Maritime Rules

Part 404: Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels

Maritime New Zealand Annotated Version
7 December 2022

This Part 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.

The entry into force of 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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Part objective

The International Conference on the Safety of Fishing Vessels held in Cape Town, South Africa, on 11 October 2012, adopted the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 ("the Agreement").

The Agreement sets internationally agreed minimum standards relating to the safety of fishing vessels through the design, construction, and equipment of fishing vessels of 24 metres or more in length that are certificated to operate in the unlimited area or operate in the unlimited area that are a new vessel or undergo a major conversion after the Agreement enters into force. These minimum standards will apply, through this Part, to New Zealand vessels operating or cetificated to operate in the unlimited area.

Part 404 prescribes the requirements for the design, construction, and equipment of New Zealand fishing vessels that are fishing vessels as defined in the Agreement operating in the unlimited area. These vessels are either new or have undergone a major conversion after the Agreement enters into force and are referred to as New Zealand Cape Town vessels in this Part. Part 404 also prescribes the requirements for foreign fishing vessels within the applicability and scope of the Agreement that visit New Zealand ports. These vessels are referred to as foreign Cape Town vessels in this Part.

The Agreement also imposes requirements on existing fishing ships that operate in the unlimited area. Chapters VII, VIII, IX, and X of the Agreement also apply to existing fishing vessels of 24 metres or more in length. Chapter X of the Agreement also contains an Administration discretion to impose additional equipment requirements for existing fishing vessels of less than 24 metres in length that operate in the unlimited area. These requirements are implemented through consequential amendments to other appropriate Parts in which those existing vessels are referred. These requirements have either a 5 or 10-year transition before coming into effect.

The authority for making Part 404 is found in sections 36(1)(a), 36(1)(b), 36(1)(c), 36(1)(d), 36(1)(f), 36(1)(j), 36(1)(l), 36(1)(p), 36(1)(q), 36(1)(t), 36(1)(ta), 36(1)(u)(ii), 451, 452, 452A, and 452B of the Maritime Transport Act 1994.

Maritime 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 of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act. Anyone can make a complaint to the Regulations Review Committee about the operation of a regulation.

A maritime transport instrument made under a rule in this Part is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Disclaimer:

This document is the current annotated version of maritime rules Part 404 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

History of Part 404

Entry into Force

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

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

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

Amendment	**Effective date**
No Amendments	Not applicable

Summary of amendments

Amendment
No Amendments

All signed rules can be found on our website:

https://www.maritimenz.govt.nz/Rules/

Contents

GENERAL

404.1 Application

(1) This Part applies to the following vessels:

(a) a New Zealand Cape Town vessel:

(b) a foreign Cape Town vessel.

(2) This Part applies, in relation to a vessel referred to in subrule (1), to the owner, the operator, the master, the builder, and the surveyor of that vessel, as specified in the rules.

(3) The limits to the scope of the application for each Subpart are specified in the Subpart and, where appropriate, for a chapter, section, a rule in a Subpart, or an appendix, are specified in the chapter, section, rule, or appendix.

404.2 Definitions

In Part 404, unless the context otherwise requires—

Act means the Maritime Transport Act 1994:

Agreement means the Cape Town Agreement of 2012 on the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977:

AIS means Automatic Identification System:

AIS-SART means AIS Search And Rescue Transmitter:

certificate of survey means a certificate of survey issued by a surveyor under rule 44.41 of Part 44:

Certificate of Surveyor Recognition—

(a) has the meaning set out in Part 44; and

(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:

certificated to operate in the unlimited area means, in relation to a vessel, the current certificate of survey issued in respect of that vessel includes the unlimited area in its operating limits:

competent person means a person who in relation to a ship's lifting appliances and loose cargo gear is authorised by—

(a) the manufacturer of that equipment; or

(b) a classification society in pursuance of a scheme of classification or certification of such equipment; or

(c) a testing establishment recognised by—

(i) for a New Zealand ship or a foreign ship, the Director; and

(ii) for a foreign ship, the Flag State Administration; or

(d) an international or national inspection agency approved by—

(i) for a New Zealand ship or a foreign ship, the Director; or

(ii) for a foreign ship, the Flag State Administration; or

(e) a Flag State Administration—

to carry out any testing, thorough examination and issue of certificates of test required by this Part:

constructed under survey means construction subject to an initial survey conducted from the time of commencement of building of the ship until completion of the building of that ship:

current, in relation to a document, means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:

dead ship condition means the condition under which the main propulsion plant, boilers, and auxiliaries are not in operation due to the absence of power:

deepest operating waterline means the waterline that corresponds to the minimum permissible operating freeboard:

design waterline means the deepest waterline at which the ship is designed to operate:

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

existing ship means a ship that is not a new vessel:

Flag State Administration means the Government of the State under whose authority a ship is operating, or the Government of the State whose flag the ship is entitled to fly:

foreign Cape Town vessel has the meaning set out in rule 404.301:

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

freeboard deck means the first continuous deck above the marked load line required by rule 404.53(4) that has means of closing weathertight all openings in that deck leading below:

IMO means the International Maritime Organization:

International Fishing Vessel Exemption Certificate means a certificate issued by the Director under rule 404.20:

International Fishing Vessel Safety Certificate means a certificate issued by the Director under rule 404.20:

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

length overall means the length 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. Fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) projecting beyond these terminal points must not be included in the overall length. Structures (such as bulbous bows, deckhouses and free flooding bait tanks) and buoyancy tubing projecting beyond these terminal points are to be included in the overall length:

lightship condition means the ship without fish catch, ice, cargo, fuel oil, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and crew and their effects:

major alteration or modification means an alteration or modification of a vessel, including the replacement, removal or addition of any part of the vessel, that is likely to—

(a) significantly affect the structural integrity, tonnage, freeboard, cargo or passenger capacity, crew or passenger accommodation, conditions of assignment of load line, watertight subdivision, stability, structural fire protection; or

(b) result in significant changes to the propulsion machinery, auxiliary machinery, steering or method of propulsion of the vessel:

major repair means a repair in respect of any damage, defect, breakdown or grounding of the vessel that is likely to significantly affect the structural integrity, conditions of assignment of load line, watertight subdivision, stability, structural fire protection, main

propulsion machinery, method of propulsion, steering gear, or vital auxiliary machinery of the vessel:

maritime transport instrument means a transport instrument made by the Director, for the purposes of this Part, under section 452B of the Act:

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

moulded depth means the vertical distance measured from the top of the keel to the underside of the upper deck at side. In wood and composite vessels the distance is measured from the lower edge of the keel rabbet:

National Standard for Commercial Vessels means the National Standard for Commercial Vessels published by the Australian Maritime Safety Authority:

new vessel has the meaning referred to in rule 404.11(1)(c):

New Zealand Cape Town vessel has the meaning set out in rule 404.11:

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:

owner means—

(a) In relation to a ship registered in New Zealand under the Ship Registration Act 1992, the registered owner of the ship:

(b) In relation to a ship registered in any place outside New Zealand, the registered owner of the ship:

(c) In relation to a ship to which paragraph (a) or (b) 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, the charterer or other person who is for the time being so responsible:

(d) In relation to an unregistered ship or a registered ship that does not have a registered owner, the person who is for the time being responsible for the management of the ship:

Part means a group of rules made under the Maritime Transport Act 1994:

Record of Equipment means the supplement to the International Fishing Vessel Safety Certificate providing details of equipment listed in the Appendix of the Agreement.

sailing ship means a ship that—

(a) is designed to be navigated under wind power and for which any motor provided is an auxiliary means of propulsion; or

(b) possesses a non-dimensional ratio of (sail area) divided by (volume of displacement)$^{2/3}$ of more than 9:

ship has the meaning set out in section 2 of the Act:

sister ship means a ship that is—

(a) built to the same lines plan as a ship to which Subpart A applies that has approved stability data; and

(b) in all respects, similar in construction and outfit as a ship to which Subpart A applies that has approved stability data:

SOLAS means the International Convention for the Safety of Life at Sea 1974:

superstructure means the decked structure on the working 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 maximum breadth of the ship measured amidships:

superstructure deck means the complete or partial deck forming the top of a superstructure, deckhouse, or other erection situated at a height of not less than 1.8 metres above the working deck. The top of such superstructure, deckhouse, or other erection must be treated in the same way as the working deck if less than 1.8 metres above the working deck:

surveyor means a person who holds a current Certificate of Surveyor Recognition under Part 44:

unlimited area has the meaning set out in Part 20:

valid, in relation to a document, means that it is legitimately made, has not expired, and has not otherwise ceased to have effect:

vessel means ship:

vessel's design for the purposes of this Part, includes the vessel's structural integrity, watertightness and weathertightness, means of egress and access, intact stability and reserve of buoyancy, the vessel's damage stability and buoyancy requirements, and the provision of machinery and other installed systems and equipment necessary for the safe working of the vessel:

VHF (very high frequency) means the frequency spectrum between 30MHz and 300MHz:

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:

weathertight means that in any sea condition water will not penetrate into the vessel:

working deck means the lowest complete deck above the deepest operating waterline from which fishing is undertaken. Where two or more complete decks are fitted a lower deck may be accepted as a working deck provided that the deck is situated above the deepest operating waterline.

404.3 Interpretation

(1) A reference to a chapter or a regulation of the Agreement is a reference to a chapter or a regulation in the annex to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as modified by the 1993 Torremolinos Protocol and the Cape Town Agreement, as modified further from time to time.

(2) Where a rule (including any maritime transport instrument) in Part 404 requires compliance with a provision in the Agreement and that provision refers to a power or function of the Administration, that power or function may be exercised by the Director.

(3) Where a rule (rule A) in this Part refers to another rule (rule B) in this Part, that reference to rule B includes any maritime transport instrument made under rule B.

(4) A reference in a rule in this Part to a maritime transport instrument is a reference to a maritime transport instrument as amended or replaced from time to time.

404.4 to 404.9 Reserved

SUBPART A

NEW ZEALAND CAPE TOWN VESSELS

CHAPTER 1 GENERAL

Section 1 Preliminary matters

404.10 Application of Subpart A

Subpart A applies to New Zealand Cape Town vessels.

404.11 Definitions of New Zealand Cape Town vessel and major conversion, and related matters

(1) New Zealand Cape Town vessel means a ship that—

(a) is a New Zealand ship; and

(b) is a "fishing vessel" as defined in Article 2 of the Torremolinos Protocol of 1993 Relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the "1993 Torremolinos Protocol"), subject to the exclusions in Article 3(2) of the 1993 Torremolinos Protocol; and

(c) is a "new vessel" as defined in regulation 2 of chapter 1 of the Agreement; and

(d) is 24 metres or more in length; and

(e) operates in the unlimited area or is certificated to operate in the unlimited area.

(2) For the purposes of subrule (1)(c), the date of entry into force referred to in regulation 2 of chapter 1 of the Agreement is the day this subrule comes into force.

(3) The term "major conversion", used in the definition of "new vessel" in regulation 2 of chapter 1 of the Agreement referred to in subrule (1)(c), means a conversion of an existing ship—

(a) that substantially alters the dimensions of the ship; or

(b) that changes the type of the ship; or

(c) that the Director considers is intended to substantially prolong its life.

(4) Regulation 5(2) of Chapter I of the Agreement does not apply to any repair, alteration, or modification undertaken in relation to the major conversion of an existing ship to a new vessel.

(5) The term "repairs, alterations, and modifications of a major character" in regulation 5(2) of Chapter I of the Agreement has the same meaning, as appropriate, as "major repair" or "major alteration or modification" as defined in this Part.

404.12 Ongoing conformity

The owner and the master of a New Zealand Cape Town vessel must—

(a) ensure the condition of the vessel and its equipment is maintained in accordance with the requirements of this Subpart; and

(b) ensure the vessel is equipped in accordance with the requirements of this Subpart; and

(c) after any survey required by this Part has been completed, ensure no change is made in the structural arrangements, machinery, equipment, or other items covered by the survey, without the approval of a surveyor.

(d) comply with the requirements of this Subpart.

404.13 Director may approve equivalents

(1) The Director may approve an equivalent to any fitting, material, appliance, apparatus (or type of fitting, material, appliance, or apparatus) to be fitted or carried, or other provision to be made in a vessel required by this Subpart, subject to the Director being satisfied such equivalent is at least as effective as that required by the provisions of this Subpart.

