstances specified in an MTI.

[6] Note that Table 2.1 is merely a summary of the assessment methods; the requirements are set out in sections below and the corresponding sections of the MTI.

Table 2.1 Requirements to be applied depending on a ship's complexity and characteristics (open or decked)

Ship's complexity and characteristics	**Requirements based on a ship's complexity and characteristics**
Low or high complexity	A ship must be categorised as low or high complexity in accordance with rule C2.2
A ship is open or decked	A ship must be categorised as open or decked in accordance with rule C2.3
Low complexity *Open ship*	A ship must undergo a— • swamp test • heel test • person rescue and recovery test (for ships certified for 3 or more persons) • damage test (applicable to ships with inflatable collars and air chambers) A ship must— • comply with damage stability requirements (general requirements only) • comply with minimum freeboard to gunwale assigned
High complexity *Open ship*	A ship must undergo a— • comprehensive intact stability assessment • damage test (applicable to ships with inflatable collars and air chambers) A ship must— • comply with damage stability requirements (general requirements only) • comply with drainage requirements (may use bilge pumps able to withstand swamp event) • have minimum freeboard to gunwale assigned and marked • have draught marks if 12 m or more in LOA
Low complexity *Decked ship*	A ship must undergo a— • heel test • damage test (applicable to ships with inflatable collars and air chambers) A ship must— • comply with damage stability requirements (general requirements only) • comply with drainage requirements • have minimum freeboard to deck assigned • comply with subdivision requirements if 12 m or more in LOA
High complexity *Decked ship*	A ship must undergo a— • comprehensive intact stability assessment • damage test (applicable to ships with inflatable collars and air chambers) A ship must— • comply with damage stability requirements • comply with drainage requirements • have minimum freeboard to deck assigned and marked • have draught marks if 12 m or more in LOA • comply with subdivision requirements if 12 m or more in LOA

Section 3 Low complexity ship stability assessment

C3.1 Application of requirements for low complexity ship stability assessments

This Section applies to a low complexity ship.

C3.2 General requirements for stability for low complexity ships

(1) A low complexity ship must exhibit characteristics of stability for the specific activities and over the range of loading conditions and all expected sea state and weather conditions within the ship's operating limits, when considering the ship's arrangement and form, sufficient to—

(a) minimise the risk of capsize; and

(b) avoid excessive angles of heel that could endanger persons on board; and

(c) return the ship to the upright condition; and

(d) minimise the risk of progressive downflooding.

(2) A low complexity open ship must—

(a) when swamped, remain afloat and upright, providing sufficient reserves of buoyancy to support all persons on board until rescue or recovery; and

(b) under normal conditions when not swamped, not heel beyond a safe angle when a crowding heeling moment is applied; and

(c) be capable of supporting rescue and recovery of persons from the water.

C3.3 Method for stability assessment of low complexity ships

(1) A low complexity ship must undergo, in accordance with an MTI,—

(a) a heel test; and

(b) if an open ship, the following additional tests:

(i) a swamp test:

(ii) a person rescue and recovery test if the ship is certified to carry 3 or more persons on board.

See clause 3.3 of the MTI

(2) For the purposes of subrule (1), the ship must be assessed, in accordance with an MTI, by analysis, calculation, or practical test, or a combination, as follows:

(a) analysis of the ship using computer modelling and hydrostatic simulation:

(b) practical testing of the physical ship:

(c) for a swamp test, calculation may be undertaken to determine the volume and distribution of flotation material.

See clause 3.3 of the MTI

C3.4 Limitations for low complexity open ships

(1) A low complexity open ship must not be fitted with decks, above the hull, to which persons on board have access.

(2) A low complexity open ship must comply with the following requirements if a lifting appliance is used on the ship:

(a) the heel induced at worst possible lifting scenario must not exceed 7 degrees or the angle of heel that results in a freeboard to deck edge or gunwale of 250 millimetres or less anywhere on the periphery of the ship, whichever is the lesser angle:

(b) the increase of the ship's full load VCG due to the lifted weight must not be greater than 1 percent:

(c) the lifting system must not incorporate counterbalance weight or counter ballasting:

(d) the lifting appliance must not be of a variable load radius type, such as a knuckle boom crane.

Section 4 High complexity ship stability assessment

C4.1 Application of requirements for high complexity ship stability assessments

This Section applies to—

(a) a high complexity ship; and

(b) a low complexity ship that undergoes a high complexity assessment as an optional alternative to a low complexity assessment.

