

# Maritime Rules

## Part 46: Surveys, Certification and Maintenance

Maritime New Zealand Consolidation

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## Part objective

Part 46 is divided into sections. Section 1 deals with SOLAS ships and larger ships, other than fishing ships, of 45 metres or more in length which operate outside restricted limits. Section 3 deals with barges and Section 4 deals with port state control of foreign ships.

Section 1 prescribes the survey and certification requirements of SOLAS 74, to which New Zealand is currently party, for those New Zealand ships to which the convention applies. In drafting this Part the opportunity has been taken to adopt for New Zealand ships the harmonised system of survey and certification adopted by the 1988 SOLAS Protocol. To fully effect the harmonised system the survey and certification requirements for load lines (Part 47) will reflect the 1988 Load Line Protocol and the marine protection rules have already adopted the amended provisions of MARPOL Annexes I and II (MEPC. 39(29)). The advantages of the harmonised system are that the periodicity of surveys are consistent and surveys for SOLAS, Load Line and MARPOL conventions can be undertaken concurrently. In adopting the harmonised system New Zealand non-passenger ships are to be issued with the single Cargo Ship Safety Certificate rather than three separate certificates for construction, safety equipment and radio.

The same survey regime will apply to the larger New Zealand ships of more than 45 metres in length which operate outside restricted limits. This is consistent with the intent to generally apply SOLAS construction and safety equipment requirements to such ships in other maritime rules. Since such ships will not be issued with SOLAS certificates they be issued with a New Zealand Ship Safety Certificate to show relevant compliance.

Section 3 deals with barges which have not previously been subject to surveys other than an initial survey. Barges which are required to be registered under the Ship Registration Act 1992 (exceeding 24 metres or going overseas) will be subject to initial survey for issue of a certificate and further surveys at five year intervals for renewal of that certificate. This section applies to barges which do not carry persons on board when they are underway.

Section 4 implements the convention port state control regime in respect of a foreign ship's SOLAS certificates whilst it is at a New Zealand port or offshore terminal.

The authority for making Part 46 is found in sections 34 and 36(f) of the Maritime Transport Act 1994.

Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.

### Disclaimer:

This document is the current consolidated version of Maritime Rules Part 46 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz)

## History of Part 46

Part 46 first came into force on 1 February 1998 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective date</b>
Amendment 1	27 May 2004
Amendment 2	4 September 2008
Amendment 3	30 July 2009
Amendment 4	1 April 2011
Amendment 5	1 April 2014
Amendment 6	1 April 2014
Amendment 7	1 July 2014
Amendment 8	1 July 2014
Amendment 9	1 December 2014
Amendment 10	1 January 2015
Amendment 11	1 April 2015
Amendment 12	1 April 2015
Amendment 13	1 November 2016
Amendment 14	1 February 2018
Amendment 15	13 December 2019
Amendment 16	31 March 2021
Amendment 17	1 December 2025

## Summary of amendments

<b>Amendment 1</b> Maritime Amendments Parts 20-90	PO, 46.2, 46.13(15), 46.18(1)(a), 46.25(2), 46.26(ab), 46.28(5), 46.29(3), Appendices 1, 2, 3, & 5
<b>Amendment 2</b> Maritime (Various Amendments) Rules 2008	46.14(5), 46.23(2)(b)(ii)
<b>Amendment 3</b> Maritime (Various Amendments) Rules 2009, Parts 21-80	46.13(1)-(3),(5) & (6), 46.14(2) & (4), 46.24(2), Appendices 1-6
<b>Amendment 4</b> Maritime Rules Various Amendments 2011	46.6(2)(b), 46.12(3), 46.17(1)(c), 46.20(b), 46.26
<b>Amendment 5</b> Part 44: Surveyor Responsibilities and Survey, Certification and Maintenance for Ships in Maritime	Revoked sections 2 and 5

Transport Operations	
<b>Amendment 6</b> Parts 20, 31, 32, 34 and 35: Consequential Amendments	46.2
<b>Amendment 7</b> Parts 24A: Carriage of Cargoes – Dangerous Goods	46.2, 46.10A, 46.13(7)(d) 7A and 7B, 46.13(15)(h), 46.14(8) and (9), 46.27(1)(a)(iii)(dd)
<b>Amendment 8</b> Parts 19 and 44: Consequential Amendments	Part Objective, 46.26, 46.28
<b>Amendment 9</b> Part 24A: Carriage of Cargoes – Dangerous Goods	Inserted 46.13(15)(h), inserted 46.14(7)
<b>Amendment 10</b> Maritime Rules Various Amendments 2014	46.4
<b>Amendment 11</b> Maritime Rules Various Amendments 2015	46.2
<b>Amendment 12</b> Maritime Rules Various IMO-related Amendments 2015	46.4, 46.9(3), 46.12(2), 46.12(3)(a)
<b>Amendment 13</b> Maritime Rules Various Amendments 2016	46.22
<b>Amendment 14</b> Maritime Rules Various Amendments [Changes Related to Conventions] 2017	46.2 Definitions. 46.3, 46.10B (New Rule), 46.13, 46.14, 46.27
<b>Amendment 15</b> Maritime Rules Various Amendments 2019	Part Objective, 46.13
<b>Amendment 16</b> Maritime Rules (International Omnibus) Various Amendments 2020	46.14
<b>Amendment 17</b> Maritime Rules Amendments 2025 (No 2)	Part objective, 46.2, 46.4, 46.10, 46.13

