

## Secondary Legislation



### **MARITIME TRANSPORT (FIRE SAFETY MEASURES FOR VESSELS OF 45 METRES IN LENGTH OR MORE BUT LESS THAN 60 METRES IN LENGTH) INSTRUMENT**

**MTI-404.131-1**

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 404.131 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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## History of MTI 404.131-1

### 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.

<b>Amendment</b>	<b>Effective date</b>
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 (Fire safety measures for vessels of 45 metres in length or more but less than 60 metres in length) Instrument* (also referred to as MTI-404.131-1).

### 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-404.131-1) sets out further requirements in relation to the requirements for fire fighting appliances on vessels of 45 metres or more in length but less than 60 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—  
**machinery spaces of category A** means those spaces, and trunks to such spaces, that contain—
  - (a) internal combustion machinery used for main propulsion; or
  - (b) internal combustion machinery used for purposes other than main propulsion where such machinery has in the aggregate a total power output of not less than 375 kW; or
  - (c) any oil-fired boiler or oil fuel unit.

## Section 3 Application

### 3.1 Application of maritime transport instrument MTI-404.131-1

This maritime transport instrument applies as follows:

- (1) Section 5 applies to vessels to which rule 404.131(1)(a) or (b) applies:
- (2) Section 6 applies to vessels to which rule 404.131(1)(a) or (2) 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) Part 1 of Annex 1 to the *International Code for Application of Fire Test Procedures, 2010 (2010 FTP Code)* adopted by IMO Resolution MSC.307(88)

- (2) AS/NZS 1530.3 titled *Methods for fire tests on building materials, components and structures - Simultaneous determination of ignitability, flame propagation, heat release and smoke release*
- (3) NZS 5807:1980 titled *Code of Practice for Industrial Identification by Colour, Wording or other Coding*
- (4) the Agreement

## Section 5 Fire safety measures for vessels of 45 metres in length or more but less than 60 metres in length

Compliance with the standards set out below is required.

### 5.1 Standards

Item	Standard
Automatic fire alarm and fire detection systems	<p>Every vessel that—</p> <ul style="list-style-type: none"> <li>a) is constructed of combustible materials; or</li> <li>b) a surveyor considers a fire risk due to— <ul style="list-style-type: none"> <li>i) the appreciable amounts of combustible materials used in the construction of accommodation spaces, service spaces and control stations; and</li> <li>ii) the size of those spaces; and</li> <li>iii) their arrangement; and</li> <li>iv) their location relative to control stations; and</li> <li>v) where applicable, the flame-spread characteristics of the installed furniture</li> </ul> </li> </ul> <p>must have an automatic fixed fire alarm and fire detection system, complying with rules 42B.4 to 42B.8 inclusive, installed.</p>
Fire pumps	<p>The minimum number and type of fire pumps, complying with rule 42B.61, to be fitted must be as follows—</p> <ul style="list-style-type: none"> <li>a) one power pump, that is not dependent upon the main machinery for its motive power; or</li> <li>b) one power pump, that is driven by main propelling machinery, provided that the propeller shafting can be readily disconnected, or provided that a controllable pitch propeller is fitted.</li> </ul> <p>Where the pump required by paragraphs (a) or (b) is situated in a space containing oil-fired boilers or internal combustion type propelling machinery, an emergency fire pump must be fitted outside such spaces. If the emergency fire pump is power driven it must comply with rule 42B.61(6) and the power source must also be outside such spaces.</p>
Fire hydrants, fire hoses and nozzles	<p>Fire hydrants must be positioned so as to allow easy and quick connection of fire hoses and so that at least one jet of water can be directed into any part of the vessel that is normally accessible during navigation. Where more than 1 hydrant is required to provide the number of water jets to meet this requirement a fire main, complying with rule 42B.63 must be provided.</p> <p>The jet of water required must be from a single length of fire hose. In addition to the hydrants required above, a machinery space of category A must be provided with at least one hydrant complete with fire hose and dual purpose nozzle. This fire hydrant must be located outside the space and near the entrance.</p> <p>A fire hose complying with rule 42B.64 must be provided for every required fire hydrant. At least one spare fire hose complying with rule 42B.64 must also be provided.</p>

