

Secondary Legislation

Part 3C:

Maritime (Design, Construction, and Equipment – Watertight and Weathertight) Rules [year]

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Subpart A General

Section 1 Preliminary provisions

A1.1 Title

This Part may be cited as Part 3C: Maritime (Design, Construction, and Equipment – Watertight and Weathertight) 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 watertight and weathertight integrity of those ships.
- (2) This Part does not apply to a ship to which any of the following Parts apply:
 - (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) A ship of 24 metres or more in LLL, other than a fishing ship, is required to comply only with Part 2C: Maritime (Design, Construction and Equipment – Load Line) Rules.²
- (4) An existing ship must comply with this Part only to the extent specified in the Schedule.
- (5) A new ship that is also a sailing ship must comply with the specific requirements for sailing ships in this Part instead of (as applicable) the other requirements in Subpart C.

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.³

A1.5 Transitional and savings provisions

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

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, the reference includes the Part number as the prefix to the reference.

¹ Draft Rule Part 2A to be consulted on in 2026.

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

³ Draft Rule Part 1A and MTI to be consulted on in 2025/26.

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

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 personal equipment and personal baggage

Certificate of Survey means a certificate by a surveyor issued 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 means a classification society specified in an MTI

[See clause 2.1 of the MTI.](#)

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

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

DA surveyor means a design approval surveyor recognised under the Certificate of Recognition as being qualified to perform a design approval survey

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

enclosed superstructure means a superstructure with enclosing bulkheads and access openings, if any, in the bulkheads fitted with doors and all other openings in the side or ends of the superstructure fitted with efficient weathertight means of closing

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 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.](#)

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

glazed opening means a window, porthole, or skylight

hatch means an opening in the deck of a ship or the covering for such an opening

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

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

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

LOA means the 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

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

major fire hazard area has the meaning set out in Part 3D: Maritime (Design, Construction, and Equipment – Fire Protection) Rules ⁴

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

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

⁴ Draft Rule Part 3D and MTI consulted on in 2024

Part means a group of rules made under the Act

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

porthole means a round or oval opening on the upper part of the ship's hull or superstructure with an area not exceeding 0.16 square metres designed to admit light (otherwise known as a side light or side scuttle)

position 1 means exposed decks—

- (a) located abaft the forward 0,25 of the LLL, and less than 1 standard superstructure height above the freeboard deck; and
- (b) situated within the forward 0,25 of the LLL, and located less than 2 standard heights of superstructure above the freeboard deck

position 2 means exposed decks situated—

- (a) abaft the forward 0,25 of the LLL, and located at least 1 standard height of superstructure, but less than 2 standard heights of superstructure, above the freeboard deck; and
- (b) within the forward 0,25 of the LLL, and located at least 2 standard heights of superstructure, but less than 3 standard heights of superstructure, above the freeboard deck

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 the hull, machinery, and electrical components

sailing ship means a ship that—

- (a) is designed to be navigated under wind power alone and for which any motor provided is an auxiliary means of propulsion; or
- (b) has a non-dimensional ratio (sail area) divided by (volume of displacement)^{2/3} of more than 9

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

skylight means an opening in a ship's deck that is covered with translucent or transparent material and is designed to admit light with an area less than or equal to 2 square metres

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

superstructure means a decked structure on the freeboard deck, extending from side to side of the ship or with the side plating not being inboard of the shell plating more than 4 percent of the breadth and includes a raised quarterdeck

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

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; and
 - (iii) the endorsement is not expired or suspended

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

weather deck means the deck exposed to the weather and sea

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

window means—

- (a) a rectangular opening that has a radius at each corner relative to the window size; or
- (b) a round or oval opening with an area greater than or equal to 0.16 square metres.

Subpart B Responsibilities

B1.1 General responsibilities of operators to ensure compliance

An operator must ensure that a ship's watertight and weathertight integrity complies with the requirements in this Part.

B1.2 Maintenance, testing, and inspection

An operator must ensure that the watertight and weathertight integrity of the ship, and its watertight and weathertight components and closing appliances, are maintained, tested, and inspected to the satisfaction of a surveyor before—

- (a) entering service (if it is a new ship); and
- (b) re-entering service (if it is a ship that has undergone a major alteration).

B1.3 Major alteration and major change to a 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.

B1.4 Responsibilities of surveyors

- (1) 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.
- (2) A surveyor must undertake checks, inspections, or tests of watertight and weathertight integrity in accordance with Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules.

Subpart C Ship requirements

For the purposes of consultation, references to specific clauses in the MTI are included in boxes under specific enabling clauses.

Section 1 General requirements for watertight and weathertight integrity

C1.1 General requirements for watertight and weathertight integrity

- (1) A ship must comply with the requirements in this Part (including the design, construction, and installation standards specified in an MTI).