(2) A maritime transport instrument may specify equivalents to any fitting, material, appliance, apparatus (or type of fitting, material, appliance, or apparatus) to be fitted or carried, or other provision to be made in a vessel required by this Subpart, subject to the Director being satisfied that such equivalent is at least as effective as that required by the provisions of this Subpart.

(3) A maritime transport instrument referred to in subrule (2) is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

(4) The Director may require an equivalent approved under subrule (1) or specified under subrule (2) to be recorded in any applicable maritime document and in a form determined by the Director.

404.14 Additional safety equipment

The owner and the master of a New Zealand Cape Town vessel that is provided with any—

(a) life saving appliances additional to those required by rule 404.190; or

(b) fire appliances additional to those required by rules 404.130 to 404.132, as applicable; or

(c) radiocommunications equipment additional to that required by rule 404.210; or

(d) navigation lights, shapes, and sound signals additional to those required by Part 22; or

(e) navigation equipment additional to that required by Part 45—

must ensure that such additional appliances and equipment meet the applicable standard required by this Subpart, and are well maintained and in good working order.

404.15 to 404.17 Reserved

Section 2 Certificates

404.18 Requirement for certificate

The owner of a New Zealand Cape Town vessel must hold a valid International Fishing Vessel Safety Certificate, supplemented by a Record of Equipment, and, if applicable, a valid International Fishing Vessel Exemption Certificate, for the vessel.

404.19 Application for certificate

(1) The applicant for an International Fishing Vessel Safety Certificate, or an International Fishing Vessel Exemption Certificate, must make an application in accordance with section 35 of the Act, and include, in a form required by the Director—

(a) a certificate of survey issued in accordance with rule 404.26; and

(b) details for the Record of Equipment; and

(c) such further particulars relating to the applicant or the vessel and details of the vessel's construction, design, and equipment, as may be required by the Director.

(2) Every application must be submitted to the Director, with a payment of the appropriate application fee prescribed by the regulations made under the Act.

404.20 Issue and renewal of certificates

(1) Upon application by the owner under section 35 of the Act, the Director may, in accordance with section 41 of the Act and regulation 11 of chapter 1 of the Agreement, and in the form prescribed in the Appendix of the Agreement, issue—

(a) an International Fishing Vessel Safety Certificate, supplemented by a Record of Equipment; and

(b) if the vessel has an exemption to which regulation 11(3) of Chapter I of the Agreement applies, an International Fishing Vessel Exemption Certificate—

for any vessel that has been surveyed in accordance with the Agreement.

(2) An International Fishing Vessel Safety Certificate is a maritime document.

(3) An International Fishing Vessel Exemption Certificate is a maritime document.

404.21 Privileges of an International Fishing Vessel Safety Certificate

An International Fishing Vessel Safety Certificate together with any applicable International Fishing Vessel Exemption Certificate entitle the holder to operate a vessel to which this Subpart applies as a fishing vessel in the unlimited area subject to any conditions imposed under section 34(3) of the Act by the Director and specified on the certificate.

404.22 Duration of Certificate

(1) An International Fishing Vessel Safety Certificate may be issued for a period not exceeding 5 years.

(2) An International Fishing Vessel Exemption Certificate may be issued for a period not exceeding 5 years but, in any case, must not exceed the date of expiry of the International Fishing Vessel Safety Certificate to which it relates.

(3) A certificate may be extended in accordance with regulation 13 of chapter 1 of the Agreement.

(4) An International Fishing Vessel Safety Certificate and an International Fishing Vessel Exemption Certificate, without limiting any action taken under Part 5 of the Act, cease to be valid in any of the cases specified in regulation 13(8) of chapter 1 of the Agreement.

404.23 Certificates required to be kept on board

The master of a New Zealand Cape Town vessel must ensure that the vessel's International Fishing Vessel Safety Certificate, supplemented by the Record of Equipment, and, where applicable, International Fishing Vessel Exemption Certificate—

(a) is kept on board the vessel at all times; and

(b) is produced when requested by the Director.

404.24 Reserved

Section 3 Design approval and survey

404.25 Owner obligations – design approval and survey

(1) The owner of a New Zealand Cape Town vessel must ensure that the vessel's design is approved—

(a) by a surveyor who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function; and

(b) as fit for its intended service and intended operating limits; and

(c) as complying with all applicable maritime and marine protection rules; and

(d) as complying with all applicable standards in the Agreement.

(2) The owner of a New Zealand Cape Town vessel must ensure—

(a) except as provided in rule 404.30(2), the vessel was constructed under survey by a surveyor who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function for that purpose; or

(b) the vessel undergoes a comprehensive survey of at least the vessel's structure, machinery, and equipment by a surveyor to determine the vessel is fit for its intended purpose to the satisfaction of that surveyor.

(3) Other than a survey during construction referred to in subrule (2), the owner of a New Zealand Cape Town vessel must ensure—

(a) the vessel is surveyed in accordance with the survey schedule in regulations 6 to 9 of Chapter I of the Agreement; and

(b) the survey plan referred to in rule 19.43(1), where applicable, includes the survey requirements in subrule (a); and

(c) the surveys required in subrule (a) are conducted—

(i) by a surveyor who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function; and

(ii) in accordance with the survey plan.

(4) The owner of a New Zealand Cape Town vessel must ensure that, if the vessel undergoes a major repair or a major alteration or modification of, the vessel's design is approved—

(a) by a surveyor, who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function; and

(b) as fit for its intended service and intended operating limits; and

(c) as complying with all applicable maritime and marine protection rules; and

(d) as complying with all applicable standards in the Agreement.

404.26 Surveyor responsibilities

(1) A surveyor must not issue a certificate of survey unless the surveyor is satisfied that—

(a) the vessel's design is or has been approved in accordance with rule 404.25(1) and, where applicable, rule 404.25(4); and

(b) the vessel is fit for its intended purpose; and

(c) the vessel complies with all applicable maritime rules and marine protection rules; and

(d) the vessel and the vessel's equipment comply with all applicable standards of the Agreement and are in all respects fit for its intended use and operating limits; and

(e) the vessel is equipped in accordance with the standards of the Agreement.

(2) A surveyor must conduct each survey in accordance with rule 404.25(3).

(3) Upon completion of any of the following surveys or inspections:

(a) periodic and annual surveys of life-saving appliances and other equipment of a vessel referred to in regulation 7(3) of Chapter I of the Agreement:

(b) periodic surveys of radio installations of vessels referred to in regulation 8(3) of Chapter I of the Agreement:

(c) intermediate and annual surveys of structure, machinery, and equipment of a vessel, and inspections of the outside of the vessel's bottom, referred to in regulation 9(3) of Chapter I of the Agreement—

the surveyor who undertook the survey or inspection must endorse the International Fishing Vessel Safety Certificate related to the vessel in accordance with regulation 7(3), 8(3), or 9(3), subject to regulations 13(4), 13(7), and 13(8), of Chapter I of the Agreement as applicable.

404.27 Survey schedule

(1) For periodic surveys of life-saving appliances and other equipment required in regulation 7(1)(c) of Chapter I of the Agreement, the periodical survey is required within three months before or after the second anniversary date, and will take the place of the annual survey specified in regulation 7(1)(d) of Chapter I of the Agreement scheduled for that same date.

(2) For periodic surveys of radio installations, including those used in life-saving appliances, required in regulation 8(1)(c) of Chapter I of the Agreement, the periodical survey is required within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate.

(3) For intermediate surveys of the structure, machinery, and equipment required in regulation 9(1)(c) of Chapter I of the Agreement, the intermediate survey is required within three months before or after the second anniversary date, and will take the place of the annual survey specified in regulation 9(1)(d) of Chapter I of the Agreement scheduled for that same date.

404.28 to 404.29 Reserved

CHAPTER 2 CONSTRUCTION, WATERTIGHT INTEGRITY, AND EQUIPMENT

404.30 Strength and construction

(1) A vessel must—

(a) be such that the strength and construction of the hull, superstructures, deckhouses, machinery casings, companionways and any other structures are sufficient to withstand the sea and weather conditions likely to be encountered in the vessel's operating limits; and

(b) be such that the strength and construction of the vessel's equipment are sufficient to withstand the sea and weather conditions likely to be encountered in the vessel's operating limits.

(2) Without limiting the means of establishing whether subrule (1)(a) is complied with, a vessel complies with subrule (1)(a) if the vessel was constructed under survey by one of the means in subrule (a) or (b) as follows:

(a) has been certified as being constructed in accordance with hull or full certification standards for the vessel's operating limits, by any one of the following classification societies:

(i) American Bureau of Shipping:

(ii) Bureau Veritas:

(iii) DNV GL AS, DNV GL, DNV, or GL:

(iv) Lloyd's Register of Shipping:

(v) Nippon Kaiji Kyokai:

(b) the vessel was constructed under survey, and—

(i) has been certified by a marine safety authority of one of the States or Territories of Australia as complying with the design and construction requirements that applied as at the vessel's date of build, of either of the following:

(aa) Uniform Shipping Laws Code:

(bb) National Standard for Commercial Vessels; and

(ii) the Director considers the operating limits stated in the certificate are equivalent to the vessel's operating limits in New Zealand.

404.31 Weathertight weather deck

A vessel must be fitted with a weathertight weather deck throughout the length of the vessel.

404.32 Watertight bulkheads

(1) Except as provided in subrule (7), every vessel must be fitted with a vertically continuous watertight collision bulkhead that extends to the uppermost continuous deck.

(2) Reserved

(3) The position of the collision bulkhead, required by subrule (1), measured aft of the foreside of the stem at the design waterline must be between the limits given in Table 1

Table 1

Vessel	Minimum (metres)	Maximum (metres)
less than 45 metres in length	0.05L	0.05L + 1.35
45 or more metres in length	0.05L	0.08L

(4) Each vessel must be fitted with watertight bulkheads extending to the first deck above the design waterline, at each end of the machinery space.

(5) Each vessel must be fitted with an after peak watertight bulkhead forward of the rudder stock which—

(a) encloses the stern tubes in a watertight compartment; and

(b) extends to the first deck above the design waterline.

(6) Each vessel of 75 metres or more in length must be fitted with a watertight double bottom, as far as practicable, between the collision bulkhead and the after peak bulkhead.

(7) Wood bulkheads in any wooden boat must be watertight as far as practicable.

(8) For any vessel the openings in watertight bulkheads must be—

(a) the minimum number compatible with the general arrangement and operational needs of the vessel; and

(b) fitted with satisfactory watertight closing appliances of an equivalent strength to the adjacent unpierced structure.

(9) Pipes piercing the collision bulkhead of any vessel, must be fitted with suitable valves operable from above the working deck with the valve chest secured at the collision bulkhead inside the fore peak.

(10) Reserved

(11) In any vessel, no door, manhole, ventilation duct or any other opening must be fitted in the collision bulkhead below the working deck.

(12) If a pipe, scupper, electric cable, or other equipment is carried through a watertight bulkhead in any vessel—

(a) it must be located as high as practicable; and

(b) such provisions as are necessary must be made to ensure the watertightness of the bulkhead is maintained.

(13) Where a forecastle is fitted to any vessel, and the forecastle extends aft of the position of the collision bulkhead, the bulkhead must be extended weathertight to the forecastle deck.

(14) The extension required by subrule (13), is not required to be fitted directly over the bulkhead below provided—

(a) it is located within the limits given in subrule (3); and

(b) the part of the deck that forms the step is made weathertight.

(15) Any openings in the extension required by subrule (13) must be—

(a) kept to a minimum compatible with the design and operation of the vessel; and

(b) capable of being closed weathertight.

404.33 Watertight doors

(1) In any vessel of less than 45 metres in length, watertight doors must be of the sliding type or hinged type that—

(a) are capable of being operated locally from each side of the door; and

(b) are normally kept closed at sea; and

(c) have a notice attached on each side of the door to state that the door must be kept closed at sea.

(2) In any vessel of 45 metres or more in length, watertight doors must be—

(a) of the sliding type in—

(i) spaces where it is intended to open them at sea and if located with their sills below the deepest operating waterline, unless the surveyor considers it to be impracticable or unnecessary taking into account the type and operation of the vessel; and

(ii) the lower part of a machinery space where there is access from it to a shaft tunnel; and

(b) in all other cases, of either—

(i) the sliding type; or

(ii) the hinged type, provided they comply with the requirements in subrules (1)(a) to (c).