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## Contents

<b>General .....</b>	<b>1</b>
46.1    Entry into force .....	1
46.2    Definitions.....	1
<b>Section 1: SOLAS ships and ships of 45 metres or more in length that proceed beyond restricted limits .....</b>	<b>3</b>
46.3    Application of section 1 .....	3
46.4    Definitions relating only to section 1.....	3
46.5    Surveys of new passenger ships .....	5
46.6    Surveys of structure, machinery and equipment of new non-passenger ships .....	6
46.7    Surveys of safety equipment of new non-passenger ships.....	7
46.8    Surveys of radio installations of new non-passenger ships .....	8
46.9    Surveys of existing ships.....	9
46.10    Survey of ships carrying dangerous chemicals and liquefied gas in bulk.....	9
46.10A    Surveys of ships carrying dangerous goods in packaged form .....	10
46.10B    Surveys of ships in polar waters .....	10
46.11    Inspection of the outside of the ship's bottom .....	10
46.12    Maintenance and conditions after survey.....	10
46.13    SOLAS certificates .....	11
46.14    Certificates for ships of 45 metres or more in length that proceed beyond restricted limits .....	14
<b>Section 2: Ships which do not proceed beyond restricted limits, fishing ships, and ships of less than 45 metres in length that are not required to comply with section 1.....</b>	<b>16</b>
REVOKED 1 April 2014 by Part 44: Surveyor Responsibilities and Survey, Certification and Maintenance for Ships in Maritime Transport Operations	
<b>Section 3: Barges .....</b>	<b>16</b>
46.21    Application of section 3 .....	16
46.22    Definitions relating to section 3 .....	16
46.23    Survey of barges .....	16
46.24    Certification of barges .....	17
46.25    Existing barges.....	17
<b>Section 4: Foreign ships.....</b>	<b>17</b>
46.27    Port State control.....	17
<b>Section 5: Surveyors.....</b>	<b>18</b>
REVOKED 1 April 2014 by Part 44: Surveyor Responsibilities and Survey, Certification and Maintenance for Ships in Maritime Transport Operations	

## General

### 46.1 Entry into force

Part 46 shall come into force on the 1st day of February 1998.

### 46.2 Definitions

In Part 46, unless the context requires otherwise,—

**Act** means the Maritime Transport Act 1994:

**Antarctic area** means the sea area south of latitude 60° S:

**Arctic waters** means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W:

**coastal limits** has the same meaning as in Part 20:

**commercial ship** means a ship that is not—

- (a) a pleasure craft; or
- (b) solely powered manually; or
- (c) solely powered by sail:

**crew** means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port):

**dangerous goods** has the same meaning as in Part 24A:

**Director** means the person who is for the time being the Director of Maritime Safety under section 439 of the Act:

**domestic voyage** means a voyage by ship that is not an international voyage:

**enclosed water limits** has the same meaning as in Part 20:

**fishing ship** means a ship used for catching fish, whales, seals, or other living resources of the sea for profit and includes a ship that is recognised by the Director as being engaged in fisheries research:

**foreign ship** means any ship that is not a New Zealand ship:

**inshore limits** has the same meaning as in Part 20:

**International Convention for the Safety of Life at Sea** or **SOLAS** means the International Convention for the Safety of Life at Sea done at London on the 1st day of November 1974; and includes—

- (a) the Annex to that Convention; and
- (b) all amendments of that Convention in force on the 23rd day of May 1990; and

- (c) all amendments of that Convention made after the 23rd day of May 1990 and in force with respect to New Zealand; and
- (d) the Protocol to that Convention, adopted in 1978; and
- (e) any further protocols to that Convention in force with respect to New Zealand:

**international voyage** means a voyage to or from a port outside of New Zealand:

**length** means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured is to be parallel to the designed waterline:

**master** means any person (except a pilot) having command or charge of any ship:

**New Zealand ship** means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

**operating limits** means the limits defined in rule 20.2:

**owner,—**

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:
- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible:
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

**Part** means a group of rules made under the Act:

**passenger** means any person carried on a ship, other than—

- (a) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship:
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled:
- (c) a child under the age of 1 year:

**passenger ship** means a ship that carries more than 12 passengers on a voyage beyond restricted limits or any passengers on a voyage within restricted limits:

**pleasure craft** means a ship that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include—

- (a) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business:

- (b) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing ship or for the carriage of passengers or cargo for hire or reward:
- (c) a ship that is operated or provided by any club, incorporated society, trust, or business:

**Polar Code** means the safety-related provisions in the Introduction, and all of Part I-A, of the International Code for Ships Operating in Polar Waters adopted by the International Maritime Organization:

**Polar Ship Certificate** means a maritime document issued under Part 5 of the Act in accordance with rule 46.13(7C):

**Polar Ship Document of Compliance** means a maritime document issued under Part 5 of the Act in accordance with rule 46.14(11):

**polar waters** means any of the following:

- (a) Arctic waters:
- (b) the Antarctic area:

**Restricted limits** has the same meaning as in Part 20:

**rules** includes maritime rules and marine protection rules:

**SOLAS ship** means any ship to which the International Convention for the Safety of Life at Sea 1974 applies; namely—

- (a) a passenger ship engaged on an international voyage; or
- (b) a non-passenger ship of 500 tons gross tonnage or more engaged on an international voyage.

## Section 1: SOLAS ships and ships of 45 metres or more in length that proceed beyond restricted limits

### 46.3 Application of section 1

- (1) Rules 46.4 to 46.14 apply to a New Zealand ship that is a commercial ship and that is—
  - (a) a SOLAS ship; or
  - (b) a passenger ship of 45 metres or more in length that the owner of the ship intends will proceed beyond restricted limits, or that does proceed beyond restricted limits; or
  - (c) a non-passenger ship of 45 metres or more in length that the owner of the ship intends will proceed beyond restricted limits, or that does proceed beyond restricted limits.
- (2) Rules 46.4, 46.8, 46.12, and 46.13(3) apply to a New Zealand non-passenger ship of 300 tons gross tonnage or more that the owner of the ship intends will undertake an international voyage or that undertakes an international voyage.
- (3) Section 1 does not apply to pleasure craft, fishing ships, or barges.
- (4) Regardless of the limits of the application specified in SOLAS, the requirements and standards in SOLAS apply, to the extent specified in this Part, to a ship to which subrule (1) or (2) applies, including to a ship on a domestic voyage, and to the owner and the master of the ship.