Entry of water

- (2) A ship must have measures to prevent water entering the watertight and weathertight spaces in the ship.
- (3) A ship must have measures to prevent systems or spaces necessary for the safety of the ship from becoming inoperative through exposure to, or entry of, water.

Bungs, drain plugs, and docking plugs

- (4) Bungs, drain plugs, and docking plugs on a ship must ensure a reliable watertight seal to prevent water from penetrating the ship in all expected sea state and weather conditions within the ship's operating limits.
- (5) Dissimilar metals in small penetration closures must not be used unless they are isolated.
- (6) A small penetration closure, bung, or plug through the hull must have a secondary retaining device, such as a mousing wire.

Marking of doors, closing appliances, and valves

- (7) A suitable notice or sign must be displayed in a prominent position on or near each watertight and weathertight door, weathertight closing appliance, and valve, indicating—
- (a) their purpose; and
 - (b) the procedures for operating them; and
 - (c) any precautions to be observed by persons on board.

Safety and security

- (8) A master must have ready access to accurate information needed to identify hazards and undertake other essential actions to secure the ship's watertight and weathertight integrity.

Section 2 Weather decks, superstructure, and deckhouses

C2.1 General requirements for weather decks, superstructure, and deckhouses

Weather decks, superstructure, and deckhouses on a ship must be capable of withstanding all expected sea state and weather conditions within the ship's operating limits to prevent water penetrating the ship.

C2.2 Type, design, and installation of weather decks, superstructure, and deckhouses

- (1) The type, design, and installation of weather decks, superstructure, and deckhouses on a ship must comply with the requirements in an MTI.
- (2) A ship must have a weathertight deck, or a combination of a partial weathertight deck and a weathertight superstructure or deckhouse, unless it is categorised as an open ship under Part 3B: Maritime (Design, Construction, and Equipment – Stability, Drainage, Freeboard, and Subdivision) Rules.⁵
- (3) The number of openings below the weather deck in the ship's side must be kept to a minimum.

Sailing ships

- (4) A sailing ship that proceeds beyond enclosed water limits or carries more than 6 persons on board must have a weathertight weather deck that—
- (a) extends from stem to stern; and
 - (b) may be stepped, recessed, or raised if the stepped, recessed, or raised portion is of watertight construction.
- (5) Every opening on a sailing ship that leads to a space below the weather deck and cannot be closed weathertight must be enclosed in a weathertight superstructure or deckhouse.
- (6) Any locker fitted on a recess in the weather deck of a sailing ship must comply with the requirements in an MTI.

[See clause 2.2 of the MTI](#)

Section 3 Watertight doors and weathertight doors

C3.1 General requirements for watertight and weathertight doors

- (1) A watertight door on a ship must prevent the passage of water in any direction under a head of water for which the surrounding structure is designed.

⁵ Draft Rule Part 3B and MTI consulted on concurrently with Rule Part 3C in 2025

- (2) A weathertight door on a ship must be capable of withstanding all expected sea state and weather conditions within the ship's operating limits to prevent water penetrating the ship.

C3.2 Type, design, and installation of watertight doors and weathertight doors

- (1) The type, design, and installation of watertight doors and weathertight doors on a ship must comply with the requirements in an MTI.
- (2) An access opening in a bulkhead of an enclosed superstructure on a ship, and other structures where water could enter and endanger the ship, must have a weathertight door as specified in an MTI.

[See clause 3.2\(2\) of the MTI](#)

- (3) The height of a door sill or access to an enclosed deckhouse or superstructure on a ship must comply with the requirements for minimum heights above the deck specified in an MTI.

[See clause 3.2\(4\) and Tables 1 and 2 in Appendix 1 of the MTI](#)

Section 4 Hatches, hatchways, and coamings

C4.1 General requirements for hatches and coamings

- (1) A watertight hatch must prevent the passage of water in any direction under a head of water for which the surrounding structure is designed.
- (2) A weathertight hatch must be capable of withstanding all expected sea state and weather conditions within the ship's operating limits to prevent water penetrating the ship.

C4.2 Type, design, and installation of hatches, hatchways, and coamings

- (1) The type, design, and installation of general hatches, machinery access hatches, escape hatches, and companionway hatches on a ship must comply with the requirements in an MTI.
- (2) A hatch on a ship may be flush if it complies with the requirements in an MTI.

[See clause 4.2\(2\) and Tables 1 and 2 in Appendix 1 of the MTI](#)

- (3) A hatchway on a ship must comply with the requirements in an MTI, and a surveyor may approve hatchways in positions other than near to a ship's centreline under limited conditions specified in an MTI.

[See clauses 4.2\(4\) to \(8\) of the MTI](#)

- (4) The height of a coaming for a general hatch, a machinery access hatch, and an escape hatch on a ship must comply with the requirements for minimum heights specified in an MTI.

