

DISALLOWABLE INSTRUMENT



Maritime Transport Act 1994

Marine Protection Rules

Marine Protection Rules Various Amendments 2015

Pursuant to sections 386, 387, 388, 389, and 390 of the Maritime Transport Act 1994 I, Craig Foss, Associate Minister of Transport, having had regard to the criteria for making Marine Protection Rules in section 392 of the Maritime Transport Act 1994, hereby make the following Marine Protection Rules.

Signed at Wellington

This *11th* day of *February* 2015

By Hon CRAIG FOSS



Associate Minister of Transport

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Rule objective

The objective of the Marine Protection Rules Various Amendments 2015 is to correct minor errors contained in the Marine Protection Rules Parts 100, 101A, 101B, 102, 103, 121A, 121B, 122, 123B, 125, 130A, 141, 142A, 142B, 150, 160, and 190.

Marine Protection 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

In November and December 2014, Maritime New Zealand consulted, via its website, with the public on drafts of the proposed amendments to the marine protection 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 13 November 2014. The deadline for making a submission was 11 December 2014. No submissions were received.

Entry into force

These rules enter into force 1 April 2015

Part 100: Port Reception Facilities – Oil, Noxious Liquid Substances and Garbage

1 Part 100: Part objective

After the last paragraph in the Part objective of Part 100, insert a new paragraph:
“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.”

Part 101A: Surveys and Inspections – Oil

2 Part 101A: Part objective

After the last paragraph in the Part objective of Part 101A, insert a new paragraph:
“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.”

Part 101B: Surveys and Inspections – Noxious Liquid Substances Carried in Bulk

3 Part 101B: Part Objective

After the last paragraph in the Part objective of Part 101B, insert a new paragraph:
“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.”

Part 102: Certificates of Insurance

4 Rule 102.2: Definitions

- (a) In rule 102.2, in subrule (a) of the definition of “regulated offshore installation”, before “New Zealand”, insert “internal waters of New Zealand or”
- (b) In rule 102.2, after the definition of “Insurance”, insert:
““**internal waters of New Zealand**” has the meaning given to it in section 2(1) of the Act.”.

5 Rule 102.6A: Acceptance of certificates of insurance

- (a) In rule 102.6A, delete subrule (2).
- (b) In rule 102.6A, delete the reference number “(1)” at the beginning of subrule (1).

6 Part 102: Appendix 3 Regulated Ships

In Appendix 3 of Part 102, replace “Issued in accordance with the provisions of section 363 of the Maritime Transport Act 1994, the Maritime Transport (Certificates of Insurance) Regulations 2005 and rule 102.11 of Part 102 of the marine protection rules.” with:

“Issued in accordance with the provisions of section 363 of the Maritime Transport Act 1994.”

Part 103: Notifications – Oil and Noxious Liquid Substances

7 Part 103: Part objective

After the last paragraph in the Part objective of Part 103, insert a new paragraph:
“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.”

Part 121A: Ship Design and Construction – Oil Tankers

8 Rule 121A.2: Definitions

In the definition of “Length (L)”, in rule 121A.2, replace both references to “per cent” with “percent”.

9 Rule 121A.13: Slop tanks

- (a) In rule 121A.13(3)(b), replace “per cent” with “percent”.
- (b) In rule 121A.13(3)(b)(i), replace “per cent” with “percent”.
- (c) In rule 121A.13(3)(b)(ii), replace both references to “per cent” with “percent”.
- (d) In rule 121A.13(3)(b)(iii), replace both references to “per cent” with “percent”.

10 Rule 121A.16: Limitation of size and arrangement of cargo tanks

In rule 121A.16(3), replace “per cent” with “percent”.

Part 121B: Ship Design and Construction – Ships other than Oil Tankers

11 Part 121B: Part objective

After the last paragraph in the Part objective of Part 121B, insert a new paragraph:
“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.”

12 Rule 121B.6: Slop tanks

In rule 121B.6(3), replace both references to “per cent” with “percent”.

13 Rule 121B.7: Limitation of size of oil cargo tanks

In rule 121B.7(2)(c), replace both references to “per cent” with “percent”.

