Secondary Legislation

MARITIME TRANSPORT (RADIOCOMMUNICATIONS) INSTRUMENT

MTI-404.210-1

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

Maritime New Zealand Consolidated Version
11 April 2024

This Maritime Transport Instrument is not yet in force. Several things must happen before it is in force.

The Cape Town Agreement must reach the threshold number of States and vessels. When it has, then the Agreement will enter into force after a transition period of 1 year.

This maritime transport instrument comes into force on the same date that Part 404 comes into force. The entry into force of Rule Part 404 will be at the same time as the Agreement comes into force and be notified in the NZ Gazette soon after the Agreement has reached its threshold.

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Disclaimer:

This document is the current consolidated version of Maritime Transport Instrument MTI 404.210-1 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official Maritime Transport Instrument that has been signed into law by the Director of Maritime New Zealand. Copies of the official Maritime Transport Instrument and amendments as signed by the Director of Maritime New Zealand may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of MTI 404.210-1

Entry into Force

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

Part 404 comes into force on a date applied, either wholly or in part, by notice in the Gazette under section 451(3) of the Maritime Transport Act 1994.

The Part 404 Rules (Part 404) will implement the requirements of the Cape Town Agreement of 2012 (the Agreement) into New Zealand domestic law.

The Agreement will enter into force 12 months after at least 22 States, with a total number of 3,600 fishing vessels of 24 metres in length and over operating on the high seas have acceded. As at this date the entry into force criteria have yet to be met.

Amendment	Effective date
No amendment	Not applicable

Summary of amendments

No amendments

All signed rules can be found on our website:
https://www.maritimenz.govt.nz/Rules/

Section 1 Preliminary provisions

1.1 Title

This maritime transport instrument is the *Maritime Transport (Radiocommunications) Instrument* (also referred to as MTI-404.210-1).

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-404.210-1) sets out further requirements in relation to the standards for radiocommunications equipment and procedures on vessels of less than 45 metres in length.

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

(1) 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.

(2) In this maritime transport instrument—

IMO GMDSS Master Plan means the GMDSS Master Plan adopted by the IMO:

EPIRB means an electronic position indicating radio beacon:

NAVAREA has the same meaning as defined in Annex 1 of IMO Resolution A.706(17); it is used to describe geographical sea areas for the purpose of coordinating the transmission of radio navigational warnings; the term NAVAREA followed by an identifying roman numeral is used as a short title to represent such an area:

Sea Area A4 has the same meaning as defined in SOLAS Chapter IV regulation 2.

Section 3 Application

3.1 Application of maritime transport instrument MTI-404.210-1

This maritime transport instrument applies as follows:

(1) Section 5 applies to vessels to which rule 404.210(2) applies:

(2) Section 6 applies to vessels to which rule 404.210(1)(b) or 404.210(2) applies:

(3) Section 7 applies to vessels to which rule 404.210(3) applies.

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

The following material is incorporated by reference in this maritime transport instrument:

(1) IMO resolution A.1106(29)

(2) GMDSS Master Plan adopted by the IMO

(3) SOLAS Chapter IV regulation 2

Section 5 Radiocommunications for vessels of less than 45 metres in length

Compliance with the standards set out below is required.

Item	Standard
MF/HF Radiotelephone fitted with Digital Select Calling (DSC)	The vessel must be provided with an MF/HF Radiotelephone that complies with either— (1) rule 43.15; or (2) rule 43.15, excluding the requirement for, and associated with, Narrow-band Direct Printing equipment contained in rule 43.15, provided the vessel— (a) operates between latitudes 76 degrees south and 76 degrees north; and (b) does not proceed into Sea Area A4; and (c) does not proceed into a NAVAREA where an operational High Frequency Narrow Band Direct Printing Maritime Safety Information broadcast service is provided by a country as indicated in the IMO GMDSS Master Plan.
VHF Radio	The vessel must be provided with a VHF radio that complies with rule 43.13. The VHF radio must be positioned so that it is possible to operate the distress alert from the normal navigation position.
Radar Transponder or AIS-SART	A vessel must be provided with either— (1) a radar transponder capable of operating in the 9 Ghz band and that complies with rule 43.22, that must be stowed so that it can be easily used.; or (2) an AIS-SART that complies with rule 43.22A in Part 43.
EPIRB	The vessel must be provided with a satellite EPIRB capable of transmitting a distress alert either: (a) through the polar orbiting satellite service operating in the 406 Mhz band and complying with rule 43.18A or 43.19; or (b) if the vessel is engaged only on voyages within INMARSAT coverage, through the INMARSAT geostationary satellite service operating in the 1.6 Ghz band and complying with rule 43.20. The EPIRB must be stowed in an easily accessible position, ready to be manually released, and capable of floating free if the vessel sinks.
IMO recognised Mobile Satellite Service	The vessel must be provided with— (a) an IMO GMDSS recognised satellite service; or (b) a ship earth station capable of receiving Maritime Safety Information (MSI), that complies with rules 43.16 and 43.24