C4.2 General requirements for stability for high complexity ships

(1) A high complexity ship must exhibit characteristics of stability over the range of loading conditions and all expected sea state and weather conditions within the ship's operating limits, when considering the ship's arrangement and form, sufficient to—

(a) avoid excessive angles of heel in order to minimise the risk of the ship capsizing; and

(b) return the ship to the upright condition; and

(c) minimise the risk of progressive downflooding.

(2) In addition to subrule (1), a high complexity open ship must, when swamped, remain afloat and upright providing sufficient reserves of buoyancy and stability so as to prevent capsize until the accumulated water is drained and normal intact stability is restored.

C4.3 Method for stability assessment of high complexity ships

(1) Unless subrule (2) applies, a high complexity ship must undergo the following assessments in accordance with an MTI:

(a) an inclining experiment:

(b) a comprehensive intact stability assessment.

See clause 4.3 of the MTI

(2) A surveyor may conduct an in-air inclining experiment if the determination of the ship's VCG is at least as accurate as it would be with an inclining experiment.

(3) A ship is not required to undergo an inclining experiment and may instead calculate VCG by weight study carried out in accordance with an MTI if a surveyor determines—

(a) inclining is impractical because the metacentric height of the ship is more than 3 times the VCG; or

(b) the ship is too small to provide accurate measurements for determining VCG.

C4.4 Limitations for high complexity open ships

A high complexity open ship must not—

(b) be fitted with a lifting appliance with SWL exceeding 300 kilograms or 1 percent lightship, whichever is greater; or

(c) be certified to carry more than 50 persons on board; or

(d) be of 24 metres or more in LLL; or

(e) proceed beyond restricted limits or inshore fishing limits, unless it is a collared ship, in which case it—

(i) must not proceed beyond restricted coastal limits; and

(ii) must only operate in favourable weather; and

(iii) must remain within 60 nautical miles of a safe haven.

Section 5 Damage tests for ships with inflatable collars or rigid air chambers

C5.1 Application of requirements to ships with inflatable collars or air chambers

This Section applies to the following ships:

(a) a rigid hull inflatable boat:

(b) a ship with rigid air chambers.

C5.2 General requirements for damage tests

A damaged ship must exhibit characteristics of stability over the range of loading conditions and all expected sea state and weather conditions within the ship's operating limits, when considering the ship's arrangement, sufficient to—

(a) remain afloat and upright; and

(b) provide adequate reserves of buoyancy to support all persons on board until rescue or recovery.

C5.3 Method of assessment for damage tests

A ship described in rule C5.1 must be assessed in accordance with the tests specified in an MTI.

See clause 5.2 and Appendix 5 of the MTI

Section 6 Damage stability

C6.1 Application of requirements for damage stability

This Section applies to all ships.

C6.2 General requirements for damage stability

(1) A ship must have arrangements to prevent or control, to acceptable levels, the risk of flooding of internal compartments, to avoid capsizing.

(2) A single hull ship must be constructed so as to minimise unsymmetrical flooding when the ship is in the damaged condition.

(3) If it is necessary to correct large angles of heel resulting from unsymmetrical flooding,—

(a) the means of correction must be self-acting; or

(b) the controls for control-flooding fittings (if used) must be operable from above the bulkhead deck.

C6.3 Method of assessment for damage stability

A ship must comply with the criteria specified in an MTI for assessment of damage stability if it is—

(a) a ship that carries any passengers and proceeds beyond coastal limits; or

(b) a ship that carries more than 50 passengers; or

(c) an offshore supply ship.

See clause 6.2 and Appendix 6 of the MTI

Section 7 Stability information

C7.1 Application of requirements for stability information

This Section applies to all ships.

C7.2 General requirements for stability information

(1) The stability characteristics and complexity of a ship must be documented in the form of—

(a) a stability compliance report and a stability statement for a low complexity ship; or

(b) a stability booklet for a high complexity ship.

(2) The stability compliance report and stability statement, or stability booklet, must be prepared by the surveyor who conducted the stability assessment to confirm a ship's compliance with the relevant stability criteria.

(3) Subject to subrule (4), approved stability information must be stored in an appropriate location on board a ship.

(4) If there is not an appropriate location on a ship to store the approved stability information, it must be in a location ashore where it can be readily accessed.

(5) Stability information must be sufficiently clear and accurate to enable a ship's compliance with the relevant stability criteria to be reliably determined.

(6) Stability information must be kept up to date to—

(a) ensure that it accurately reflects the ship's current geometric and mass characteristics; and

(b) address the loading conditions and potential stability hazards associated with the ship's current operation.