### 46.4 Definitions relating only to section 1

In section 1:

**anniversary date** means the day and the month of each year which corresponds to the date of expiry of the relevant certificate:

**approved in-water survey** means an inspection of the outside of a ship's bottom and its appurtenances conducted under the surveillance of a surveyor whilst the ship is in the water:

**authorised person** means a person employed by a recognised organisation who has delegated powers from the Director to issue and suspend or to issue or to suspend certain maritime documents under Part 5 of the Maritime Transport Act 1994, pursuant to an instrument of delegation made under section 444 of the Act:

**Bulk Chemical Code** or **BCH Code** means the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*, adopted by the Marine Environment Protection Committee of the International Maritime Organization by resolution MEPC.20(22), as amended by that organisation from time to time:

**Cargo Ship Safety Certificate** means a maritime document issued under Part 5 of the Act in accordance with rule 46.13(2):

**Cargo Ship Safety Radio Certificate** means a maritime document issued under Part 5 of the Act in accordance with rule 46.13(3):

**dangerous chemicals in bulk** means the chemicals to which the BCH or IBC Codes apply:

**existing ship** means a ship for which there is either—

- (a) valid SOLAS certificates:
  - (i) issued under section 218 of the Shipping and Seamen Act 1952 and deemed to be issued or recognised as maritime documents under Part 5 of the Maritime Transport Act pursuant to section 468(5) of that Act; or
  - (ii) issued under section 142 of the Maritime Transport Act and saved under section 468(8) of that Act; or
- (b) a valid certificate of survey:
  - (i) issued under section 219 of the Shipping and Seamen Act 1952 and deemed to be issued or recognised as a maritime document under Part 5 of the Act pursuant to section 468(5) of the Maritime Transport Act; or
  - (ii) issued under section 143 of the Maritime Transport Act and saved under section 468(8) of that Act; or

on the date of entry into force of Part 46:

**Gas Carrier Code** means the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the International Maritime Organization:

**International Bulk Chemical Code** or **IBC Code** means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*, adopted by the Marine Environment Protection Committee of the International Maritime Organization by resolution MEPC.19(22), as amended by that organisation from time to time:

**International Gas Carrier Code** or **IGC Code** means the *International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk*, adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.5(48), as amended by that organisation from time to time:

**new ship** means a ship that is not an existing ship:

**put in service** means, in relation to a ship, put into operation as a commercial ship:

**recognised organisation** means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization's Code for Recognized Organizations (RO Code) whereby that organisation may carry out surveys and issue convention certificates on behalf of the Director in respect of the International Convention for the Safety of Life at Sea:

**surveyor** means a surveyor employed by a recognised organisation:

**tanker** means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

#### 46.5 Surveys of new passenger ships

- (1) The owner of a new passenger ship to which this rule applies must ensure that a surveyor completes the following surveys of the ship—
  - (a) an initial survey before the ship is put in service; and
  - (b) a renewal survey once every 12 months, except where rules 46.13(7), and 46.13(12) are applicable; and
  - (c) additional surveys, either general or partial according to the circumstances, as follows:
    - (i) after a repair of the ship resulting from investigations prescribed in rule 46.12(3); and
    - (ii) whenever any important repairs or renewals are made to the ship.
- (2) A surveyor performing an initial survey required by rule 46.5(1) must—
  - (a) inspect the ship's structure, machinery, and equipment, including the outside of the ship's bottom and the inside and outside of the ship's boilers; and
  - (b) be satisfied that—
    - (i) the arrangements, material, and scantlings of the structure, watertight subdivision arrangements, subdivision load lines, the boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in lifesaving appliances, structural fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of boarding for pilots and other equipment is in satisfactory condition and fit for the service for which it is intended and that it complies with the applicable requirements of the maritime rules; and
    - (ii) the workmanship of all parts of the ship and its equipment is in all respects satisfactory; and
    - (iii) the ship is provided with lights, shapes, means of making sound signals, and distress signals that comply with the requirements of Part 22 of the maritime rules.
- (3) A surveyor performing a renewal survey required by rule 46.5(1) must—
  - (a) inspect the ship's structure, boilers and other pressure vessels, machinery, and equipment, including the outside of the ship's bottom; and
  - (b) be satisfied that the ship continues to comply with the requirements in 46.5(2)(b).
- (4) A surveyor performing an additional survey required by rule 46.5(1) must inspect the ship and be satisfied that—
  - (a) the necessary repairs or renewals have been effectively made; and
  - (b) the material and workmanship of such repairs or renewals are satisfactory; and
  - (c) the ship complies with the applicable provisions of the maritime rules.

**46.6 Surveys of structure, machinery and equipment of new non-passenger ships**

- (1) The owner of a new non-passenger ship to which this rule applies must ensure that a surveyor completes the following surveys of the structure, machinery, and equipment of the ship (other than items in respect of which rules 46.7 and 46.8 apply)—
  - (a) an initial survey including an inspection of the outside of the ship's bottom before the ship is put in service; and
  - (b) a renewal survey at intervals not exceeding 5 years, except where rules 46.13(8), and 46.13(13) are applicable; and
  - (c) an intermediate survey carried out within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the ship's Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be, which is to take the place of one of the annual surveys specified in rule 46.6(1)(d); and
  - (d) an annual survey carried out within 3 months before or after each anniversary date of the ship's Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be; and
  - (e) a minimum of 2 inspections of the outside of the ship's bottom during any 5 year period, except where rule 46.13(13) is applicable. Where rule 46.13(13) is applicable, this 5 year period may be extended by the Director to coincide with the extended period of validity of the certificate. In all cases the interval between any 2 such inspections must not exceed 36 months; and
  - (f) an additional survey as prescribed for passenger ships in rule 46.5(1)(c).
- (2) A surveyor performing an initial survey required by rule 46.6(1) must—
  - (a) inspect—
    - (i) the ship's structure, machinery, and equipment; and
    - (ii) in the case of a tanker, the tanker's pump rooms, cargo, bunker and ventilation piping systems, and associated safety devices; and
  - (b) be satisfied that—
    - (i) the arrangements, materials and scantlings of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation, and other equipment are in satisfactory condition, comply with the applicable maritime rules, and are fit for the service for which the ship is intended; and
    - (ii) if applicable, the items required to be inspected by 46.6(2)(a)(ii) are in satisfactory condition and comply with the applicable maritime rules; and
    - (iii) any stability information required by maritime rules is provided.
- (3) A surveyor performing a renewal survey required by rule 46.6(1) must—
  - (a) inspect the structure, machinery, and equipment of the ship as referred to in rule 46.6(2)(a); and
  - (b) be satisfied that the structure, machinery, and equipment continue to comply with the requirements in 46.6(2)(b).
- (4) A surveyor performing an additional survey required by rule 46.6(1) must inspect the ship and be satisfied that the structure, machinery, and equipment comply with the requirements of the maritime rules, are in satisfactory condition, and are fit for the service for which the ship is intended.
- (5) A surveyor performing an intermediate survey must—