Automatic Identification System (AIS)	Where the vessel is fitted with AIS it must be correctly contigured with the vessels details. AIS operational use must comply with resolution A.917(22), as amended by A.956(23)
Source of energy	The vessel must have available at all times, while it is at sea, a supply of electrical energy sufficient to operate the radio installations and to charge any batteries used as part of a reserve source or sources of energy for the radio installations. A reserve source or sources of energy must be provided on the vessel, to supply radio installations, for the purpose of conducting distress and safety radiocommunications, in the event of failure of the vessel's main and emergency sources of electrical power. The reserve source or sources of energy must be capable of simultaneously operating the VHF radio installation and, as appropriate, either the MF/HF radio installation or the ship earth station and any additional loads, for a period of at least: i) 3 hours; or ii) 1 hour, if the emergency source of electrical power complies fully with all relevant requirements of rule 404.96 including the requirements to supply the radio installations and is capable of serving for a period of at least 6 hours; and The reserve source or sources of energy need not supply independent HF and MF radio installations at the same time. The reserve source or sources of energy must be independent of the propelling power of the vessel and the vessel’s electrical system. Where in addition to the VHF radio installation, two or more other radio installations can be connected to the reserve sources of energy, they must be capable of simultaneously supplying, for the period specified, the VHF radio installation and: a) all other radio installations that can be connected to the reserve source or sources of energy at the same time; or b) whichever of the other radio installations will consume the most power, if only one of the other radio installations can be connected to the reserve source or sources of energy at the same time as the VHF radio installation. Where a reserve source of energy consists of a rechargeable accumulator battery or batteries: a) a means of automatically charging such batteries must be provided that must be capable of recharging them to minimum capacity requirements within 10 hours; and b) the capacity of the battery or batteries must be checked, at intervals not exceeding 12 months, when the vessel is not at sea. The siting and installation of accumulator batteries that provide a reserve source of energy must be such as to ensure: a) the highest degree of service; and b) a reasonable lifetime; and

	c) reasonable safety; and d) that the battery temperatures remain within the manufacturer's specifications whether under charge or idle; and e) that, when fully charged, the batteries will provide at least the minimum required hours of operation under all weather conditions.
Clock	The vessel must be provided with a reliable clock fully visible to the radio operator, mounted in the immediate vicinity of the radio installation.
Card of instructions	The vessel must be provided with a legible and easily accessible card that explains in simple terms the use of the radio equipment and distress procedures to an unskilled person for use in an emergency.
Emergency electric light	The vessel must be provided with an emergency electric light that— a) is independent of the system that supplies the normal lighting of the radio installations; and b) is permanently arranged so as to be capable of providing sufficient illumination of— i) the operating controls of the radio installations; and ii) the clock; and iii) the card of instructions; and c) is controlled by a switch, clearly labelled to indicate its purpose, placed at the operating position of the MF/HF and INMARSAT.
Documentation	The vessel must be provided with the following documents: a) Radio handbook for coastal vessels; a guide to maritime communications in New Zealand; and b) Vessel Station Radio Licence; and c) Call sign and MMSI number that are both to be displayed; and d) if visiting foreign ports— i) a list of radio stations of countries that are to be visited; and ii) an International Telecommunications Union manual for use in the Maritime Mobile and the Maritime Mobile Satellite Services.

Section 6 Performance standards for radiocommunications equipment for all vessels

6.1 Performance standards

The vessel's radiocommunications equipment must comply with the performance standards specified in Part 43.

Section 7 Maintenance, inspection, and servicing of radiocommunications equipment for all vessels

7.1 Maintenance, inspection, and servicing of radiocommunications equipment

The vessel's radiocommunications equipment must be—

(a) well maintained; and

(b) inspected; and

(c) serviced—

in accordance with the applicable requirements of Part 43.