14 Rule 121B.10: Oil fuel tank protection

- (a) In rule 121B.10(7)(f), replace “The probability PS of breaching” with “The probability P_S of breaching”.
- (b) In rule 121B.10(7)(f)(i), replace “PS = P_{SL}” with “ $P_S = P_{SL}$ ”.
- (c) In rule 121B.10(7)(f)(i), replace “PSL” with “ P_{SL} ”.
- (d) In rule 121B.10(7)(f)(iii), in the heading of the third (3rd) column of the table of probabilities, replace “Z₁” with “Z¹”¹.
- (e) In rule 121B.10(7)(g), replace “PB” with “ P_B ”.
- (f) In rule 121B.10(7)(g)(i)–
 - (i) replace “PB” with “ P_B ”; and
 - (ii) replace both references to “PBL” with “ P_{BL} ”; and
 - (iii) replace both references to “PBT” with “ P_{BT} ”; and
 - (iv) replace both references to “PBV” with “ P_{BV} ”; and
 - (v) replace “Pbf” with “ P_{Bf} ”; and
 - (vi) replace “PBa” with “ P_{Ba} ”; and
 - (vii) replace “PBp” with “ P_{Bp} ”; and
 - (viii) replace “PBS” with “ P_{Bs} ”; and
 - (ix) replace “Xa” with “ X_a ”; and
 - (x) replace “Xf” with “ X_f ”; and
 - (xi) replace “Yp” with “ X_p ”; and
 - (xii) replace “Ys” with “ X_s ”.
- (g) In rule 121B.10(7)(g)(ii)–
 - (i) replace both references to “PBa” with “ P_{Ba} ”; and
 - (ii) replace both references to “Pbf” with “ P_{Bf} ”; and
 - (iii) replace both references to “PBp” with “ P_{Bp} ”; and
 - (iv) replace both references to “PBS” with “ P_{Bs} ”; and

¹Where the subscript next to “Z” changes from “1”(the number one) to “i” (for llama)

- (v) replace both references to “PBZ” with “P_{Bz}”; and
- (vi) replace “Xa / L” with “X_a / L”; and
- (vii) replace “Xf / L” with “X_f / L”; and
- (viii) replace “Xa” with “X_a”; and
- (ix) replace “Xf” with “X_f”; and
- (x) replace “Yp” with “X_p”; and
- (xi) replace “Ys” with “X_s”.

Part 122: Maritime Protection Products – Oil

15 Part 122: Part objective

After the last paragraph in the Part objective of Part 122, insert a new paragraph:
“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.”

Part 123B: Documents – (Record Books and Manuals

16 Part 123B: Part Heading

Insert a closed bracket “)” after the heading “Part 123B – Documents (Record Books and Manuals”.

17 Part 123B: Part objective

After the last paragraph in the Part objective of Part 123B, insert a new paragraph:
“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.”

Part 125: Shipboard Operations – Oil

18 Part 125: Part objective

After the last paragraph in the Part objective of Part 125, insert a new paragraph:
“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.”

Part 130A – Shipboard Marine Oil Spill Contingency Plans

19 Part 130A: Part objective

After the last paragraph in the Part objective of Part 130A, insert a new paragraph:
“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.”

Part 141: Ship Design, Construction, Equipment and Operation – Noxious Liquid Substances in Bulk

20 Part 141.2: Definitions

In the definition of “Similar stage of construction”, in rule 141.2, replace “per cent” with “percent”.

Part 142A – Documents (Certificates) – noxious liquid substances

21 Part 142A: Part objective

After the last paragraph in the Part objective of Part 142A, insert a new paragraph:
“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.”

Part 142B – Documents (Record Books and Manuals) – Noxious Liquid Substances

22 Part 142B: Part objective

After the last paragraph in the Part objective of Part 142B, insert a new paragraph:
“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.”

Part 150: Carriage of Cargoes – Harmful Substances Carried in Packaged Form

23 Part 150: Part objective

Replace the Part objective of Part 150, with:

“The purpose of Part 150 is to give effect to certain requirements in Protocol I and Annex III of MARPOL concerned with the prevention of pollution by harmful substances carried by sea in packaged form and reporting of occurrences involving harmful substances falling under the control of this Annex.

Other Annex III requirements – for packaging, marking, labelling and associated documentation, and on board stowage – are implemented by Part 24A: Carriage of Dangerous Goods through maritime rules giving effect to international standards for these matters found in the International Maritime Dangerous Goods Code for “marine pollutants” – a category encompassing “harmful substances” and “dangerous goods”.

The authority for Part 150 is found in sections 386 and 388 of the Maritime Transport Act 1994.

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Part 160 – Prevention of Pollution by Sewage from Ships in Antarctic Treaty Area

24 Part 160: Part objective

After the last paragraph in the Part objective of Part 160, insert a new paragraph:
“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.”

Part 190 – Mandatory Ships Routeing

25 Part 190: Part objective

After the last paragraph in the Part objective of Part 190, insert a new paragraph:
“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.”

Summary of Submissions

This Rule was consulted on in conjunction with Maritime Rules Various Amendments 2015, as one rule, in a consultation during November and December 2014. No submissions were received.