- (a) (i) inspect the structure, boilers and other pressure vessels, machinery, and equipment, the steering gear and the associated control systems, and electrical installations of the ship; and
  - (a) (ii) in the case of a tanker, inspect the tanker's pump-rooms, cargo, bunker and ventilation piping systems, and associated safety devices and test the insulation resistance of electrical installations in dangerous zones; and
  - (b) be satisfied that the items required to be inspected under 46.6(5)(a) remain satisfactory for the service for which the ship is intended.
- (6) A surveyor performing an annual survey must—
- (a) inspect the structure, machinery, and equipment referred to in rule 46.6(2)(a); and
  - (b) be satisfied that that the structure, machinery, and equipment have been maintained in accordance with rule 46.12(1) and that they remain satisfactory for the service for which the ship is intended.
- (7) A surveyor inspecting the outside of the ship's bottom and related items inspected at the same time must be satisfied that they remain satisfactory for the service for which the ship is intended.
- (8) Upon completion of—
- (a) an intermediate survey referred to in rules 46.6(5); or
  - (b) an annual survey referred to in rules 46.6(6); or
  - (c) an inspection of the outside of the ship's bottom referred to in rules 46.6(7)—
- the surveyor who undertook the survey or inspection as the case may be, must endorse the ship's Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be, to that effect.

#### **46.7 Surveys of safety equipment of new non-passenger ships**

- (1) The owner of a new non-passenger ship to which this rule applies must ensure that a surveyor completes the following surveys of the ship's life-saving appliances and other equipment as referred to in rule 46.7(2)(a)—
- (a) an initial survey before the ship is put in service; and
  - (b) a renewal survey at intervals not exceeding 5 years, except where rules 46.13(8) and 46.13(13) are applicable; and
  - (c) a periodical survey carried out within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be, which is to take the place of one of the annual surveys specified in rule 46.7(1)(d); and
  - (d) an annual survey carried out within 3 months before or after each anniversary date of the Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be; and
  - (e) an additional survey as prescribed for passenger ships in rule 46.5(1)(c).
- (2) A surveyor performing an initial survey of the ship must—
- (a) inspect—
    - (i) the fire safety systems and appliances; and
    - (ii) the fire control plans, nautical publications, lights, shapes, means of making sound signals, and distress signals; and
    - (iii) life-saving appliances and arrangements except radio installations; and
    - (iv) the shipborne navigational equipment; and
    - (v) the means of embarkation for pilots; and

- (vi) any other equipment to which the maritime rules apply; and
  - (b) be satisfied that the items required to be inspected by 46.7(2)(a) meet the requirements of the maritime rules, are in satisfactory condition, and are fit for the service for which the ship is intended.
- (3) A surveyor performing renewal and periodical surveys of the ship must—
- (a) inspect the equipment referred to in rule 46.7(2)(a); and
  - (b) be satisfied the equipment complies with the relevant requirements of the maritime rules, are in a satisfactory condition, and are fit for the service for which the ship is intended.
- (4) A surveyor performing an annual survey of the ship must—
- (a) make a general inspection of the equipment referred to in rule 46.7(2)(a); and
  - (b) be satisfied that the equipment required to be inspected by 46.7(4)(a) has been maintained in accordance with rule 46.12(1) and that it remains satisfactory for the service for which the ship is intended.
- (5) Upon completion of—
- (a) a periodical survey referred to in rule 46.7(1)(c); or
  - (b) an annual survey referred to in rule 46.7(1)(d)—
- the surveyor who undertook the survey must endorse the ship's Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be, to that effect.

#### **46.8 Surveys of radio installations of new non-passenger ships**

- (1) The owner of a new non-passenger ship to which this rule applies must ensure a surveyor completes the following surveys of the radio installations of the ship to which the maritime rules apply, including those used in life-saving appliances—
- (a) an initial survey before the ship is put in service; and
  - (b) a renewal survey at intervals not exceeding 5 years, except where rules 46.13(8) and 46.13(13) are applicable; and
  - (c) a periodical survey carried out within 3 months before or after each anniversary date of the ship's Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be, or the ship's Cargo Ship Safety Radio Certificate issued under rule 46.13(3), as the case may be; and
  - (d) an additional survey as prescribed for passenger ships in rule 46.5(4).
- (2) A surveyor performing an initial survey must—
- (a) inspect radio installations, including those used in life-saving appliances; and
  - (b) be satisfied that the radio installations comply with the requirements of the applicable maritime rules.
- (3) A surveyor performing renewal and periodical surveys of the ship must—
- (a) inspect the ship's radio installations, including those used in lifesaving appliances; and
  - (b) be satisfied the radio installations comply with the requirements of the applicable maritime rules.
- (4) Upon completion of a periodical survey referred to in rule 46.8(1)(c) the surveyor who undertook the survey must endorse the ship's Cargo Ship Safety Certificate or New Zealand Ship Safety Certificate, as the case may be, or the ship's Cargo Ship Safety Radio Certificate issued under rule 46.13(3), as the case may be, to that effect.