Low complexity ships

(7) A low complexity ship must have a stability compliance report and a stability statement prepared for it in accordance with rule C7.3(1) and (2).

High complexity ships

(8) A high complexity ship must have a stability booklet prepared for it in accordance with rule C7.3(3).

C7.3 Form of stability information

(1) The stability compliance report must be in a form prescribed in an MTI and must contain essential stability details, including details of—

(a) the stability tests or calculations conducted; and

(b) the load conditions applied; and

(c) the results, operating limits, and corresponding maximum displacement and minimum freeboard approved; and

(d) any special limitations assigned by the surveyor including (but not limited to) wind or wave, cargo, deck crane limits of operation, or towing.

(2) The stability statement must be in a form prescribed in an MTI and must include essential information, relevant to the master, necessary for the safe operation of the ship, including—

(a) minimum assigned freeboard; and

(b) maximum loading conditions; and

(c) limits for trim, heel, and weather, as applicable; and

(d) details of stability assessment methods, stability tests conducted, and a record of the results; and

(e) conclusions demonstrating that the stability criteria have been met.

(3) The stability booklet must be in a form prescribed in an MTI.

See clause 7.1 of the MTI and Appendix 7

Section 8 Ships involved in specific activities or with specific arrangements

C8.1 Application of requirements for ships involved in specific activities or ships with specific arrangements

This Section applies to a ship involved in a specific activity or a ship with specific arrangements in addition to, or instead of (as applicable), the requirements in Subpart C.

C8.2 Ships engaged in lifting

(1) In addition to complying with the requirements in this Part, a ship must undergo the stability assessment specified in an MTI if it carries out a lifting activity for any purpose (including fishing, such as lifting carried out by trawlers and purse seiners or pot haulers) using a fixed or mobile deck crane, derrick, gantry, or other lifting device and—

(a) the heel induced at a worst possible lifting scenario exceeds 7 degrees, or the angle of heel results in a freeboard to deck edge or gunwale of 250 millimetres or less anywhere on the periphery of the ship, whichever is the lesser angle; or

(b) the increase of the ship's full load VCG due to the lifted weight is greater than 1 percent; or

(c) the lifting system incorporates counterbalance weight or counter ballasting; or

(d) the lifting device is of a variable load radius type such as a knuckle boom crane.

See clauses 7.1 and 8.2 of the MTI

(2) Subrule (1) applies to a lifting activity using the following equipment or systems only if the surveyor determines that their use has a detrimental effect on the stability of the ship:

(a) a person retrieval system:

(b) the ship’s own anchor handling equipment:

(c) davits for tender or survival craft.

C8.3 Ships engaged in fishing

In addition to complying with the requirements in this Part, a high complexity fishing ship must undergo the stability assessment specified in an MTI.

See clause 8.3 of the MTI

C8.4 Ships engaged in towing

(1) In addition to complying with the requirements in this Part, a ship engaged in towing by means of a towrope, as part of its standard operation, must undergo the stability assessment specified in an MTI if—

(a) the object being towed is likely to exceed twice the displacement of the towing ship; or

(b) the drag of the tow at a speed of 3 knots exceeds the bollard pull of the ship.

See clause 8.4 of the MTI

(2) Subrule (1) does not apply to the following:

(a) emergency rescue or recovery when this is not a standard operation of the ship:

(b) pushing operations and operations where a ship exclusively tows by being lashed alongside another ship.

C8.5 Barges

Note: Work on barges is ongoing and will be considered during public consultation on a subsequent package of draft Rules and MTIs as part of the DCE review project.
However, it is proposed that:

- barges with persons on board during a journey, or those that are 24 m or more in LLL, would need to meet applicable 'ship' requirements in the new rules set, in addition to the watertight bulkheads' requirements (currently set out in 40C.72)
- barges of any size (with or without persons on board) would need to meet lifting rules (currently in 40C Appendix 1.3) if they have a crane or other lifting appliance.

C8.6 Dredgers and split hoppers

(1) In addition to complying with the requirements in this Part, a dredger and a split hopper must undergo the stability assessment specified in an MTI.

(2) A surveyor may allow the stability of a dredger to be investigated by taking into account the matters specified in an MTI.

See clause 8.6 of the MTI

C8.7 Houseboats

A houseboat is not required to comply with Subpart C, Sections 2, 3, or 4, but must undergo the stability assessment specified in an MTI.

See clause 8.7 of the MTI

C8.8 Fully foil-borne ships

(1) A hydrofoil ship that operates in the fully foil-borne mode is not required to comply with Subpart C, Sections 2, 3, or 4, but must undergo an intact stability assessment specified in an MTI.