(3) Sliding watertight doors must be capable of being operated when the vessel is listed up to 15° either way.

(4) Sliding watertight doors, whether manually operated or otherwise, must—

(a) be capable of being operated locally from each side of the door; and

(b) in any vessel of 45 metres or more in length, be capable of being operated by remote control from an accessible position above the working deck, except when the doors are fitted in crew accommodation spaces.

(5) There must be provided at remote operating positions a means to indicate when a sliding watertight door is open or closed.

404.34 Weathertight doors

(1) All access openings in enclosed superstructures and enclosed deck erections through which water could enter and endanger the vessel must be fitted with doors—

(a) permanently attached to the deck superstructure, framed and stiffened so that the whole structure is of equivalent strength to the unpierced structure, and weathertight when closed; and

(b) capable of being opened from each side.

(2) The height above deck of sills in those doorways, in companionways, superstructure and machinery casings that give direct access to parts of the deck exposed to the weather and sea must be as given in Table 2.

Table 2

Minimum height of sill on working deck	Minimum height of sill on superstructure deck
600 mm*	300 mm*

* Where operating experience has shown justification, and where permitted by the surveyor, these heights, except in the doorways giving direct access to machinery spaces, may be reduced to not less than 380 mm on the working deck and 150 mm on a superstructure deck.

(3) Where an opening is provided in the side of a superstructure or deck erection for the purpose of discharging fish waste overboard, a weathertight closing arrangement must be fitted to prevent water entering the enclosed superstructure or deck erection from that opening.

(4) Each fish flap on a stern trawler must be power-operated and capable of being controlled from a position that provides an unobstructed view of the operation of the flap.

404.35 Hatchway openings and covers and other deck openings

(1) All hatchway openings—

(a) must be provided with covers; and

(b) if intended to be open during fishing operations, must be arranged near to the vessel's centreline, except where other hatch positions are to the satisfaction of the surveyor.

(2) Dimensions of access hatches must not be less than 600 mm by 600 mm or less than 600 mm diameter.

(3) Subject to subrule (4), metal covers must—

(a) be fitted with clamping devices and gaskets sufficient to ensure weathertightness; and

(b) have their strength calculated for the following loads:

(i) 10.0 kN/m^2 for vessels of 24 metres in length:

(ii) 17.0 kN/m^2 for vessels of 100 metres or more in length.

(4) The following applies to the load values referred to in subrule (3)(b):

(a) for lengths of more than 24 metres but less than 100 metres, the load values must be determined by interpolation:

(b) the surveyor may permit reduced loads of not less than 75 percent of the above values for covers to hatchways situated on the superstructure deck in a position abaft a point located 0.25L from the forward perpendicular:

(c) if the cover is subject to a cargo load greater than that given above, this must be used in the calculation:

(d) for mild steel covers—

(i) the maximum stress calculated from the above loading and multiplied by 4.25 must not exceed the minimum ultimate strength of the mild steel; and

(ii) the deflections must not be greater than 0.0028 times the span:

(e) covers made of other metals must be of equivalent strength to those of mild steel and must have sufficient stiffness to ensure weathertightness under the loads specified above.

(5) Non-metal covers must not be used on any vessel.

(6) Subject to subrule (7), the height above deck of hatchway coamings must be as given in Table 3.

Table 3

Minimum height of coaming on working deck	Minimum height of coaming on superstructure deck
600 mm	300 mm

(7) Where operating experience has shown justification, and where permitted by the surveyor, the height of coamings may be reduced, or the coamings omitted entirely, provided—

(a) the safety of the vessel is not thereby impaired; and

(b) the hatchway opening is kept as small as practicable; and

(c) the covers are—

(i) permanently attached by hinges or equivalent means; and

(ii) capable of being rapidly closed, and battened down or otherwise secured by arrangements that are to the satisfaction of the surveyor.

(8) If a manhole, flush deck scuttle or hatch in the deck is required to be fitted in relation to a fishing operation, the manhole, flush deck scuttle or hatch must—

(a) be of the screw, bayonet, or equivalent type; and

(b) be capable of being closed watertight; and

(c) in the case of a hatch, have a cover that can be permanently attached to an adjacent structure.

(9) Every opening in the working or superstructure deck must be protected by an enclosed structure fitted with one or more weathertight doors or devices equivalent to weathertight doors, unless the opening is a hatchway, machinery space opening, manhole, or flush deck scuttle.

(10) Every companionway must be situated—

(a) as close as practicable to the centreline of the vessel; and

(b) to comply with the applicable stability requirements in rule 404.51.

(11) Every hinged cover of a hatchway or other opening must be protected against accidental closure by a positive securing device.

(12) The owner of a fishing vessel must ensure that—

(a) every escape hatch must be capable of being opened from each side of its cover; and

(b) every hinged escape hatch cover must be protected against accidental closing; and

(c) every heavy cover on an escape hatch must be fitted with appropriate counterweights; and

(d) the dimensions and location of escape hatches must be to the satisfaction of the surveyor; and

(e) if deemed necessary by a surveyor, hand holds or other aids must be fitted to enable effective use of the escape hatch.

404.36 Machinery space openings

Machinery space openings in weather decks must be—

(a) framed and enclosed by casings of a strength equivalent to the adjacent superstructure; and

(b) if they are external access openings in the casings, fitted with doors that comply with rule 404.34; and

(c) if they are openings in the casing other than access openings, fitted with covers of equivalent strength to the unpierced structure, permanently attached to the casing, and capable of being closed weathertight.

404.37 Ventilators

(1) A ventilator opening must not be located below the working deck or in the side of the hull.

(2) Coamings of ventilators must be—

(a) of equivalent strength to the adjacent structure; and

(b) except as provided in subrule (3), capable of being closed weathertight by closing appliances permanently attached to the ventilator or adjacent structure.

(3) Closing appliances need not be fitted to ventilators the coamings of which extend to more than the heights above the deck shown in Table 4.

Table 4

vessel	Height above working deck	Height above superstructure deck
45 metres or more in length	4.5 metres	2.3 metres
less than 45 metres in length	3.4 metres	1.7 metres

(4) Reserved

(5) Where the coaming of any ventilator exceeds 900 mm in height it must be adequately supported.

(6) The height above deck of machinery space ventilator coamings must be to the satisfaction of the surveyor. Other ventilator coaming heights above deck must be in accordance with Table 5.

Table 5

vessel	Minimum height above working deck	Minimum height above superstructure deck
45 metres or more in length	900 mm	760 mm
less than 45 metres in length	760 mm	450 mm

(7) Every vessel must have a means of closing off the air to every engine room vent.

404.38 Air pipes

(1) Where air pipes to tanks and void spaces below deck extend above the working or superstructure decks—

(a) the exposed parts of the pipes must be—

(i) of equivalent strength to the adjacent structures; and

(ii) fitted with appropriate protection; and

(b) openings of air pipes of more than 30 mm bore must be provided with a means of closing that is permanently attached to the pipe or adjacent structure.

(2) The height of air pipes above deck to the point where water may have access below must be—

(a) at least 760 mm on the working deck; and

(b) at least 450 mm on the superstructure deck—

provided that the surveyor may accept a reduction in the height of an air pipe to avoid interference with the fishing operations.

404.39 Sounding devices

(1) Sounding devices that are to the satisfaction of the surveyor must be fitted—

(a) to the bilges of those compartments that are not readily accessible at all times during the voyage; and

(b) to all tanks and cofferdams.

(2) Where sounding pipes are fitted—

(a) their upper ends must be extended:

(i) to a readily accessible position; and

(ii) where practicable, above the working deck; and

(b) their openings must be provided with a permanently attached means of closing.

(3) Sounding pipes that are not extended above the working deck, as referred to in subrule (2)(a)(ii), must be fitted with automatic self-closing devices.

404.40 Portlights and windows

(1) Subject to subrule (2), portlights to spaces below the working deck and to spaces within the enclosed structures on that deck must be fitted with hinged deadlights capable of being closed watertight.

(2) A surveyor may accept portlights without deadlights in side and aft bulkheads of deckhouses on the working deck if satisfied the safety of the vessel will not be impaired.

(3) A portlight must not be fitted in such a position that its sill is less than 500 mm above the design waterline.

(4) Portlights fitted less than 1000 mm above the design waterline must be of the fixed type.

(5) Portlights, together with their glasses and deadlights must be—

(a) of construction to the satisfaction of the surveyor; and

(b) suitably protected if prone to be damaged by fishing gear.

(6) Toughened safety glass or suitable permanently transparent material must be fitted in all wheelhouse windows and the windows of other structures above the working deck.

(7) The thickness of glass or other material used, and the means of securing the windows and the width of the bearing surfaces, referred to in subrule (6), must be to the satisfaction of the surveyor

404.41 Inlets, discharges, and sea water piping

(1) Discharges led through the shell, either from spaces below the working deck or from within enclosed superstructures or deckhouses on the working deck fitted with doors that comply with rule 404.34, must be fitted with accessible means for preventing water from passing inboard.

(2) Except as provided in subrule (4), each separate discharge led through the shell must have an automatic non-return valve with a positive means of closing it from an accessible position, unless the surveyor considers that the entry of water into the vessel through the opening is not likely to lead to dangerous flooding and that the thickness of piping is sufficient.

(3) The means for operating any positive action valve must be provided with an indicator for the means of operating the valve that shows whether the valve is open or closed.

(4) In machinery spaces where crew are present during a voyage—

(a) the main and auxiliary sea inlets and discharges may be controlled locally; and

(b) the controls must be accessible and provided with indicators showing whether the valves are open or closed.

(5) Fittings attached to the shell and the valves required by subrule (1) or (2) must be of steel, bronze, or other material to the satisfaction of the surveyor.

(6) All pipes that carry sea water from a sea inlet must be of marine quality metal, except that suitable reinforced synthetic rubber piping may be used in short lengths for vibration damping.

(7) Where non-metallic piping or reinforced synthetic rubber piping is used it must—

(a) have a high resistance to salt water, fuel oil, heat, and vibration; and

(b) be capable of operating under suction without collapse and resultant reduction in effective area; and

(c) for non-metallic piping, have resistance to impact damage; and

(d) be readily visible and protected against mechanical damage and contact with hot surfaces.

(8) Flammable material must not be used for inlet, discharge, or sea water piping in engine room spaces.

(9) Reserved

(10) Engine exhaust outlets that penetrate the hull below the deck must be provided with an efficient means to prevent backflooding into the hull through the exhaust system.

(11) The materials used in the piping system and their connection to the vessel must be metallurgically compatible.

404.42 Water freeing arrangements

(1) Where bulwarks on open weather parts of the working deck form wells, the minimum freeing port area (A) in square metres, on each side of the vessel for each well on the

working deck must be determined in relation to the length *(ℓ)* and height of bulwark in the well as follows—

(a) $A = K \times \ell$

where: K = 0.07

(ℓ need not be taken as greater than 70 percent of the vessel's length)

(b) where the bulwark is more than 1.2 metres in average height the required area must be increased by 0.004 square metres per metre of length of well for each 100 mm difference in height; and

(c) where the bulwark is less than 900 mm in average height, the required area may be decreased by 0.004 square metres per metre of length of well for each 100 mm difference in height.

(2) The freeing port area calculated according to subrule (1) must be increased where the surveyor considers that the vessel's sheer is not sufficient to ensure that the deck is rapidly and effectively freed of water.

(3) The minimum freeing port area for each well on an open weather superstructure deck must be not less than one half the area (A) given in subrule (1).

(4) For any vessel to which this rule applies where the sea may enter over the stern and flood the deck into a superstructure that is open at its aft end, freeing ports must be fitted in the sides of the open superstructure that are to the satisfaction of the surveyor.

(5) Freeing ports must be so arranged along the length of bulwarks as to ensure that the—

(a) deck is freed of water most rapidly and effectively; and

(b) lower edges of freeing ports are as near to the deck as practicable.

(6) Freeing ports over 300 mm in depth must be fitted with bars spaced not more than 230 mm nor less than 150 mm apart, or with other suitable protective arrangements to the satisfaction of the surveyor.