**46.9 Surveys of existing ships**

- (1) The owner of an existing New Zealand passenger ship that is a SOLAS ship to which this rule applies must ensure that—
  - (a) before the date of expiry of the ship's Passenger Ship Safety Certificate issued under section 142 of the Act, a surveyor completes a renewal survey in accordance with rule 46.5(3) for the issue of a new Passenger Ship Safety Certificate in accordance with rule 46.13(1); and
  - (b) once the ship has been issued with a new Passenger Ship Safety Certificate in accordance with rule 46.13(1), a surveyor completes subsequent renewal surveys and additional surveys in accordance with rule 46.5 as required for new passenger ships under that rule.
- (2) The owner of an existing New Zealand passenger ship to which this rule applies that is not a SOLAS ship must ensure that—
  - (a) before the date of expiry of the ship's Certificate of Survey issued under section 143 of the Act, a surveyor completes a renewal survey in accordance with rule 46.5(3) for the issue of a New Zealand Ship Safety Certificate in accordance with rule 46.14(1); and
  - (b) once the ship has been issued with a New Zealand Ship Safety Certificate in accordance with rule 46.14(1), a surveyor completes subsequent renewal surveys and additional surveys in accordance with rule 46.5 as required for new passenger ships under that rule.
- (3) The owner of an existing New Zealand non-passenger ship of 500 tons gross tonnage or more to which this rule applies that is a SOLAS ship must ensure that—
  - (a) before the date of expiry of the ship's Cargo Ship Safety Construction Certificate issued under section 142 of the Act or section 218 of the Shipping and Seamen Act 1952, a surveyor completes a renewal survey in accordance with rule 46.6(3) for the issue of a new Cargo Ship Safety Certificate in accordance with 46.13(2); and
  - (b) once the ship has been issued with a new Cargo Ship Safety Certificate in accordance with 46.13(2), a surveyor completes subsequent renewal surveys, intermediate surveys, annual surveys, and additional surveys and inspections of the ship's bottom in accordance with rules 46.6, 46.7 and 46.8 as required for new non-passenger ships under those rules, and
  - (c) where the ship is a bulk carrier or an oil tanker to which Part 40B applies, it is subject to the surveys required by the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (ESP Code).
- (4) The owner of an existing New Zealand non-passenger ship to which this rule applies that is not a SOLAS ship must ensure that—
  - (a) before the date of expiry of the ship's Certificate of Survey issued under section 143 of the Act or section 219 of the Shipping and Seamen Act 1952, a surveyor completes a renewal survey in accordance with rule 46.6(3) for the issue of a New Zealand Ship Safety Certificate in accordance with rule 46.14(1); and
  - (b) once the ship has been issued with a New Zealand Ship Safety Certificate in accordance with rule 46.14(1), a surveyor completes subsequent renewal surveys, intermediate surveys, annual surveys, and additional surveys and inspections of the ship's bottom in accordance with rules 46.6, 46.7 and 46.8 as required for new non-passenger ships under those rules.

**46.10 Survey of ships carrying dangerous chemicals and liquefied gas in bulk**

- (1) The owner of a ship to which this section applies that carries dangerous chemicals in bulk must ensure that, in addition to the surveys required by rules 46.6 to 46.11 inclusive, a surveyor completes the following surveys—

- (a) for a ship built before 1 July 1986, the surveys prescribed in section 1.6, Chapter I of the BCH Code; and
  - (b) for a ship built on or after 1 July 1986, the surveys prescribed in section 1.5, Chapter I of the IBC Code.
- (2) The owner of a ship to which this section applies that carries liquefied gasses in bulk must ensure that, in addition to the surveys required by rules 46.6 to 46.11 inclusive, a surveyor completes the following surveys—
- (a) for a ship built before 1 July 1986, the surveys prescribed in section 1.6, Chapter I of the Gas Carrier Code; and
  - (b) for a ship built on or after 1 July 1986, the surveys prescribed in section 1.5, Chapter I of the IGC Code.

#### **46.10A Surveys of ships carrying dangerous goods in packaged form**

The owner of a ship described in rule 46.3(1) that carries dangerous goods in packaged form and was built on or after 1 September 1984 must ensure that, in addition to the surveys required by rules 46.6 to 46.11 inclusive, a surveyor completes a survey to verify compliance with the additional safety measures required under Chapter II-2 of SOLAS for ships carrying dangerous goods.

#### **46.10B Surveys of ships in polar waters**

The owner of a ship described in rule 46.3(1), where that ship operates in polar waters, must ensure that, in addition to the surveys required by rules 46.6 to 46.11 inclusive, a surveyor has completed a survey to verify the ship complies with the additional safety measures required under Chapter XIV of SOLAS for ships in polar waters.

#### **46.11 Inspection of the outside of the ship's bottom**

- (1) Subject to rule 46.11(2), the inspection of the outside of the passenger ship's bottom required by rule 46.5(2)(a) and (3)(a) and of a non-passenger ship's bottom required by rule 46.6(1)(e) must be undertaken with the ship out of the water.
- (2) At the discretion of a surveyor, the inspection of the outside of the ship's bottom may be undertaken by means of an approved in-water survey at—
  - (a) in the case of a passenger ship, any time within the 13 months period following an out of water inspection, provided that the outside of the ship's bottom is inspected with the ship out of the water not more than 2 years after it was last inspected with the ship out of the water or 13 months after an approved in-water survey, whichever is soonest; and
  - (b) in the case of a non-passenger ship, the intermediate survey required by rule 46.6(1)(c).

#### **46.12 Maintenance and conditions after survey**

- (1) The condition of a ship to which this section applies and its equipment must be maintained by the owner, at all times—
  - (a) to conform with the provisions of the maritime rules; and
  - (b) to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.
- (2) After any survey of a ship under rules 46.5 to 46.11 inclusive has been completed, the owner must not permit any change to be made to the structural arrangement, machinery, equipment, and other items covered by the survey, without the approval of the Director or recognised organisation responsible for issuing the relevant certificate if the relevant certificate was not issued by the Director.
- (3) Whenever an accident occurs to a ship to which this section applies or a ship to which this section applies is discovered to have a defect, either of which affects the safety of

the ship or the efficiency of completeness of its life-saving appliances or other equipment, the master and the owner of the ship must—

- (a) report at the earliest opportunity to the Director and the recognised organisation responsible for issuing the relevant certificate if the relevant certificate was not issued by the Director, who shall cause investigations to be initiated to determine whether a survey, as required by rules 46.5 to 46.11, is necessary; and
- (b) if the ship is in the port of another Party to SOLAS, also report immediately to the appropriate authorities of the port State.

#### **46.13 SOLAS certificates**

- (1) The Director, or an authorised person, must issue a maritime document called a Passenger Ship Safety Certificate to a SOLAS ship that is a passenger ship, in accordance with section 41 of the Act, if—
  - (a) an initial or renewal survey of that ship is completed in accordance with rule 46.5; and
  - (b) the owner of the ship has made an application in accordance with section 35 of the Act.

The Passenger Ship Safety Certificate must not be issued for a period exceeding twelve months and must be in the appropriate form as shown in the Appendix of Part 1 of SOLAS.

- (2) The Director, or an authorised person, must issue a maritime document called a Cargo Ship Safety Certificate to a SOLAS ship that is a non-passenger ship of 500 tons gross tonnage or more, in accordance with section 41 of the Act, if—
  - (a) a satisfactory inspection and survey has been completed in accordance with rules 46.6, 46.7, and 46.8; and
  - (b) the owner of the ship has made an application in accordance with section 35 of the Act.