	Each fire hose must be provided with couplings and a jet/spray nozzle complying with rule 42B.65. All hose connections must be of the same type i.e. inter-connectable.
Portable fire extinguishers in control stations and accommodation and service spaces	<p>A sufficient number of portable fire extinguishers complying with rule 42B.57 must be provided in control stations and accommodation and service spaces to ensure that at least one extinguisher of a type appropriate to the class of fire anticipated in a space is readily available for use in any part of such spaces. The total number of portable fire extinguishers in these spaces, however, must not be less than 3.</p> <p>For every two portable fire extinguishers of the same type there must be provided one spare charge or a replacement extinguisher of the same type.</p>
Fire extinguishing appliances in machinery spaces – fixed fire extinguishing systems, foam extinguisher, portable fire extinguishers	<p>Spaces containing oil fired boilers, fuel oil units, or internal combustion machinery having a total power output of not less than 750 kW must be provided with one of the following fixed fire extinguishing systems—</p> <ol style="list-style-type: none"> <li>a pressure water spraying system complying with rules 42B.23 to 42B.26 inclusive; or</li> <li>a gaseous fire-extinguishing system complying with rules 42B.20 to 42B.22 inclusive; or</li> <li>a fire extinguishing system using high expansion foam complying with rule 42B.31; or</li> <li>other fire-extinguishing system approved by the Director.</li> </ol> <p>Where the engine and boiler rooms are not entirely separated from each other, or if fuel oil can drain from the boiler room into the engine room, the combined engine and boiler rooms must be considered as one compartment.</p> <p>Where a fixed fire extinguishing system is fitted it must be controlled from a readily accessible position outside the machinery space that is not likely to be cut off by a fire in the protected space.</p> <p>Vessels that—</p> <ol style="list-style-type: none"> <li>are constructed mainly or wholly of wood or fibre reinforced plastics; and</li> <li>are fitted with oil-fired boilers or internal combustion machinery; and</li> <li>have a deck of wood or fibre reinforced plastic in way of the machinery space—</li> </ol> <p>must be provided with one of the above fixed fire extinguishing systems.</p> <p>Vessels having machinery spaces not protected by a fixed fire extinguishing system must be provided with a non-portable foam fire extinguisher complying with rule 42B.53 with at least 45 litres capacity, or other non-portable fire extinguisher with equivalent classification and rating acceptable to a surveyor. Where the size of the machinery spaces makes this provision impracticable, the surveyor may accept an additional number of portable fire extinguishers complying with rule 42B.57 that are suitable for extinguishing oil fires.</p>

	In all machinery spaces of category A, at least 2 portable fire extinguishers complying with rule 42B.57 of a type suitable for extinguishing oil fires, must be provided. Where such spaces contain machinery that has a total power output of not less than 250 kW, at least 3 such extinguishers must be provided. One of the portable fire extinguishers must be located near the entrance to the space.
Firefighter's outfit	At least two fire crew outfits complying with rule 42B.66 must be carried.  Their stowage and location must be to the satisfaction of a surveyor.  A breathing apparatus for each firefighter's outfits, complying with rule 42B.58 or rule 42B.59 must be carried.
Fire control plan	A fire control plan complying with rule 42B.68 is required.
Signage	Signs complying with rule 42B.69 must be provided to identify all fire fighting appliances and their location.

## 5.2 Definitions of terms used in Chapter V of the Agreement

The following requirements apply in relation to the following subject matter used in Chapter V of the Agreement:

Regulation 2(1) **non-combustible material** means a material that neither burns nor gives off flammable vapours in sufficient quantity for self-ignition when heated to approximately 750°C, this being determined in accordance with Part 1 of Annex 1 to the *International Code for Application of Fire Test Procedures, 2010 (2010 FTP Code)* adopted by IMO Resolution MSC.307(88):

Regulation 2(9) **low flame spread** means that the surface thus described must comply with the following—

- (a) the surface must adequately restrict the spread of flame; and
- (b) an established test procedure to determine the material's adequacy is that laid down in Australian Standard 1530 Part 3 "Methods for fire tests on building materials, components and structures - Simultaneous determination of ignitability, flame propagation, heat release and smoke release", where the material must meet the following criteria—
  - (i) spread of flame index, not to exceed 3; and
  - (ii) ignitability index plus heat involved index not to exceed 7 (in total); and
  - (iii) subject to subparagraph (iv), smoke developed index, not to exceed 4; and
  - (iv) the Director may accept a smoke developed index of up to 5 where the spread of flame index does not exceed 1, and the ignitability index plus the heat evolved index does not exceed 3; and
- (c) the Director may accept evidence of approval as a low flame spread material by the Administration of another state or a classification society, where tests have been carried out in accordance with other relevant national or international standards:

Regulation 32(1)           Cylinders for compressed, liquefied or dissolved gases must be clearly marked by means of identifying colours in accordance with NZS 5807:1980 *Code of Practice for Industrial Identification by Colour, Wording or other Coding*

### **5.3 Surveyor discretion in Chapter V of the Agreement**

- (1) Subject to clauses (2) and (3), each discretion provided in a regulation in Parts A and C of Chapter V of the Agreement to the Administration in respect of a vessel may be exercised by a surveyor.
- (2) A discretion under clause (1) must not be exercised by a surveyor if:
  - (a) the Director has exercised that discretion in respect of that vessel and it is in force at the time;
  - (b) an applicable rule in this Part or in Part 42B has replaced it with a specific requirement;
  - (c) an applicable maritime transport instrument has replaced it with a specific requirement.
- (3) Clause (1) does not authorise a surveyor to exercise any of the following discretions:
  - (a) any discretion in regulation 1 of Part C of Chapter V of the Agreement;
  - (b) any discretion in regulation 44 of Part C of Chapter V of the Agreement;
  - (c) any discretion for which a discretion relating to the same subject matter already exists in Part 42B.

## **Section 6           Maintenance, inspection, and servicing of fire appliances for vessels of 45 metres in length or more but less than 60 metres in length**

### **6.1 Maintenance, inspection, and servicing of fire appliances**

The vessel's fire appliances must be—

- (a) well maintained; and
- (b) inspected; and
- (c) serviced—

in accordance with the applicable requirements of Part 42B.