(7) The following applies to freeing port covers:

(a) If fitted, the construction of freeing port covers must be to the satisfaction of the surveyor:

(b) sliding covers must not be fitted and no locking devices must be fitted to hinged covers.

(8) The master must ensure that freeing ports are maintained and kept free of any obstruction or means of permanent closing when the vessel is at sea.

(9) Poundboards and means for stowage of the fishing gear must be arranged so that the effectiveness of freeing ports will not be impaired.

(10) Poundboards must be so constructed that they—

(a) can be locked in position when in use; and

(b) do not hamper the discharge of shipped water.

404.43 Reserved

404.44 Anchor and mooring equipment, including cables

(1) The owner of any vessel must ensure that the vessel is provided with—

(a) anchor equipment, including anchoring equipment, anchor chains or wire ropes, stoppers, a windlass or other arrangements for dropping and hoisting the anchor and for holding the vessel at anchor in all foreseeable service conditions; and

(b) mooring equipment for safe mooring in all operating conditions.

(2) The owner of any vessel must ensure that the anchor and mooring equipment, including cables, referred to in subrule (1) comply with the requirements in any applicable maritime transport instrument.

(3) For the purposes of subrules (1) and (2), a maritime transport instrument may prescribe requirements for anchor and mooring equipment, including cables, for vessels to which those subrules apply.

404.45 to 404.49 Reserved

CHAPTER 3 STABILITY AND ASSOCIATED SEAWORTHINESS

404.50 Sailing ships

(1) Rules 404.51 to 404.54 do not apply to sailing ships.

(2) Appendix 1 of Part 40E applies to sailing ships to which this Subpart applies.

(3) A sailing ship's intact stability must be determined and documented in accordance with Appendix 1 of Part 40E.

404.51 Intact stability

(1) Each vessel must comply with the intact stability requirements prescribed in subrules (2) to (7).

(2) Except as provided in subrule (3), the actual displacement and position of the centre of gravity for the lightship condition must be determined from the results of an inclining experiment conducted or witnessed by a surveyor.

(3) A sister ship is not required to conduct an inclining experiment provided the ship has a displacement check carried out that produces a result that is within a limit of the lead sister ship's displacement that is satisfactory to a surveyor.

(4) The surveyor referred to in subrule (2) must—

(a) produce curves of statical stability (GZ curves) for—

(i) departure for the fishing grounds with full fuel, stores, ice, and fishing gear; and

(ii) departure from the fishing grounds with full catch; and

(iii) arrival at home port with full catch and 10 percent fuel and stores; and

(iv) arrival at home port with 10 percent fuel, stores, and a minimum catch, that is normally to be 20 percent of a full catch but may be up to 40 percent, provided the surveyor is satisfied that operating patterns justify such a value; and

(v) any other actual operating conditions the surveyor considers would produce the lowest values of the parameters contained in the criteria required by subrule (4)(c); and

(b) in determining the righting lever curves (GZ curves), take the following into account—

(i) allowance for the weight of wet fishing nets and other fishing gear on the deck; and

(ii) homogeneous distribution of the catch, unless this is inconsistent with practice; and

(iii) catch on deck, if anticipated, in operating conditions referred to in subrules (4)(a)(ii), (iii), and (v); and

(iv) water ballast if carried; and

(v) allowance for the free surface effect of liquids and, if applicable, catch carried; and

(vi) where a vessel operates in areas where ice accretion is likely to occur, make the following icing allowance—

(aa) 30 kg/m^2 on exposed weather decks and gangways; and

(bb) 7.5 kg/m^2 for projected lateral area of each side of the vessel above the water plane; and

(cc) the projected lateral area of discontinuous surfaces of rail, spars (except masts) and rigging of vessels having no sails and the projected lateral area of other small objects must be computed by increasing the total projected area of continuous surfaces by 5 percent and the static moments of this area by 10 percent; and

(c) confirm that the curves of statical stability for the loaded conditions required by subrule (4)(a) meet the following criteria—

(i) the area under the righting lever curve (GZ curve) must not be less than—

(aa) 0.055 metre-radians up to 30° angle of heel; and

(bb) 0.090 metre-radians up to 40°; and

(ii) the area under the GZ curve between the angles of heel of 30° and 40° or between 30° and θf if this angle is less than 40° must not be less than 0.03 metre-radians; and

(iii) the righting lever (GZ) must be at least 200 millimetres at an angle of heel equal to, or greater than, 30°; and

(iv) the maximum righting lever (GZmax) must occur at an angle of heel preferably exceeding 30°, but not less than 25°; and

(v) the initial metacentric height (GM)—

(aa) for single deck vessels of less than 70 metres in length, must not be less than 0.35 metres; or

(bb) for vessels of 70 metres in length and over with complete superstructure, may be reduced from 0.35 metres, to the satisfaction of the surveyor, but not be less than 0.15 metres; and

(vi) the range of positive stability must not be less than 60°; and

(d) confirm that the angle of heel at which progressive flooding of fish holds could occur through hatches that remain open during fishing operations and that cannot rapidly be closed, is at least 20°, unless the stability criteria of subrule (4)(c) can be satisfied with the respective fish holds partially or completely flooded; and

(e) where arrangements other than bilge keels are provided to limit the angles of roll, be satisfied that the stability criteria given in subrule (4)(c) are maintained in all operating conditions; and

(f) taking account of the seasonal weather conditions, the sea states in which the vessel will operate, the type of vessel, and its mode of operation, be satisfied that a vessel is able to withstand—

(i) the effect of severe wind and rolling in associated sea conditions; and

(ii) the effect of water on deck.

(5) The stability information must be prepared in a form acceptable to the Director and must—

(a) be approved and supplied to the owner, by the surveyor referred to in subrule (2); and

(b) enable the master to assess with ease and certainty the stability of the vessel under various operating conditions; and

(c) include specific instructions to the master regarding those operating conditions that could adversely affect either the stability or trim of the vessel.

(6) The owner and the master of a vessel must ensure that the stability information prepared in accordance with subrule (5) is kept on board the vessel, and readily accessible at all times.

(7) If a vessel that was previously subject to an inclining test has undergone a major repair, or major alteration, the owner must ensure the stability information, prepared in accordance with subrule (5), is revised to the satisfaction of the surveyor.

404.52 Reserved

404.53 Freeboard

(1) The surveyor must be satisfied that the bow height of any vessel is sufficient to prevent the excessive shipping of water, taking into account—

(a) the seasonal weather conditions; and

(b) the sea states in which the vessel will operate; and

(c) the type of vessel; and

(d) the mode of operation.

(2) For any vessel, the following must be to the satisfaction of the surveyor in accordance with subrule (3):

(a) a minimum permissible operating freeboard; and

(b) a maximum permissible trim, if applicable.

(3) A minimum permissible operating freeboard and, if used, a maximum permissible trim, must be—

(a) such that in the associated operating condition, the stability criteria of rule 404.51(4) are satisfied, and the scantling draught is not exceeded; and

(b) clearly noted in the stability information required by rules 404.51(5); and

(c) posted up in the wheelhouse, in a prominent position, clearly visible to the master and crew of the vessel.

(4) Every vessel—

(a) for which a minimum permissible operating freeboard is permitted by a surveyor, must be marked with a freeboard line amidships, port, and starboard; and

(b) where a maximum permissible trim by the stern is also permitted by a surveyor, must be marked with a freeboard line on the transom or stern of the vessel to indicate the maximum permissible submergence of the transom or stern at that position.

(5) Every freeboard line required under subrule (4)(a) and (b)—

(a) must be 300 mm long by 30 mm deep permanently marked and painted light on dark backgrounds or dark on light backgrounds; and

(b) at its upper edge, must coincide with the maximum permissible operating draught.

404.54 Subdivision and damage stability

The owner of any vessel—

(a) of 100 metres or more in length; and

(b) that carries 100 or more persons on board during normal fishing operations—

must ensure that the vessel is capable of remaining afloat with positive stability after the flooding of any one compartment.

404.55 to 404.59 Reserved

CHAPTER 4 MACHINERY AND ELECTRICAL INSTALLATIONS AND PERIODICALLY UNATTENDED MACHINERY SPACES

Section 1 General

404.60 General

(1) Main propulsion, control, steam pipe, fuel oil, compressed air, refrigeration systems, auxiliary machinery, boilers and other pressure vessels, piping and pumping arrangements, steering equipment and gears, shafts and couplings for power transmission must be—

(a) designed; and

(b) constructed; and

(c) tested; and

(d) installed; and

(e) serviced—

to the satisfaction of the surveyor.

(2) The surveyor must also be satisfied that the machinery and equipment referred to in subrule (1) is protected so as to reduce to a minimum any danger to persons on board.

(3) Where the main engine or engines are not fitted with hand starting arrangements, provision must be made for an alternative method of starting that—

(a) is on board the vessel; and

(b) operates without external aid.

(4) Machinery spaces must be designed and constructed so as to—

(a) provide safe and free access to all machinery and its controls as well as to any parts that may require servicing; and

(b) be adequately ventilated.

(5) For vessels of 45 metres or more in length, means must be provided whereby the machinery can be brought into operation from the dead ship condition without external aid.

(6) For vessels of 45 metres or more in length, main propulsion machinery and all auxiliary machinery essential to the propulsion and the safety of the vessel must, as fitted, be capable of operating whether the vessel is upright or listed up to 15° either way under static conditions and up to 22.5° either way under dynamic conditions (that is, when rolling either way and simultaneously pitching (inclined dynamically) up to 7.5° by bow or stern).

(7) For vessels of 45 metres or more in length, every oil-fired steam boiler that is intended to operate without manual supervision must have safety arrangements that shut off the fuel supply and give an alarm in the case of low water level, air supply failure, or flame failure.

(8) For vessels of 45 metres or more in length, every steam boiler and every unfired steam generator must be provided with not less than two safety valves of adequate capacity.

404.61 Propulsion and auxiliary machinery

(1) Sufficient astern power must be provided for adequate manoeuvrability of the vessel under all normal operating conditions.

(2) For vessels of 45 metres or more in length, the ability of the machinery to reverse the direction of thrust of the propeller in sufficient time and so to bring the vessel to rest within a reasonable distance from maximum ahead service speed must be demonstrated at sea.

(3) Main and auxiliary machinery essential for the propulsion and safety of the vessel must be provided with effective means of control, and visual instrumentation indicating essential operating characteristics.

(4) Where applicable, means must be provided to protect against overpressure of main or auxiliary machinery including pressure vessels.

(5) Reserved

(6) Any sailing ship must be provided with an auxiliary motor as means of propulsion with adequate forward and astern power to safely navigate the vessel without the assistance of sails.

(7) For vessels of 45 metres or more in length, special consideration must be given to the design, construction, and installation of propulsion machinery systems so that any mode of their vibrations do not cause undue stresses in such machinery systems in the normal operating ranges.

(8) For vessels of 45 metres or more in length—

(a) internal combustion engines of a cylinder diameter greater than 200 millimetres or a crankcase volume greater than 0.6 cubic metres must be provided with crankcase explosion relief valves of a type approved by the Director with sufficient relief area; and

(b) main propulsion machinery and, where applicable, auxiliary machinery, must be provided with automatic shut-off arrangements in the case of failures, such as lubricating oil supply failure, which could lead rapidly to damage, complete breakdown or explosion; an advance alarm must also be provided so that warning is given before automatic shut-off.

(9) For vessels of 45 metres or more in length, where remote control of propulsion machinery is provided from the wheelhouse, the following apply:

(a) under all operating conditions, including manoeuvering, the speed, direction of thrust and, if applicable, the pitch of the propeller must be fully controllable from the wheelhouse:

(b) the remote control referred to in subrule (a) must be performed by means of a control device acceptable to the Director with, where necessary, means of preventing overload of the propulsion machinery:

(c) the main propulsion machinery must be provided with an emergency stopping device in the wheelhouse and independent from the wheelhouse control system referred to in subrule (a):

(d) for remote control of the propulsion machinery, the following applies:

(i) remote control of the propulsion machinery must be possible only from one station at a time:

(ii) at any control station interlocked control units may be permitted by a surveyor:

(iii) there must be at each station an indicator showing which station is in control of the propulsion machinery:

(iv) the transfer of control between the wheelhouse and machinery spaces must be possible only in the machinery space or control room:

(e) indicators must be fitted in the wheelhouse for:

(i) propeller speed and direction in the case of fixed propellers:

(ii) propeller speed and pitch position in the case of controllable pitch propellers:

(iii) advance alarm as required in subrule (8)(b):

(f) it must be possible to control the propulsion machinery locally, even in the case of failure in any part of the remote control system:

(g) unless otherwise acceptable to the Director, the design of the remote control system must be such that if it fails an alarm will be given and the pre-set speed and direction of thrust will be maintained until local control is in operation:

(h) special arrangements must be provided to ensure that—

(i) automatic starting does not exhaust the starting possibilities; and

(ii) an alarm is provided to indicate low starting air pressure and is set at a level that will still permit main engine starting operations.