The Cargo Ship Safety Certificate must not be issued for a period exceeding 5 years and is to be in the appropriate form as shown in the Appendix of Part 1 of SOLAS.

- (3) The Director, or an authorised person, must issue a maritime document called a Cargo Ship Safety Radio Certificate to a SOLAS ship that is a non-passenger ship of 300 tons gross tonnage or more but less than 500 tons gross tonnage, in accordance with section 41 of the Act, if—
  - (a) a survey is completed in accordance with rule 46.8; and
  - (b) an application has been made by the owner of the ship in accordance with section 35 of the Act.

The Cargo Ship Safety Radio Certificate must not be issued for a period exceeding 5 years and must be in the appropriate form as shown in the Appendix of Part 1 of SOLAS.

- (4) [Reserved]
- (5) When, upon application by the owner of a SOLAS ship, the Director grants an exemption to the ship under section 47 of the Act, the Director must issue an Exemption Certificate in accordance with section 41 of the Act in addition to the certificates prescribed in rules 46.13(1), 46.13(2), and 46.13(3). The period of validity of the Exemption Certificate must not be longer than the period of validity of the certificate to which the exemption refers, and the Exemption Certificate must be in the appropriate form as shown in the Appendix of Part 1 of SOLAS.
- (6) In addition to the Passenger Ship Safety Certificate, the Cargo Ship Safety Certificate, and the Cargo Ship Safety Radio Certificate, issued under 46.13(1), 46.13(2), and 46.13(3) respectively, the Director, or an authorised person, must issue a supplemental Record of Equipment in the relevant form as shown in the Appendix to Part 1 of SOLAS.

- (7) The Director, or an authorised person must, after a satisfactory inspection and survey in accordance with rule 46.10, and upon application by the owner of the ship in accordance with section 35 of the Act, issue in accordance with section 41 of the Act—
- (a) if the ship carries dangerous chemicals in bulk and was built before 1 July 1986, a maritime document called a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk with a period of validity and in the form prescribed in the BCH Code; and
  - (b) if the ship carries dangerous chemicals in bulk and was built on or after 1 July 1986, a certificate called an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk with a period of validity and in the form prescribed in the IBC Code; and
  - (c) if the ship carries liquefied gases in bulk and was built before 1 July 1986, a certificate called a Certificate of Fitness for the Carriage of Liquefied Gases in Bulk with a period of validity and in the form prescribed in the Gas Carrier Code; and
  - (d) if the ship carries liquefied gases in bulk and was built on or after 1 July 1986, a certificate called an International Certificate of Fitness for the Carriage of Liquefied gases in Bulk with a period of validity and in the form prescribed by the IGC Code.
- (7A) The Director, or an authorised person, must issue a maritime document called a Document of Compliance to a SOLAS ship, in accordance with section 41 of the Act, if—
- (a) verification that the ship complies with the additional safety measures required under Chapter II-2 of SOLAS for ships carrying dangerous goods is determined in accordance with rule 46.10A; and
  - (b) the owner of the ship has made an application in accordance with section 35 of the Act.
- (7B) The Document of Compliance referred to in subrule (7A) must be in the form prescribed under Chapter II-2 of SOLAS and must not be issued for a period beyond the expiry date of—
- (a) for a passenger ship, the existing Passenger Ship Safety Certificate; and
  - (b) for a non-passenger ship, the existing Cargo Ship Safety Certificate.
- (7C) The Director, or an authorised person, must issue a maritime document called a Polar Ship Certificate to a SOLAS ship, in accordance with section 41 of the Act, if—
- (a) verification that the ship complies with the additional safety measures required under Chapter XIV of SOLAS for ships in polar waters is determined in accordance with rule 46.10B; and
  - (b) the owner of the ship has made an application in accordance with section 35 of the Act.
- (7D) The Polar Ship Certificate referred to in subrule (7C) must be in the form prescribed under Chapter XIV of SOLAS and must not be issued for a period beyond the expiry date of—
- (a) for a passenger ship, the existing Passenger Ship Safety Certificate; and
  - (b) for a non-passenger ship, the existing Cargo Ship Safety Certificate.
- (8) If a renewal survey is completed—
- (a) within 3 months before the expiry date of the existing certificate, the new certificate will be valid from the date of completion of the renewal survey to—
    - (i) for a passenger ship, a date not exceeding twelve months from the date of expiry of the existing Passenger Ship Safety Certificate; and
    - (ii) for a non-passenger ship, a date not exceeding 5 years from the date of expiry of the existing Cargo Ship Safety Certificate; and

- (b) after the expiry date of the existing certificate, the new certificate will be valid from the date of completion of the renewal survey to:
  - (i) for a passenger ship, a date not exceeding twelve months from the date of expiry of the existing Passenger Ship Safety Certificate; and
  - (ii) for a non-passenger ship, a date not exceeding 5 years from the date of expiry of the existing Cargo Ship Safety Certificate; and
- (c) more than 3 months before the expiry date of the existing Passenger Ship Safety Certificate or Cargo Ship Safety Certificate, as the case may be, the new certificate will be valid from the date of completion of the renewal survey to—
  - (i) for a passenger ship, a date not exceeding twelve months from the date of completion of the renewal survey; and
  - (ii) for a non-passenger ship, a date not exceeding 5 years from the date of completion of the renewal survey.
- (9) If a certificate other than a Passenger Ship Safety Certificate is issued for a period of less than 5 years, the Director or an authorised person may extend the validity of the certificate beyond the expiry date to the maximum 5 year period, provided that the surveys referred to in rules 46.6 to 46.10 inclusive are carried out as appropriate.
- (10) If a renewal survey has been completed and a new Passenger Ship Safety Certificate or Cargo Ship Safety Certificate, as the case may be, cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Director or an authorised person may endorse the existing certificate and such certificate is to be accepted as valid for a further period which must not exceed 5 months from the expiry date.
- (11) If an annual, intermediate, or periodical survey is completed before the period specified in rules 46.5 to 46.10 inclusive then—
  - (a) the anniversary date shown on the relevant certificate is to be amended by endorsement to a date which will not be more than 3 months later than the date on which the survey was completed; and
  - (b) the subsequent annual, intermediate or periodical survey required by rules 46.5 to 46.10 inclusive shall be completed at the intervals prescribed by those rules using the new anniversary date; and
  - (c) the expiry date may remain unchanged provided one or more annual, intermediate, or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by rules 46.5 to 46.10 inclusive are not exceeded.
- (12) The owner and the master of a SOLAS ship must ensure that any certificate issued to the ship in accordance with rules 46.13(1), 46.13(2), 46.13(3), 46.13(7), and 46.13(7C) is readily available on board the ship for examination at all times.
- (13) (a) If a New Zealand SOLAS ship, at the time when a certificate issued under rule 46.13(1), 46.13(2) or 46.13(3) expires, is not in a port in which it is to be surveyed, the Director, or an authorised person, may extend the period of validity of the certificate in accordance with rule 46.13(13)(b).
  - (b) An extension—
    - (i) must be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so; and
    - (ii) must not be granted for a period exceeding 3 months; and
    - (iii) shall not entitle a ship, on its arrival in the port in which it is to be surveyed, to be entitled by virtue of such extension to leave the port without having a new certificate.
  - (c) When the renewal survey is completed, the new certificate will be valid to—