See clause 8.8 of the MTI

(2) Subrule (1) does not apply to a foil-assisted ship, which must comply with the requirement for non-foiling ships.

C8.9 Sailing ships

Note: It is proposed that, for stability, drainage, freeboard and subdivision, sailing ships will be required to comply with the requirements currently set out in sections 40E.8 to 40E.11, with the exception that there will no allowance for pre-2010 ships. That is, all sailing ships that are required to have their stability assessed as part of the new DCE rules will need to comply with the post-2010 stability requirements.
Decisions have not yet been made as to the location of the stability, drainage, freeboard and subdivision requirements for sailing ships, i.e. whether they are included in this Rule Part or a Rule Part specifically for sailing ships.

C8.10 Hire and drive boats

A hire and drive boat is not required to comply with Subpart C, Sections 2, 3, or 4, if it undergoes the intact stability assessment specified in an MTI.

See clause 8.10 of the MTI

C8.11 High-speed craft

A high-speed craft is not required to comply with the other sections in Subpart C but must undergo the stability assessment specified in an MTI if it—

(a) is of 35 metres or more in LOA; and

(b) is capable of speeds of 25 knots or more; and

(c) proceeds beyond restricted limits.

See clause 8.11 of the MTI

C8.12 Inflatable boats

(1) An inflatable boat is not required to comply with Subpart C, except as described in subrule (2), but must undergo a stability assessment specified in an MTI.

(2) An inflatable boat must comply with the limitations for low complexity open ships in rule C3.4 and it—

(a) must not proceed beyond restricted limits:

(b) must remain within 20 nautical miles of a safe haven:

(b) must operate only in favourable weather.

See clause 8.12 of the MTI

Section 9 Drainage requirements

C9.1 Application of requirements for drainage and water-freeing

This Section applies to all ships except those that are of 24 metres or more in LLL, to which Part 2B: Maritime (Design, Construction, and Equipment – Load Line) Rules apply.

C9.2 General requirements for drainage and water-freeing

Water accumulated on the deck or in the recesses of a ship must be removed to avoid risk to stability, downflooding, or other damage to the ship.

C9.3 Drainage and water-freeing arrangements

(1) A recess on a ship must be of watertight construction.

(2) Unless freeing ports are sized and located to account for both drainage and water-freeing arrangements, a scupper must be provided for effective drainage of a deck, a recess or an enclosed space where water may accumulate.

(3) A ship is required to comply with the rapid drainage and water-freeing requirements for a recess or deck in an MTI under circumstances specified in an MTI.

(4) A low complexity open ship is not required to comply with the rapid drainage requirements for a recess in an MTI if it has means for draining water accumulated in the bilges, which may be a suitably sized bucket or bailer.

See clause 9.2 of the MTI

Section 10 Freeboard Assignment

C10.1 Application of requirements for freeboard

This Section applies to all ships except those that are of 24 metres or more in LLL to which Part 2B: Maritime (Design, Construction, and Equipment – Load Line) Rules apply.

C10.2 General requirements for freeboard

(1) A ship must have sufficient reserve buoyancy for the intended voyage and must not be overloaded.

(2) The freeboard and bow height of a ship must be sufficient to prevent the excessive shipping of water, taking into account,—

(a) the type of ship; and

(b) seasonal weather conditions; and

(c) all expected sea state and weather conditions within the ship's operating limits; and

(d) the operating purpose.

C10.3 Assignment and measurement of freeboard

Low complexity ships

(1) A low complexity ship must have freeboard assigned in accordance with an MTI.

See clause 10.2(1) and (2) of the MTI

High complexity ships

(2) A high complexity ship must have freeboard assigned in accordance with an MTI.

See clause 10.2(3) and (4) of the MTI

Collared ships

(3) A high complexity collared ship and a low complexity collared ship must have freeboard assigned in accordance with an MTI.

See clause 10.2(5) and (6) of the MTI

Section 11 Freeboard marks and draught marks

C11.1 Application of requirements for freeboard marks and draught marks

This Section applies to a high complexity ship.

C11.2 General requirements for freeboard marks and draught marks

(1) A visual indication of, or information outlining, maximum safe loading must be prominently marked on or affixed to a high complexity ship.

Freeboard marks

(2) A high complexity ship of less than 24 metres in LLL must have an assigned freeboard mark that—

(a) shows the minimum assigned freeboard, determined in accordance with Section 10; and

(b) complies with the requirements in an MTI.

(3) A ship of 24 metres or more in LLL must comply with Part 2B: Maritime (Design, Construction, and Equipment – Load Line) Rules.