(10) For vessels of 45 metres or more in length, where the main propulsion and associated machinery including sources of main electrical supply are provided with various degrees of automatic or remote control and are under continuous manned supervision from a control room, the control room must be so designed, equipped, and installed that the machinery operation will be as safe and effective as if it were under direct supervision.

(11) For vessels of 45 metres or more in length, in general, automatic starting, operational, and control systems must include means for manually overriding the automatic means, even in the case of failure of any part of the automatic and remote control system.

404.62 Safety system for periodically unattended machinery spaces

(1) This rule 404.62 applies to vessels of 45 metres or more in length, with periodically unattended machinery spaces.

(2) A safety system must be provided as follows:

(a) any serious malfunction in machinery or boiler operations that presents an immediate danger must initiate the automatic shut-down of that part of the plant and an alarm must be given:

(b) shut-down of the propulsion system must not be automatically activated except in cases which could lead to serious damage, complete breakdown, or explosion:

(c) where arrangements for overriding the shut-down of the main propelling machinery are fitted, these must be such as to preclude inadvertent activation:

(d) visual means must be provided to show whether the shut-down override has been activated.

404.63 Fire safety for periodically unattended machinery spaces

(1) The following applies to vessels of 45 metres or more in length, with periodically unattended machinery spaces:

(a) special consideration must be given to high pressure fuel oil pipes, including, where practicable, ensuring leakages from such piping systems are collected in a suitable drain tank that is provided with a high level alarm:

(b) where daily service fuel oil tanks are filled automatically or by remote control, means must be provided to prevent overflow spillages; and similar consideration must be given to other equipment that treats flammable liquids automatically (for example fuel oil purifiers) that, whenever practicable, must be installed in a special space reserved for purifiers and their heaters:

(c) where fuel oil daily service tanks or settling tanks are fitted with heating arrangements, a high temperature alarm must be provided if the flashpoint of the fuel oil can be exceeded:

(d) an fire detection system approved by the Director based on a self-monitoring principle and including facilities for periodical testing must be installed in machinery spaces:

(e) the detection system must initiate both audible and visual alarm in the wheelhouse and in sufficient appropriate spaces to be heard and observed by persons on board, when the vessel is in harbour:

(f) the fire detection system must be fed automatically from an emergency source of power if the main source of power fails:

(g) internal combustion engines of 2,500 kW and over must be provided with crankcase oil mist detectors or engine bearing temperature detectors or equivalent devices:

(h) a fixed fire-extinguishing system approved by the Director must be provided that complies with the requirements of regulations 22 and 40 of Chapter V of the Agreement.

(2) For vessels of 75 metres or more in length with periodically unattended machinery spaces provision must be made for immediate water delivery from the fire main system either by—

(a) remote starting arrangements of one of the main fire pumps in the wheelhouse and at the fire control station, if any; or

(b) permanent pressurisation of the fire main system, due regard being paid to the possibility of freezing.

404.64 to 404.69 Reserved

Section 2 Machinery installations

404.70 Steering gear

(1) Every vessel must be provided with efficient means of steering.

(2) For vessels of 45 metres or more in length—

(a) the main steering gear must, with the vessel at its maximum permissible operating draught, be capable of putting the rudder over from 35 degrees on one side to 35 degrees on the other side with the vessel running ahead at maximum service speed; and

(b) the rudder must be capable of being put over from 35 degrees on either side to 30 degrees on the other side in not more than 28 seconds, under the same conditions; and

(c) the main steering gear must be operated by power where necessary to fulfill the requirements in this subrule (2).

(3) For vessels of 45 metres or more in length, the auxiliary means for actuating the rudder must be—

(a) capable of putting the rudder over from 15 degrees on one side to 15 degrees on the other side in not more than 60 seconds with the vessel running at one half of its maximum service speed ahead or 7 knots whichever is the greater; and

(b) operated by power where necessary to fulfill the requirements in this subrule (3).

(4) If a steering gear is fitted with remote control, the following applies:

(a) arrangements must be made for emergency steering in the event of failure of the control:

(b) the arrangements referred to in subrule (a) must provide power steering:

(c) the main steering gear and the means of emergency steering must be arranged so that a single failure in one of them will not render the other inoperative:

(d) where the main steering gear comprises two or more identical power units an emergency steering gear need not be fitted if the main steering gear is capable of fully operating the rudder when any one of the units is out of operation.

(5) The position of the rudder, if power operated, must be indicated in the wheelhouse.

(6) For vessels of 45 metres or more in length, the rudder angle indication for power-operated steering gear must be independent of the steering gear control system.

(7) For vessels of 45 metres or more in length, in the event of failure of any of the steering gear units an alarm must be given in the wheelhouse.

(8) Indicators showing the motors of electric and electrohydraulic steering gear are operating must be installed in the wheelhouse.

(9) For vessels of 45 metres or more in length, short circuit protection, an overload alarm and a no-voltage alarm must be provided for these circuits and motors; protection against excess current, if provided, must be for not less than twice the full load current of the motor or circuit so protected, and must be arranged to permit the passage of the appropriate starting currents.

(10) For vessels of 45 metres or more in length—

(a) the main steering gear must be of adequate strength and sufficient to steer the vessel at maximum service speed; and

(b) the main steering gear and rudder stock must be so designed that they will not be damaged at maximum speed astern or by manoeuvring during fishing operations.

(11) For vessels of 45 metres or more in length, the main steering gear power unit must be arranged to start either by manual means in the wheelhouse or automatically when power is restored after a power failure.

(12) For vessels of 45 metres or more in length, the auxiliary means for actuating the rudder must be of adequate strength and sufficient to steer the vessel at navigable speed and capable of being brought speedily into action in an emergency.

(13) For vessels of 75 metres or more in length, electric or electrohydraulic steering gear must be served by at least two circuits fed from the main switchboard and these circuits must be as widely separated as possible.

404.71 Fuel oil, lubricating oil, and other flammable oils

(1) Fuel tanks and their associated fittings must be constructed, tested, and installed to the satisfaction of the surveyor.

(2) For vessels of 45 metres or more in length, the arrangements for fuel oil, lubricating oil, and other flammable oils must comply with the standards in regulation 10 of Chapter IV of the Agreement.

404.72 Bilge pumping arrangements

(1) Except as provided for in subrule (2), every vessel must have a bilge pumping system that, under all practical conditions and regardless of whether the vessel is upright or listed, is capable of efficiently pumping and draining any watertight compartment, other than a permanent oil or water tank, to a standard that is satisfactory to a surveyor.

(2) With the approval of the surveyor, each watertight compartment of less than 7 percent of the total under deck volume may be drained into an adjacent compartment by means of a self-closing valve or cock that must be—

(a) fitted outside the compartment being drained; and

(b) operable from a readily accessible position.

(3) Reserved

(4) The bilge system must be provided with a bilge distribution box located in an accessible position and the valves in that bilge distribution box must be of a non-return type.

(5) In a vessel where fish handling or processing may cause quantities of water to accumulate in enclosed spaces, adequate drainage must be provided.

(6) For vessels of 45 metres or more in length, bilge and ballast pumping systems arrangements must be as follows:

(a) the arrangements must prevent water passing from the sea or from water ballast spaces into holds or into machinery spaces or from one watertight compartment to another:

(b) the bilge connection to any pump that draws from the sea or from water ballast spaces must be fitted with either a non-return valve or a cock that cannot be opened simultaneously either to the bilges and to the sea or to the bilges and water ballast spaces:

(c) valves in bilge distribution boxes must be of a non-return type.

404.73 Bilge pumps

(1) For vessels of 45 metres or more in length—

(a) at least two independently driven power bilge pumps must be provided, one of which may be driven by the main engine; and

(b) a ballast pump or other general service pump of sufficient capacity may be used as a power driven bilge pump; and

(c) power bilge pumps must be capable of giving a speed of water of at least 2 metres per second through the main bilge pipe which must have an internal diameter of at least:

$d = 25 + 1.68 [L(B+D)]^{1/2}$

where:

d is the internal diameter in millimetres:

L is the length in metres:

B is the breadth in metres (for multi-hull it is the breadth of a single hull):

D is the moulded depth to the watertight deck in metres:

however, the actual internal diameter of the bilge main may be rounded off to the nearest standard size acceptable to the Director; and

(d) each of the bilge pumps provided in accordance with this rule 404.73 must be provided with a direct bilge suction, one of these suctions drawing from the port side of the machinery space and the other from the starboard side, except that in the case of a vessel of less than 75 metres in length only one bilge pump need be provided with a direct bilge suction; and

(e) no bilge suction may have an inside diameter of less than 50 millimetres; and

(f) the arrangement and sizing of the bilge system must be such that the full rated capacity of the pump specified in this rule 404.73 can be applied to each of the watertight compartments located between the collision and afterpeak bulkheads.

(2) For vessels of 45 metres or more in length, a bilge ejector in combination with an independently driven high pressure sea-water pump may be installed as a substitute for one independently driven bilge pump required by subrule (1)(a), provided this arrangement is acceptable to the Director.

404.74 Bilge piping

(1) Bilge and ballast pumping systems must be arranged so as to prevent water passing from the sea or from water ballast spaces into holds or machinery spaces, or from one watertight compartment to another.

(2) The bilge connection to a pump that draws from the sea or from water ballast spaces must be fitted with a non-return valve, or a cock that cannot be opened simultaneously, to either—

(a) the bilges and the sea; or

(b) the bilges and the water ballast spaces.

(3) All manually operated bilge valves must be readily accessible.

(4) A strum box or strainer must be provided if the surveyor considers it necessary to protect the bilge suction line from obstruction.

(5) Strum box or strainer holes must not be greater than 10 mm in diameter and the aggregate area of the holes must be at least twice the area of the suction pipe.

(6) Bilge pipes must not be led through oil fuel, ballast or double bottom tanks, unless these pipes are of heavy gauge steel construction.

(7) For vessels of 45 metres or more in length, any bilge pipe piercing a collision bulkhead must be fitted with a positive means of closing at the bulkhead with remote control from the working deck with an indicator showing the position of the valve provided that, if the valve is fitted on the after side of the bulkhead and is readily accessible under all service conditions, the remote control may be dispensed with.

404.75 to 404.77 Reserved

404.78 Bilge alarm

(1) A vessel that has inboard propulsion machinery and through hull fittings must be fitted with a bilge level device that is connected to an audible alarm located near the steering position.

(2) The power supply for the audible alarm must be available at all times persons are on board the vessel.

(3) A vessel fitted with an automatic submersible bilge pump in accordance with rule 404.73(1) must have a visual alarm at the steering position to indicate the pump is running.

404.79 Further alarm requirements for vessels of 45 metres or more in length

(1) For vessels of 75 metres or more in length, an engineers' alarm must be provided to be operated from the engine control room or at the manoeuvring platform as appropriate, and must be clearly audible in the engineers' accommodation.

(2) For vessels of 45 metres or more in length, an alarm system must be provided to indicate any fault in periodically unattended machinery spaces requiring attention.

(3) For the alarm system required in subrule (2)—

(a) the alarm system must be capable of sounding an audible alarm in the machinery space and must indicate visually each separate alarm function at a suitable position; and

(b) the alarm system must have a connection to the engineers' cabins through a selector switch to ensure connection to one of those cabins and to the engineers' public rooms, if any, or an equivalent arrangement acceptable to the Director; and

(c) an engineers' alarm and an alarm to the wheelhouse for persons on watch must be automatically activated if an alarm function has not received attention within a limited period acceptable to the Director; and

(d) audible and visual alarms must be activated in the wheelhouse for any situation requiring action by the responsible person on watch or which should be brought to that person's attention; and

(e) the alarm system must, as far as is practicable, be designed on the fail-safe principle.