- (i) for a passenger ship, a date not exceeding twelve months from the date of expiry of the existing certificate before the extension was granted; and
  - (ii) for a non-passenger ship, a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.
- (14) A certificate issued in accordance with rule 46.13(1), 46.13(2), 46.13(3), 46.13(7), or 46.13(7C) may be suspended by the Director or by an authorised person in accordance with section 43 of the Act where—
  - (a) the inspections and surveys are not carried out within the periods specified in rules 46.5 to 46.11 inclusive; or
  - (b) the certificate is not endorsed in accordance with the requirements of this Part of the maritime rules; or
  - (c) the ship is transferred to the flag of another Government.
- (15) The owner of a SOLAS ship must not operate that ship unless the owner holds in respect of that ship:
  - (a) a valid Passenger Ship Safety Certificate, in the case of a passenger ship; and
  - (b) a valid Cargo Ship Safety Certificate, in the case of a non-passenger ship of 500 tons gross tonnage or more; and
  - (c) a valid Cargo Ship Safety Radio Certificate, in the case of a non-passenger ship of 300 tons gross tonnage or more but less than 500 tons gross tonnage; and
  - (d) in the case of a ship built before 1 July 1986 that carries dangerous chemicals in bulk, a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and
  - (e) in the case of a ship built on or after 1 July 1986 that carries dangerous chemicals in bulk, a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and
  - (f) in the case of a ship built before 1 July 1986 that carries liquefied gases in bulk, a valid Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; and
  - (g) in the case of a ship built on or after 1 July 1986 that carries liquefied gases in bulk, a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; and
  - (h) in the case of a ship built on or after 1 September 1984 that is carrying dangerous goods, a valid Document of Compliance in accordance with Chapter II-2 of SOLAS; and
  - (i) in the case of a ship in polar waters, a valid Polar Ship Certificate in accordance with Chapter XIV of SOLAS.

#### **46.14 Certificates for ships of 45 metres or more in length that proceed beyond restricted limits**

##### ***New Zealand Ship Safety Certificate***

- (1) The Director, or an authorised person, must issue a maritime document called a New Zealand Ship Safety Certificate to a ship to which this section applies, that is not a SOLAS ship, in accordance with section 41 of the Act and rule 46.14(2), if—
  - (a) a survey is completed in accordance with rule 46.5, 46.6, 46.7, or 46.8, as the case may be; and
  - (b) the owner of the ship has made an application in accordance with section 35 of the Act.
- (2) The Director, or an authorised person, must issue a New Zealand Ship Safety Certificate—
  - (a) to a passenger ship, for a period not exceeding twelve months; and

- (b) to a non-passenger ship, for a period not exceeding 5 years.
- (3) The Director, or an authorised person, may extend the New Zealand Ship Safety Certificate for a passenger ship for a period of one month, but for a non-passenger ship no extension of the 5 year period of validity of the certificate is permitted.
- (4) In addition to the New Zealand Ship Safety Certificate issued under 46.14(1), the Director, or an authorised person, must issue a Record of Equipment.
- (5) It shall be a condition of every certificate issued under rule 46.14(1) that the inspections and surveys required under rule 46.14(1)(a) must be carried out within the periods specified in rules 46.5 to 46.10 inclusive or in accordance with rule 46.14(3) where an extension has been granted.
- (6) The owner of a ship to which this section applies that is not a SOLAS ship must not operate that ship unless it is in possession of a valid New Zealand Ship Safety Certificate.

#### ***New Zealand Document of Compliance***

- (7) The owner of a ship to which this section applies that is not a SOLAS ship built on or after 1 September 1984 that is carrying dangerous goods must not operate that ship unless it is in possession of a valid New Zealand Document of Compliance.
- (8) The Director, or an authorised person, must issue a maritime document called a New Zealand Document of Compliance to a ship to which this section applies, that is not a SOLAS ship, in accordance with section 41 of the Act, if—
  - (a) verification that the ship complies with the additional safety measures required under Chapter II-2 of SOLAS for ships carrying dangerous goods is determined in accordance with rule 46.10A; and
  - (b) the owner of the ship has made an application in accordance with section 35 of the Act.
- (9) The New Zealand Document of Compliance referred to in subrule (8) must not be issued for a period beyond the expiry date of the New Zealand Ship Safety Certificate for that ship referred to in subrule (2).

#### ***Polar Ship Document of Compliance***

- (10) The owner of a ship to which this section applies that is not a SOLAS ship must not operate that ship in polar waters without holding a valid Polar Ship Document of Compliance in respect of the ship.
- (11) The Director, or an authorised person, must issue a maritime document called a Polar Ship Document of Compliance in respect of a ship to which this section applies, that is not a SOLAS ship, in accordance with section 41 of the Act, if—
  - (a) verification that the ship complies with the additional safety measures required under Chapter XIV of SOLAS for ships in polar waters is determined in accordance with –
    - (i) rule 46.10B, as if that ship is a SOLAS ship; and
    - (ii) rule 21.21; and
  - (b) the owner of the ship has made an application in accordance with section 35 of the Act.
- (12) The Polar Ship Document of Compliance referred to in subrule (11) must not be issued for a period beyond the expiry date of the New Zealand Ship Safety Certificate for that ship referred to in subrule (2).