[See clause 4.2\(9\) and Tables 1 and 2 in Appendix 1 of the MTI](#)

Sailing ships

- (5) An exposed hatchway on a sailing ship that leads to a space below the weather deck must comply with the requirements in an MTI and—
- (a) be of weathertight construction; and
- (b) have an efficient means of weathertight closure.

[See clause 4.2\(10\) to \(15\) of the MTI](#)

Section 5 Ventilators

C5.1 General requirements for ventilators

A ventilator must be protected from the elements and high enough above the deck to prevent the ingress of water when the ship heels within all expected sea state and weather conditions within the ship's operating limits.

C5.2 Type, design, and installation of ventilators

- (1) The type, design, and installation of a ventilator on a ship, and its minimum height, must comply with the requirements in an MTI.
- (2) A ventilator in position 1 or position 2 leading to a space on a ship below the freeboard deck or enclosed superstructure must—
 - (a) be of adequate strength; and
 - (a) face aft or inboard, or be otherwise protected from all expected sea state and weather conditions; and
 - (b) have coamings high enough to comply with the downflooding requirements in Part 3B: Maritime (Design, Construction, and Equipment – Stability, Drainage, Subdivision, and Freeboard) Rules; and
 - (c) comply with requirements for minimum heights specified in an MTI.

[See clause 5.2\(5\) and Tables 1 and 2 in Appendix 1 of the MTI](#)

- (3) A ventilator opening must have an efficient weathertight closing appliance unless specified otherwise in an MTI.
- (4) A wall ventilator may be installed if it complies with the requirements in an MTI.

[See clause 5.2\(2\)\(e\) of the MTI](#)

Sailing ships

- (5) The location and height of a ventilator that must remain open on a sailing ship must be approved by a surveyor, as specified in an MTI.

[See clause 5.2\(8\) of the MTI](#)

Section 6 Air pipes

C6.1 General requirements for air pipes

An air pipe on a ship must be—

- (a) constructed of a material that is compatible with the ship's construction material to limit galvanic corrosion; and
- (b) designed to be strong enough to withstand all expected sea state and weather conditions within the ship's operating limits.

C6.2 Type, design, and installation of air pipes

- (1) The type, design, and installation of an air pipe on a ship must comply with the requirements in an MTI.
- (2) An air pipe extending above the deck on a ship must have a weathertight closing device unless specified otherwise in an MTI.

[See clause 6.2\(2\) of the MTI](#)

- (3) An air pipe must—
 - (a) comply with the requirements for the minimum heights above the deck of the ship specified in an MTI; and
 - (b) be high enough above the deck to prevent downflooding within the expected angles of heel that the ship is likely to encounter.

[See clause 6.2\(4\) and Tables 1 and 2 in Appendix 1 in the MTI](#)

Section 7 Glazed openings

C7.1 General requirements for glazed openings

Glazed openings must be strong enough to withstand all expected sea state and weather conditions within the ship's operating limits to prevent water penetrating the ship.

C7.2 Type, design, and installation of glazed openings

- (1) The type, design, and installation of a glazed opening must comply with the requirements in an MTI.
- (2) A window must not be installed below the freeboard deck.
- (3) A porthole must not be installed in the main hull below the weather deck unless—
 - (a) the glazing material and its method of fixing in the frame are equivalent in strength, with regard to design pressure, to that required for the surrounding structure; and
 - (b) it is protected or recessed to prevent impact damage and is not in a major fire hazard area.
- (4) Every porthole on the sides of a ship below the weather deck must have a hinged watertight deadlight.
- (5) Glazed openings must comply with the requirements for design pressure or storm covers and deadlights in an MTI if the ship proceeds beyond inshore limits or inshore fishing limits.

[See clause 7.2\(5\) of the MTI](#)

- (6) An opening porthole may be installed in the main hull below the weather deck if it complies with the requirements in an MTI.

[See clause 7.2\(6\) of the MTI](#)

- (7) A skylight must be of weathertight construction and comply with the requirements in an MTI.

[See clauses 7.2\(10\) to \(12\) of the MTI](#)

Sailing ships

- (8) A skylight on a sailing ship must—
 - (a) be of weathertight construction; and
 - (b) be located on or as close as practicable to the centreline of the ship; and
 - (c) comply with the requirements in an MTI.
- (9) A porthole on a sailing ship must comply with the requirements in an MTI, including the size and shape of and securing method for portholes fitted below the weather deck, which require approval by a DA surveyor.

[See clauses 7.2\(13\) to \(17\) of the MTI](#)

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—

(a) must comply with—

- (i) the applicable General Requirements in Sections 1 to 7 of Subpart C of this Part; and
- (ii) the applicable rules specified in rule A1.2(2) (as if those rules had not been revoked); and

(b) may comply with—

- (i) rule C5.2(4) (wall ventilators)
- (ii) rule C7.2(6) (opening portholes).

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 commencement, continues in force on and after commencement and is subject to the same conditions (if any) as applied before commencement.