(4) The alarm system required in subrule (2) must be—

(a) continuously powered with automatic change-over to a stand-by power supply in case of loss of normal power; and

(b) activated by failure of the normal power supply; and

(c) able to indicate at the same time more than one fault and the acceptance of any alarm must not inhibit another alarm.

(5) The alarm system required in subrule (2) must meet the following requirements:

(a) acceptance at the position referred to in subrule (3)(a) of any alarm condition must be indicated at the positions where it was shown:

(b) alarms must be maintained until they are accepted and the visual indications must remain until the fault has been corrected:

(c) all alarms must automatically reset when the fault has been rectified.

404.80 Refrigeration systems for the preservation of the catch

(1) Refrigeration systems must be designed, constructed, tested and installed—

(a) so as to take account of the safety of the system; and

(b) so as to take account of the emission of substances from the refrigerant that are hazardous to human health and the environment; and

(c) to the satisfaction of the surveyor.

(2) The following applies to refrigerating machinery spaces and refrigerating rooms:

(a) at least one exit must be capable of being opened from the inside:

(b) where practicable, exits from spaces containing refrigerating machinery using toxic or flammable gas must not lead directly into any accommodation spaces.

(3) The following applies where any refrigerant harmful to persons is used in a refrigeration system:

(a) at least two sets of breathing apparatus must be provided and maintained by the owner, one of which must be located in a position not likely to become inaccessible in the event of contamination by leaking refrigerant:

(b) where self-contained breathing apparatus is used, spare cylinders must be provided by the owner.

(4) Adequate guidance for the safe operation and emergency procedures for the refrigeration system must be provided on board the vessel, which shall include the display of a suitable warning at the point of access to refrigerating machinery which uses toxic or flammable gas.

(5) For vessels of 45 metres or more in length, any space containing refrigerating machinery including condensers and gas tanks utilizing toxic refrigerants must, except as provided in subrule (6)—

(a) be separated from any adjacent space by gastight bulkheads; and

(b) be fitted with a leak detection system having an indicator outside the space adjacent to the entrance; and

(c) be provided with an independent ventilation system and a water spray system.

(6) If the requirements in subrule (5) are not practicable due to the size of the vessel, the refrigeration system may be installed in the machinery space provided—

(a) the quantity of refrigerant used will not cause danger to persons in the machinery space, should all the gas escape; and

(b) an alarm is fitted to give warning of a dangerous concentration of gas should any leakage occur in the space.

(7) For vessels of 45 metres or more in length, in refrigerating machinery spaces and refrigerating rooms—

(a) alarms must be connected to the wheelhouse or control stations or escape exits to prevent persons being trapped; and

(b) at least one exit from each such space must be capable of being opened from the inside; and

(c) where practicable, exits from the spaces containing refrigerating machinery using toxic or flammable gas must not lead directly into any accommodation spaces.

404.81 Communication to and from wheelhouse

(1) For vessels of 45 metres or more in length, two separate means of communication between the wheelhouse and the machinery space control platform must be provided, one of which shall be an engine-room telegraph.

(2) For vessels of 75 metres or more in length, with periodically unattended machinery spaces, one of the two separate means of communication referred to in subrule (1) must be a reliable vocal communication.

(3) For vessels of 75 metres or more in length, with periodically unattended machinery spaces, a reliable means of vocal communication must be provided between the wheelhouse and the engineers' accommodation

404.82 Noise

For vessels of 45 metres or more in length, measures must be taken to reduce the effects of noise upon personnel in machinery spaces to levels acceptable to the Director.

404.83 to 404.89 Reserved

Section 3 Electrical

404.90 General

A vessel must be fitted with a permanently installed electrical system that—

(a) is not hazardous to crew; and

(b) is convenient to operate; and

(c) provides a high degree of reliability; and

(d) minimises the risk of fire.

404.91 Design

(1) The owner of a vessel must, before the vessel is built, or the electrical systems are altered or modified, as the case may be, ensure that the information set out in subrule (2) is—

(a) provided in a clear and legible form to the surveyor referred to in subrule (b); and

(b) to the satisfaction of a surveyor recognised by the Director for that purpose.

(2) The diagrams and information required by subrule (1) are—

(a) schematic diagrams of the main and any emergency power and lighting systems which include—

(i) a description of the type of electrical systems of supply installed; and

(ii) ratings of generators, transformers, batteries, charging sources, inverters, semi-conductor converters; and

(iii) all feeders connected to each switchboard; and

(iv) insulation type, size, and current loadings of feeder and final sub-circuit cables; and

(v) make, protection characteristic curve, prospective short circuit, and over current ratings of all circuit breakers and fuses; and

(b) simplified diagrams of generation circuits, battery charging, interconnector circuits, and feeder circuits; and

(c) arrangement and location plans of main and emergency switchboards plus any distribution boards; and

(d) plans showing the location of the main and emergency sources of power, radio battery, inverters, and battery chargers; and

(e) electrical load calculations used to determine the capacities of main and emergency generators and battery banks; and

(f) circuit diagram(s) of electrically powered bilge pumps plus bilge level alarms and pump monitoring systems; and

(g) circuit diagrams of electrically powered navigation lights, controls, and monitoring; and

(h) volt drop calculations of each of the following:

(i) main power feeder circuit:

(ii) navigation light circuit:

(iii) bilge pump circuit:

(iv) vhf radio power supply circuit.

404.92 Installation and materials

(1) The builder of a vessel must ensure that the installation of electrical wiring and equipment is carried out by suitably qualified persons experienced in marine electrical work.

(2) The owner must ensure that all electrical equipment is marked or identified in accordance with the relevant electrical systems standard referred to in rule 404.93.

(3) The owner must ensure that any markings on electrical equipment are consistent with the terminology used in the owner's manual supplied in accordance with rule 404.94.

(4) For vessels of 45 metres or more in length, all metal sheaths and armour of cables must be electrically continuous and must be earthed.

(5) A surveyor must be satisfied that the location of the electrical equipment, switchboards, and conductors will not expose them to water, oil, heat, or other environmental conditions.

404.93 Electrical systems

(1) For vessels of less than 45 metres in length, the electrical systems must comply with either—

(a) the relevant rules of a classification society named in rule 404.30(2)(a); or

(b) the applicable parts of the IEC 60092 series of standards – *Electrical installations in vessels*.

(2) For vessels of 45 metres or more in length—

(a) where a distribution system, whether primary or secondary, for power, heating, or lighting, with no connection to earth is used, a device capable of monitoring the insulation level to earth must be provided; and

(b) where the distribution system is in accordance with subrule (a) and a voltage exceeding 55 volts direct current or 55 volts, root mean square, between conductors, is used, a device capable of continuously monitoring the insulation level to earth and of giving an audible or visual indication of abnormally low insulation values must be provided; and

(c) distribution systems which are supplied at a voltage not exceeding 250 volts direct current or 250 volts, root mean square, between conductors and that are limited in extent, may comply with subrule (a) if acceptable to the Director.

(3) For vessels of 75 metres or more in length—

(a) the hull return system of distribution shall not be used for power, heating, or lighting; and

(b) the requirement of subrule (a) does not preclude, under conditions acceptable to the Director, the use of—

(i) impressed current cathodic protective systems; or

(ii) limited and locally earthed systems; or

(iii) insulation level monitoring devices provided the circulation current does not exceed 30 milliamperes under the most unfavourable conditions.

(4) For vessels of 45 metres or more in length, where the hull return system is used, all final sub-circuits (all circuits fitted after the last protective device) must be two wire and special precautions, acceptable to the Director, must be taken.

404.94 Documentation

(1) The owner and the master of a vessel must ensure a manual containing the information set out in subrules (2) and (3) is kept on board the vessel and readily accessible at all times.

(2) The manual must include the following information:

(a) diagrams identifying the electrical circuits of the vessel with the locations of electrical devices in the vessel and identification of conductors by colour or other means:

(b) the location and a description of the functions of electrical controls, dials, switches, fuses, and circuit-breakers installed on the panel-board:

(c) instructions for operating and maintaining the electrical system.

(3) The manual must include the following warning instructions:

(a) never work on the electrical installation while the electrical system is energised:

(b) never modify the craft's electrical systems or relevant drawings:

(c) never use the electrical system if the shore power reverse polarity indicator is activated:

(d) never alter or modify the rated current amperage of overcurrent protective devices:

(e) never install or replace electrical appliances or devices with components exceeding the rated current amperage of the circuit:

(f) never leave the vessel unattended with the electrical system energised except battery chargers, automatic bilge-pumps, fire protection and alarm circuits.

404.95 Batteries

(1) When the sole means of starting the propulsion engine is by battery, there must be an alternative battery available of equal voltage and capacity that can be directly connected on its own to the starter motor via a change-over switch.

(2) Each battery bank must have a means of charging.

(3) Every vessel battery must be—

(a) stowed in an acid proof box; and

(b) adequately covered to prevent damage; and

(c) adequately ventilated to prevent the accumulation of gas.

404.96 Emergency source of electrical power

(1) Any vessel of 45 metres or more in length must be provided with a self-contained emergency source of electrical power as follows:

(a) the emergency source of electrical power must be located, to the satisfaction of the surveyor, outside the machinery spaces and above the freeboard deck:

(b) the emergency source of electrical power must be so arranged as to ensure its functioning in the event of fire or other causes of failure of the main electrical installations.

(2) Having regard to starting current and the transitory nature of certain loads, the emergency source of electrical power must be capable of serving simultaneously for a period of at least three hours—

(a) the VHF radio installation required by rule 404.210, and if applicable—

(i) the MF/HF radio installation required by rule 404.210; and

(ii) the ship earth station required by rule 404.210; and

(b) Internal communication equipment, fire detecting systems and signals that may be required in an emergency; and

(c) the navigation lights if solely electrical, and the emergency lights—

(i) of launching stations and overside of the vessel; and

(ii) in all alleyways, stairways and exits; and

(iii) in spaces containing machinery or the emergency source of power; and

(iv) in control stations; and

(v) in fish handling and fish processing spaces; and

(d) the operation of the emergency fire pump, if any.

(3) The emergency source of electrical power must be either a generator or an accumulator battery. Automatic starting arrangements must be fitted to the surveyor's satisfaction.

(4) The emergency switchboard must be installed as near as practicable to the emergency source of power.

(5) The emergency generator and its prime mover and any accumulator battery must be arranged so as to ensure that they will function at full rated power when the vessel is upright and when rolling up to an angle of 22.5° either way and simultaneously pitching 10° by bow or stern, or is in any combination of angles within those limits.

(6) The emergency source of electrical power and automatic starting equipment must be so constructed and arranged as to enable adequate testing to be carried out by the crew while the vessel is in the operating condition.

404.97 Navigation lights

(1) Each navigation light must be controlled and protected in each non-earthed pole by a switch, and either a fuse or circuit breaker mounted on a distribution board reserved for this purpose. The distribution board must be accessible to the person on watch.

(2) Each navigation light on a vessel must be provided with an automatic indicator giving audible or visual indication of failure of the light.

(3) Cables supplying navigation lights must be sized to ensure that total circuit volt drop does not exceed 3 percent of the supply system voltage.

404.98 Lightning protection

(1) If fitted, lightning conductors must comply with the requirements of subrules (2) to (6).

(2) In wood and composite vessels fitted with wooden masts, the lightning conductors must comply with the following:

(a) they must be of continuous copper tape or copper rope, or a combination of copper tape and copper rope, having a cross sectional area not less than 100 mm^2 which must be riveted with copper rivets or fastened with copper clamps to a suitable copper spike not less than 13 mm in diameter, projecting at least 150 mm above the top of the mast; and

(b) where tape is used, the lower end of the tape must terminate at the point at which the shrouds leave the mast, and must be securely clamped to a copper rope of not less than 13 mm diameter; and

(c) the copper rope referred to in subrule (b) must be led down the shrouds and must be securely clamped to a copper plate not less than 0.2 m^2 in area, fixed well below the light waterline and attached to the vessel's hull in such a manner that is immersed under all normal conditions of heel.