See clause 11.2 and Appendix 7 of the MTI

(4) A high complexity ship must not operate in any condition that will result in its freeboard marks being submerged when it is at rest and upright in calm waters.

Draught marks

(5) A high complexity ship must have draught marks in accordance with subrule (6) unless the ship is less than 12 metres in LOA and the ship is not subject to an inclining experiment.

(6) The draught marks on a high complexity ship must—

(a) be clearly and legibly visible on each side of its stem and stern post (and if no stern post is fitted, in the line of the centre of the rudder stock) with a scale of marks showing its draught; and

(b) comply with the requirements in an MTI.

See clause 11.3 of the MTI

Section 12 Subdivision

C12.1 Application of requirements for subdivision

This Section applies to decked ships of 12 metres or more in LOA.

C12.2 General requirements for subdivision

(1) Except as provided in subrule (2), a ship of 15 metres or more in LOA must be fitted with a vertically continuous collision bulkhead that is—

(a) watertight up to the freeboard deck; and

(b) positioned at not less than 5 percent of the LOA, and at not more than 15 percent of the LOA, abaft the foreside of the stem measured at the design waterline.

(2) A ship of less than 24 metres in LLL may have a stepped collision bulkhead provided that—

(a) the bulkhead below the step is located at not less than 5 percent of the LOA abaft the stem at the design waterline; and

(b) the continuation of the bulkhead to the freeboard deck above the step is located at a distance not less than 1.5 percent of the length overall abaft the stem, measured at the top of the step; and

(c) the top of the step is not be less than 2.5 percent of the LOA above the design waterline.

(3) A double-ended ferry must have a collision bulkhead at both ends.

(4) A doorway or other access opening must not be fitted in the collision bulkhead below the freeboard deck except for a ship described in subrule (5).

(5) A surveyor may determine that a ship of less than 24 metres in LLL may have a single watertight manhole fitted, of the minimum practical opening required for access, if—

(a) there is no other practical location for access to the space forward of the collision bulkhead; and

(a) it is located as high as possible in the collision bulkhead and above the damage waterline; and

(c) it is bolted shut and only used for maintenance and inspection.

(6) A pipe passing through the collision bulkhead must be fitted with valves operable from above the freeboard deck unless subclause (7) applies.

(7) If the forepeak is not used as a tank and the space immediately aft of the collision bulkhead is not a machinery or cargo space, the forepeak may be drained by a cock secured on the aft side of the bulkhead, which must be—

(a) operable from a readily accessible and protected position aft of the bulkhead; or

(b) of a self-closing type.

(8) Where a forecastle is fitted to a ship and the forecastle extends aft of the position of the collision bulkhead, the bulkhead must be extended weathertight to the next deck above the freeboard deck.

(9) An opening in the extension above the freeboard deck must be the minimum necessary for the operation of the ship and must be provided with weathertight closing appliances.

(10) A ship of 12 metres or more in LOA must have watertight bulkheads at each end of the main propulsion machinery space.

(11) An offshore supply ship of 24 metres or more in LLL must comply with the subdivision requirements in an MTI.

(12) A special purpose ship of 24 metres or more in LLL must comply with the subdivision requirements in an MTI.

(13) The watertight bulkheads of a ship must be arranged so that the ship complies with the subdivision requirements in an MTI if it—

(a) carries any passengers and proceeds beyond coastal limits or

(b) carries more than 50 passengers; or

(c) is an offshore supply ship.

Schedule

Transitional, savings, and related provisions

1. **Meaning of commencement date**

In this Schedule, **commencement date** means the date on which the Part commenced under rule A1.2(1).

2. **Application to existing ships**

An existing ship must comply with—

(a) the applicable General Requirements in Section 1, Sections 3 to 7, and Sections 9 to 12 of Subpart C; and

(b) [the applicable rules specified in rule A1.2(2) (as if those rules had not been revoked)].

Application to existing ships

The extent to which the proposed new rules apply to existing ships is yet to be determined. In terms of application to existing ships, it is important to determine the right balance between ensuring operators and surveyors have sufficient information to ensure ship safety and the costs associated with reassessing ships without stability information. As part of the consultation on these rules, Maritime NZ is seeking feedback on how best to manage these competing factors and how the sector mitigates potential risks when stability information is unavailable. Refer to the policy document for further detail on this issue.

3. **Existing exemptions continued**

An exemption granted by the Director under Section 40AA of the Act from a requirement that is in force immediately before the commencement date continues in force on and after commencement date and is subject to the same conditions (if any) as applied before the commencement date.