## Section 2: Ships which do not proceed beyond restricted limits, fishing ships, and ships of less than 45 metres in length that are not required to comply with section 1

*REVOKED 1 April 2014 by Part 44: Surveyor Responsibilities and Survey, Certification and Maintenance for Ships in Maritime Transport Operations*

## Section 3: Barges

### 46.21 Application of section 3

Section 3—

- (a) applies to every New Zealand barge of 24 metres or more in length that carries, for hire and reward, any cargo, wastes, dredgings or other material; and
- (b) does not apply to a barge that carries any persons on board during the course of a voyage.

### 46.22 Definitions relating to section 3

In section 3:

**barge** means any barge, lighter, or like vessel that does not have any means of self-propulsion:

**New Zealand barge** means any barge that is registered under the Ship Registration Act 1992; and includes a barge that is not registered under that Act but is required or entitled to be registered under that Act:

**surveyor** means the holder of a Certificate of Surveyor Recognition issued under rule 44.22.

### 46.23 Survey of barges

- (1) The owner of a barge to which this section applies must ensure a surveyor completes the following surveys—
  - (a) an initial survey including an inspection of the outside of the barge's bottom before the barge is put in service; and
  - (b) a renewal survey at intervals not exceeding 5 years.
- (2) A surveyor performing an initial survey of the barge must—
  - (a) make a complete inspection of the structure including an inspection of the outside of the barge's bottom, and any equipment the barge is required to carry by the maritime rules; and
  - (b) be satisfied that—
    - (i) the arrangements, materials and scantlings of the structure and the equipment are in satisfactory condition and are fit for the service for which the barge is intended; and
    - (ii) the stability of the barge has been approved in accordance with Part 40C.
- (3) A surveyor performing a renewal survey of the barge must—
  - (a) inspect the structure including the outside of the barge's bottom and equipment referred to in rule 46.23(2)(b); and
  - (b) be satisfied that the structure and equipment comply with the requirements of the maritime rules, are in satisfactory condition, and are fit for the service for which the barge is intended.

- (4) The owner of a barge to which this rule applies must ensure that the condition of the barge and its equipment is maintained—
  - (a) to conform with the provisions of the maritime rules; and
  - (b) to ensure that the barge in all respects will remain fit to proceed to sea without danger to the barge.
- (5) Following completion of a survey in accordance with rule 46.23(1), the owner of the barge must not permit any change to the structure of the barge or its equipment without the approval of the Director.

#### **46.24 Certification of barges**

- (1) The Director, or a surveyor acting under authority delegated from the Director, must issue a maritime document called a New Zealand Barge Safety Certificate to a barge in accordance with section 41 of the Act if—
  - (a) an initial or renewal survey is completed in accordance with rule 46.23; and
  - (b) the owner of the barge has made an application in accordance with section 35 of the Act.
- (2) The New Zealand Barge Safety Certificate must be issued for a period not exceeding 5 years.
- (3) The owner of a barge to which this section applies must not operate that barge unless the barge has a valid New Zealand Barge Safety Certificate.
- (4) The New Zealand Barge Safety Certificate referred to in rule 46.24(1) must be—
  - (a) retained by the owner of the barge for the certificate's period of validity; and
  - (b) made readily available by the owner for inspection by the Director.

#### **46.25 Existing barges**

- (1) Subject to rule 46.25(2), the owner of a barge to which this section applies that was built before the date of coming into force of this Part, must ensure that the barge undergoes an initial survey for the issue of the New Zealand Barge Safety Certificate within one year of the coming into force of this Part.
- (2) For a barge built within the 4 years preceding the date of the coming into force of this Part and that is in possession of a Certificate of Completion issued under the Shipping and Seamen Act 1952 or Part X of the Act, the owner must ensure that the barge undergoes an initial survey for the issue of the New Zealand Barge Safety Certificate within 5 years of the date on which that Certificate of Completion was issued.

### **Section 4: Foreign ships**

#### **46.27 Port State control**

- (1) The owner and the master of a foreign ship that is at a New Zealand port or offshore terminal must ensure that—
  - (a) where the ship is registered in a state party to SOLAS and is—
    - (i) a passenger ship; or
    - (ii) a non-passenger ship of 500 tons gross tonnage or more; or
    - (iii) a non-passenger ship of 300 tons gross tonnage or more but less than 500 tons gross tonnage—

there is carried on board the ship the following valid certificates issued by or on behalf of the flag state in accordance with Chapter I Part B of the International Convention for the Safety of Life at Sea 1974—

- (aa) for a passenger ship, a Passenger Ship Safety Certificate; and
  - (bb) for a non-passenger ship of 500 tons gross tonnage or more, a Cargo Ship Safety Certificate; or a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Radio Certificate; and
  - (cc) for a non-passenger ship of 300 tons gross tonnage or more but less than 500 tons, a Cargo Ship Safety Radio Certificate; and
  - (dd) for a ship built on or after 1 September 1984 that is carrying dangerous goods, a valid Document of Compliance issued in accordance with Chapter II-2 of SOLAS; and
  - (ee) if the ship has arrived at the port or offshore terminal from, or is destined for, a voyage in polar waters, a Polar Ship Certificate issued in accordance with Chapter XIV of SOLAS; and
- (b) where the ship is registered in a state not party to SOLAS and is—
- (i) a passenger ship; or
  - (ii) a non-passenger ship of 500 tons gross tonnage or more; or
  - (iii) a non-passenger ship of 300 tons gross tonnage or more but less than 500 tons gross tonnage—
- there is carried on board the ship the appropriate valid documents for that ship issued by or on behalf of the flag state certifying compliance with the applicable requirements of SOLAS.
- (2) The owner and the master of a foreign ship referred to in rule 46.27(1) must ensure that the ship's certificates or documents referred to in rule 46.27(1) are readily available on board the ship for examination at all times.
- (3) The certificates referred to in rule 46.27(1) may be the original certificates or certified copies thereof.

## Section 5: Surveyors

*REVOKED 1 April 2014 by Part 44: Surveyor Responsibilities and Survey, Certification and Maintenance for Ships in Maritime Transport Operations*