(3) In wood and composite vessels fitted with steel masts—

(a) each mast must be connected to a copper plate in accordance with the requirements of subrule (2); and

(b) the copper rope must be securely attached to, and in good electrical contact with, the mast at or above the point at which the shrouds leave the mast.

(4) In steel vessels fitted with wooden masts—

(a) the lightning conductors must be of copper tape or copper rope terminating in a spike, as required by subrule (2); and

(b) at the lower end this copper tape or copper rope must be securely clamped to the nearest metal forming part of the hull of the vessel.

(5) The following also applies to lightning conductors—

(a) lightening conductors must be run as straight as possible, and sharp bends in the conductors must be avoided; and

(b) all clamps used must be of brass or copper and efficiently locked; and

(c) each connection must not be dependent on a soldered joint.

(6) The resistance of the lightning conductor, measured between the mast head and the position on the earth plate or hull to which the lightning conductor is earthed, must not exceed 0.02 ohms.

404.99 Tests and trials

A vessel's electrical systems must be inspected and tested to the satisfaction of the surveyor in accordance with the requirements of the relevant standard referred to in rule 404.93.

Section 4 Periodically unattended machinery spaces

404.100 to 404.109 Reserved

404.110 Safety system for periodically unattended machinery spaces

(1) Rule 404.110 applies to vessels of 45 metres or more in length, with periodically unattended machinery spaces.

(2) A safety system must be provided as follows:

(a) any serious malfunction in machinery or boiler operations that presents an immediate danger must initiate the automatic shut-down of that part of the plant and an alarm must be given:

(b) shut-down of the propulsion system must not be automatically activated except in cases which could lead to serious damage, complete breakdown, or explosion:

(c) where arrangements for overriding the shut-down of the main propelling machinery are fitted, these must be such as to preclude inadvertent activation:

(d) visual means must be provided to show whether the shut-down override has been activated.

404.111 Reserved

404.112 Fire safety for periodically unattended machinery spaces

(1) The following applies to vessels of 45 metres or more in length, with periodically unattended machinery spaces:

(a) high pressure fuel oil pipes must be fitted with a suitable drain tank to collect any leakages, with a high level alarm, to the satisfaction of a survayor:

(b) where daily service fuel oil tanks are filled automatically or by remote control, means must be provided to prevent overflow spillages; and similar consideration must be given to other equipment that treats flammable liquids automatically (for example fuel oil purifiers) that, whenever practicable, must be installed in a special space reserved for purifiers and their heaters:

(c) where fuel oil daily service tanks or settling tanks are fitted with heating arrangements, a high temperature alarm must be provided if the flashpoint of the fuel oil can be exceeded:

(d) an fire detection system approved by the Director based on a self-monitoring principle and including facilities for periodical testing must be installed in machinery spaces:

(e) the detection system must initiate both audible and visual alarm in the wheelhouse and in sufficient appropriate spaces to be heard and observed by persons on board, when the vessel is in harbour:

(f) the fire detection system must be fed automatically from an emergency source of power if the main source of power fails:

(g) internal combustion engines of 2,500 kW and over must be provided with crankcase oil mist detectors or engine bearing temperature detectors or equivalent devices:

(h) a fixed fire-extinguishing system approved by the Director must be provided that complies with the requirements of regulations 22 and 40 of Chapter V of the Agreement.

(2) For vessels of 75 metres or more in length with periodically unattended machinery spaces provision must be made for immediate water delivery from the fire main system either by:

(a) remote starting arrangements of one of the main fire pumps in the wheelhouse and at the fire control station, if any; or

(b) permanent pressurisation of the fire main system, due regard being paid to the possibility of freezing.

404.113 to 404.119 Reserved

Section 5 Fish processing equipment

404.120 Fish processing equipment

The owner of any vessel that is fitted with fish processing equipment must ensure that the equipment complies with all the following—

(a) the arrangement of fish processing equipment must ensure free access for inspection, operation, and sanitary treatment of the equipment. Working areas, within which there is processing equipment, must not be less than 750 mm wide:

(b) for insulation of fish processing equipment, including piping—

(i) the materials used for insulation must be non-combustible, durable and stable under conditions of vibration and are not to have an external surface temperature harmful to personnel on contact; and

(ii) the insulation must be securely fastened; and

(iii) asbestos or asbestos based materials must not be used as insulation:

(c) machinery and installations operating under pressure must be manufactured in compliance with national or international standards acceptable to the Director:

(d) for machinery and other installations from which vapour, gas, dust, or other harmful substance may readily escape or be emitted during operation—

(i) the machinery and other installations must be fitted with exhaust devices; and

(ii) the suction ends of those exhaust devices must be located as near as possible to the sources of vapour, gas, dust, or other harmful substance and the piping must be arranged so that discharged products do not constitute a hazard to personnel:

(e) where several conveyors are working in one line, emergency switches must be provided at intervals of not more than 10 metres for stopping all conveyors working in the line. Where the length of the conveyors is 15 metres or more, sound or light signals must be provided for giving warning when the conveyor starts:

(f) dampers, cocks, valves and other stopping devices must be positioned so that they are readily accessible and safe for operation:

(g) machinery and equipment in working spaces must be fitted on strong and rigid foundations securely connected to the vessel's structure:

(h) moving parts of machinery and other installations, as well as gears that may present a hazard, must be adequately guarded:

(i) machinery and installations that require routine servicing at a height of more than 2 metres must be equipped with platforms at least 600 mm in width and guarded with rails not less than 1 metre in height:

(j) fish processing equipment operating with water must be provided with effective drainage systems, having regard to their susceptibility to clogging:

(k) loading and unloading devices for the machinery and other installations must be arranged at a safe and convenient height for operation:

(l) steam or vapour outlets of equipment must be arranged as high as possible. Outlet pipes must be at least 50 mm in diameter and lead into open air. Vapour from outlets is not to obscure visibility:

(m) filling openings of machinery and other installations must be within easy reach of personnel. Lids of filling openings must have suitable means of closing so as to prevent steam, hot water or vapour emerging into the space, and must be counter-balanced or provided with other safe means of securing in the open position when required:

(n) suitable precautions must be taken to protect personnel against the harmful effects of excessive noise.

404.121 to 404.129 Reserved

CHAPTER 5 FIRE PROTECTION, FIRE DETECTION, FIRE EXTINCTION, AND FIRE FIGHTING

Section 1 Fire safety measures for vessels of 60 metres or more in length

404.130 Vessels of 60 metres or more in length

(1) The owner and the master of a vessel of 60 metres or more in length must ensure that fire safety measures, including fire appliances, are provided on the vessel that comply with—

(a) Parts A and B of Chapter V of the Agreement, subject to any variation in any applicable maritime transport instrument; and

(b) the requirements in any applicable maritime transport instrument.

(2) The owner and the master of a vessel of 60 metres or more in length must ensure that the vessel's fire appliances are maintained, inspected, and serviced in accordance with any applicable maritime transport instrument.

(3) The master of a vessel of 60 metres or more in length must ensure that all the vessel's fire appliances are—

(a) in good working order; and

(b) ready for immediate use—

before the vessel commences a voyage and at all times during the voyage.

(4) For the purposes of subrules (1) and (2), a maritime transport instrument may prescribe requirements in relation to fire safety measures, including maintenance, inspection, and servicing requirements, for vessels to which those subrules apply.

Section 2 Fire safety measures for vessels of 45 metres or more in length but less than 60 metres in length

404.131 Vessels of 45 metres or more in length but less than 60 metres in length

(1) The owner and the master of a vessel of 45 metres or more in length but less than 60 metres in length must ensure that fire safety measures, including fire appliances, are provided on the vessel that comply with—

(a) Parts A and C of Chapter V of the Agreement, subject to any variation in any applicable maritime transport instrument; and

(b) the requirements in any applicable maritime transport instrument.

(2) The owner and the master of a vessel of 45 metres or more in length but less than 60 metres in length must ensure that the vessel's fire appliances are maintained, inspected, and serviced in accordance with any applicable maritime transport instrument.

(3) The master of a vessel of 45 metres or more in length but less than 60 metres in length must ensure that all the vessel's fire appliances are—

(a) in good working order; and

(b) ready for immediate use—

before the vessel commences a voyage and at all times during the voyage.

(4) For the purposes of subrules (1) and (2), a maritime transport instrument may prescribe requirements in relation to fire safety measures, including maintenance, inspection, and servicing requirements, for vessels to which those subrules apply.

Section 3 Fire safety measures for vessels of less than 45 metres in length

404.132 Vessels of less than 45 metres in length

(1) The owner and the master of a vessel of less than 45 metres in length must ensure that fire safety measures, including fire appliances, are provided on the vessel that comply with—

(a) Parts A and C of Chapter V of the Agreement—

(i) excluding regulation 1 of Chapter V of the Agreement; and

(ii) subject to any variation in any applicable maritime transport instrument; and

(b) the requirements in any applicable maritime transport instrument.

(2) The owner and the master of a vessel of less than 45 metres in length must ensure that the vessel's fire appliances are maintained, inspected, and serviced in accordance with any applicable maritime transport instrument.

(3) The master of a vessel of less than 45 metres in length must ensure that all the vessel's fire appliances are—

(a) in good working order; and

(b) ready for immediate use—

before the vessel commences a voyage and at all times during the voyage.

(4) For the purposes of subrules (1) and (2), a maritime transport instrument may prescribe requirements in relation to fire safety measures, including maintenance, inspection, and servicing requirements, for vessels to which those subrules apply.

(5) Where any rule in this section, or any maritime transport instrument referred to in this section, requires compliance with a provision of Chapter V of the Agreement, then that requirement applies to a vessel to which that rule or instrument applies regardless whether the application of the provision is specified as being only to a vessel of 45 m or more.

404.133 to 404.150 Reserved

404.150 to 404.179 Reserved

CHAPTER 6 PROTECTION OF THE CREW

404.180 General

(1) The surfaces of decks and of flooring in working spaces on board must be so designed or treated as to minimise the possibility of personnel slipping.

(2) A lifeline system must be designed to be effective for all needs and the necessary wires, ropes, shackles, eye bolts, and cleats must be provided.

(3) Decks of machinery spaces, galleys, fish handling and deck equipment operating areas, and the deck areas at the foot and head of ladders and in front of doors, must be provided with anti-skid surfaces.

(4) The following apply to stairways and ladders:

(a) where necessary, stairways and ladders must be provided for safe working at sea and in port:

(b) stairways and ladders must be of adequate size and strength:

(c) means of access to holds and similar parts of the vessel must consist of fixed ladders or stairs:

(d) fixed vertical ladders must be so situated as to be protected from damage:

(e) treads of stairways must be flat and prepared to minimise slipping:

(f) stairways of more than 1 metre in height must have handrails.

404.181 Bulwarks, rails, and guards

(1) Efficient bulwarks or guard rails must be fitted on all exposed parts of the working deck and on superstructure decks to which crew have normal access except as provided in any applicable maritime transport instrument.

(2) Except as provided in subrule (4), the height of bulwarks or guard rails above deck must be at least 1 metre.

(3) The minimum vertical distance from the deepest operating waterline to the lowest point of the top of the bulwark, or to the edge of the working deck if guard rails are fitted, must ensure adequate protection of the crew from water shipped on deck—

(a) taking into account the sea states and the weather conditions in which the vessel may operate, the areas of operation, type of vessel, and its method of fishing; and

(b) in accordance with any applicable maritime transport instrument.

(4) Where the prescribed heights for bulwarks and guard rails would interfere with the normal fishing operations of the vessel, a lesser height may be permitted by the surveyor, provided that—

(a) a reduction in height is not permitted in way of wheelhouse and deckhouse doors; and

(b) a fixed bulwark must not be less than 450 mm in height.

(5) The following apply to guard rails:

(a) in relation to courses of guard rails:

(i) clearance below the lowest course of guard rails is not to exceed 230 mm:

(ii) courses other than those described in subrule (i) must not be more than 380 mm apart:

(iii) the distance between stanchions must not be more than 1.5 metres:

(b) on a vessel with rounded gunwales, guard rail supports must be placed on the flat of the deck:

(c) rails must be free from sharp points, edges and corners and be of sufficient strength to prevent persons from falling overboard.

(6) Storm rails must be fitted as necessary to the outside of all deckhouses and casings to secure safety of passage or work for the crew.

(7) Stern trawlers must be provided with suitable protection such as doors, gates or nets at the top of the stern ramp at the same height as the adjacent bulwark or guard rails.

(8) Every fishing vessel, other than a stern trawler, that has an opening between bulwarks must be provided with adequate protection for the crew from falling overboard, to the satisfaction of the surveyor.

(9) For the purposes of subrules (1) and (3), a maritime transport instrument may prescribe requirements for bulwarks, rails, and guards for vessels to which those subrules apply.

404.182 Winches and other lifting equipment

(1) Moving parts of winches and of warp and chain leads that may present a hazard must be, as far as practicable, adequately guarded and fenced.

(2) The controls of winches must be placed so that the winch driver has ample room for their unimpeded operation and an unobstructed view of the winch and working area.

(3) Where a winch is provided with local and remote controls, these must be arranged so as to prevent simultaneous operation.

(4) Winches must be provided with means to prevent—

(a) overloading; and

(b) the accidental release of a load that might endanger the crew or vessel if the power supply fails.

(5) The following applies to winches:

(a) winches must be equipped with means of effectively arresting and holding the safe working load:

(b) the brakes of winches must be proof tested before installation with a static load 25 percent in excess of the maximum safe working load:

(c) brakes must be provided with simple and easily accessible means of adjustment:

(d) every winch drum that could be uncoupled from the drive must be furnished with a separate brake.

(6) Where manually operated guiding on gear is installed—

(a) the operating wheels must—

(i) not have open spokes or protrusions that could cause injury to the operator; and

(ii) be capable of being disengaged when the warps are paying out.

(b) the guiding on gear must be capable of being disengaged when the warps are paying out.

(7) Winch barrels must be provided with means for fastening wire ends that are so designed as to prevent kinking of the wires.

(8) Where practicable, warps between lead rollers and sheaves and rollers must be guarded.

(9) Chains and other suitable devices must be provided for stoppering off trawl boards.

(10) Wires and warps provided must be of adequate strength for the anticipated loads.

(11) All elements of a fishing gear system must be designed, arranged and installed to provide safe and convenient operation.

(12) The owner of a vessel must ensure that no lifting appliance or its associated working gear is used in loading or unloading the vessel unless—

(a) the lifting appliance is tested by a competent person before it is brought into service or after it has undergone any substantial repairs; and

(b) the proof load for such a test is 25 percent in excess of the safe working load of the lifting appliance; and

(c) the lifting appliance is clearly and permanently marked with its safe working load for each operating condition; and

(d) the safe working load is marked on each lifting appliance, to the satisfaction of a competent person, having regard to the design, strength, material of construction, and the proposed use of the lifting appliance.

(13) Lifting appliances and their associated working gear must be maintained in good order. Adequate restraint must be provided to prevent movement of lifted or hoisted fishing gear that could present a hazard to the vessel or crew.

404.183 Skylights

Skylights or other similar openings must be fitted with protective bars not more than 350 mm apart.

404.184 to 404.189 Reserved

CHAPTER 7 LIFE SAVING APPLIANCES AND ARRANGEMENTS

404.190 General

(1) The owner and the master of a vessel of 45 metres or more in length must ensure that life saving appliances and equipment on the vessel—

(a) comply with the applicable requirements and standards in Chapter VII of the Agreement; and

(b) comply with the performance standards in any applicable maritime transport instrument.

(c) are maintained, inspected, and serviced in accordance with any applicable maritime transport instrument.

(2) The owner and the master of a vessel of less than 45 metres in length must ensure that life saving appliances on the vessel—

(a) comply with the applicable standards in any applicable maritime transport instrument; and

(b) are maintained, inspected, and serviced in accordance with any applicable maritime transport instrument.

(3) The master of any vessel must ensure that all life saving appliances are—

(a) in good working order; and

(b) ready for immediate use—

before the vessel commences a voyage and at all times during the voyage.

(4) For the purposes of subrules (1) and (2), a maritime transport instrument may prescribe requirements for life saving appliances and equipment for vessels to which those subrules apply.

404.191 to 404.199 Reserved

CHAPTER 8 EMERGENCY PROCEDURES, MUSTERS, AND DRILLS

404.200 to 404.209 Reserved

CHAPTER 9 RADIOCOMMUNICATIONS

404.210 General

(1) The owner and the master of a vessel of 45 metres or more in length must ensure that radiocommunications equipment and procedures on the vessel comply with—

(a) Chapter IX of the Agreement; and

(b) the standards in any applicable maritime transport instrument.

(2) The owner and the master of a vessel of less than 45 metres in length must ensure that the vessel's radiocommunications equipment complies with the standards in any applicable maritime transport instrument.

(3) The owner and the master of a vessel must ensure that the vessel's radiocommunications equipment is maintained, inspected, and serviced in accordance with any applicable maritime transport instrument.

(4) The master of any vessel must ensure that all radiocommunications equipment is—

(a) in working order; and

(b) correctly configured with vessel details; and

(c) ready for immediate use—

before the vessel commences a voyage and at all times during any voyage.

(5) For the purposes of subrules (1), (2), and (3), a maritime transport instrument may prescribe requirements for radiocommunications equipment and procedures, including maintenance inspection, and servicing requirements, for vessels to which those subrules apply.

404.211 to 404.219 Reserved

CHAPTER 10 NAVIGATIONAL EQUIPMENT AND ARRANGEMENTS

404.220 Navigating bridge visibility

(1) Any vessel of 45 metres or more in length must meet all the following requirements:

(a) the view of the sea surface from the conning position must not be obscured by more than two vessel lengths, or 500 metres, whichever is less, forward of the bow to 10° on either side, irrespective of the vessel's draught and trim:

(b) the following apply to blind sectors:

(i) no blind sector caused by fishing gear or other obstructions outside the wheelhouse forward of the beam that obstructs the view of the sea surface as seen from the conning position, is to exceed 10°:

(ii) the total arc of blind sectors must not exceed 20°:

(iii) the clear sectors between blind sectors must be at least 5; but, in the view described in subrule (1)(a), each individual blind sector is not to exceed 5°:

(c) the height of the lower edge of the navigating bridge front windows above the bridge deck must be kept as low as possible; but, in no case is the lower edge to present an obstruction to the forward view as described in this rule 404.220:

(d) the upper edge of the navigating bridge front windows must allow a forward view of the horizon for a person with a height of eye of 1800 mm above the bridge deck at the conning position when the vessel is pitching in heavy seas; but, if the surveyor is satisfied that a 1800 mm height of eye is unreasonable and impractical, the surveyor may reduce the height of eye to a minimum of 1600 mm:

(e) the horizontal field of vision from the conning position must extend over an arc of not less than 225°, that is from right ahead to not less than 22.5° abaft the beam on either side of the vessel:

(f) from each bridge wing, the horizontal field of vision must extend over an arc of at least 225°, that is from at least 45° on the opposite bow through right ahead and then from right ahead to right astern through 180° on the same side of the vessel:

(g) from the main steering position the horizontal field of vision must extend over an arc from right ahead to at least 60° on each side of the vessel:

(h) the vessel's side must be visible from the bridge wing:

(i) windows must meet all the following requirements:

(i) framing between navigating bridge windows must be kept to a minimum and must not be installed immediately forward of any workstation:

(ii) the bridge front windows must be inclined from the vertical plane top out, at an angle of not less than 10° and not more than 25°:

(iii) polarised or tinted windows must not be fitted:

(iv) a clear view through at least two of the navigating bridge front windows and depending on the bridge configuration, an additional number of clear view windows must be provided at all times, regardless of weather conditions.

(2) Any vessel of less than 45 metres in length must meet all the following requirements:

(a) the wheelhouse must be designed to afford the helmsman as wide an arc of visibility as possible, both ahead and abaft the beam, and where practicable, all round visibility:

(b) wheelhouse windows forward of the helm position and those essential for the safe navigation of the vessel must not be polarised or tinted.

404.221 to 404.249 Reserved

CHAPTER 11 CREW ACCOMMODATION

404.250 General

(1) The owner of any vessel that will be away from port for more than 24 hours, must ensure that adequate sleeping, eating, cooking, and sanitary facilities are provided in accordance with rules 404.250 to 404.255 inclusive.

(2) The location, structure, and arrangement of the crew accommodation must be such as to ensure security, protection against the weather and the sea, and insulation from heat, cold, and noise. No crew accommodation spaces are to be located forward of the collision bulkhead.

(3) The following apply to bulkheads and decks:

(a) bulkheads and decks between accommodation spaces and fish holds, machinery spaces, fuel tanks, galleys, engine, deck and other store rooms, drying rooms, communal wash places or water closets must be constructed so as to prevent the infiltration of fumes and odours:

(b) direct openings into sleeping rooms from such places must be avoided wherever reasonable or practicable:

(c) that part of the bulkhead separating such places from sleeping rooms, and also external bulkheads, must be gastight and, where necessary, must prevent the passage of water.

(4) All internal surfaces must be of a material that is easily kept clean, and is impervious to damp.

(5) Unless otherwise permitted by the surveyor, the clear headroom in areas of free movement throughout the crew accommodation must be not less than 1.9 metres.

(6) Crew accommodation spaces must be provided with adequate ventilation to ensure sufficient air changes for a comfortable living environment and must have lighting such as to permit a person with normal vision to read in that space.

404.251 Sleeping rooms

(1) Wherever practicable, access to sleeping rooms must be through a doorway. If access is from the main deck to below, it must be by way of an inclined ladder or stairway.

(2) Where a hazard (such as a galley area) is located between a sleeping room and the open deck, an emergency escape must be provided, that permits access to the open deck without passing through the area of hazard.

(3) Each crew member must be provided with an individual bunk, the minimum inside dimensions of which must be 1.9 metres by 0.68 metres.

(4) The clearance above any bunk must not be less than 600 mm. The lowest bunk must not be less than 300 mm above the deck.

(5) Bunks must not be placed side by side in such a way that access to one bunk can only be obtained over another bunk. The minimum clear deck space between bunks must be at least 600 mm.

(6) When one bunk is placed over another, a dustproof base of wood or other suitable material must be fitted to the upper bunk.

(7) Each bunk must be fitted with a mattress of a type that will not attract pests or insects. The mattress and cover must be of non-inflammable material.

(8) Each crew member must be provided with adequate storage space in the sleeping room in the form of a locker for the storage of personal items and clothes.

404.252 Toilet facilities

(1) Wherever practicable, toilets, wash basins and shower or bath facilities must be provided as follows—

(a) one flush toilet or suitable alternative for every 8 persons or less; and

(b) one shower or bath with hot and cold fresh water for every 8 persons or less; and

(c) one wash basin with hot and cold fresh water for every 8 persons or less.

(2) The location and construction of the toilet facilities must provide privacy to the users.

(3) The toilet space must be vented to atmosphere.

404.253 Mess rooms

(1) Each vessel must be provided with adequate table and seating arrangements for the number of crew likely to use them at any one time.

(2) Wherever reasonable and practical, mess room accommodation separate from sleeping rooms must be provided.

(3) The mess room accommodation must be as close to the galley as practicable.

(4) Adequate facilities must be provided for the hygienic storage and preparation of food and drinks and the proper disposal of waste.

404.254 Cooking and beverage facilities

(1) Each vessel must be provided with satisfactory cooking appliances and equipment that is, wherever practicable, to be fitted in a separate galley.

(2) Galleys must be—

(a) of sufficient dimensions for their purpose; and

(b) fitted with storage space; and

(c) provided with drainage.

(3) Refrigeration storage of sufficient capacity for the crew numbers must be provided.

(4) Facilities must be readily available for the provision to the crew of hot beverages and cool water.

404.255 Washing facilities

Facilities must be provided for washing and drying clothes, appropriate to the time the vessel is to remain at sea.

404.256 to 404.299 Reserved

SUBPART B

FOREIGN CAPE TOWN VESSELS

Section 1 Application and definitions

404.300 Application of Subpart B – foreign Cape Town vessels

This Subpart applies to foreign Cape Town vessels.

404.301 Definitions

In addition to the definitions in rule 404.2, in this Subpart, unless the context otherwise requires—

foreign Cape Town vessel means a ship that—

(a) is a foreign ship; and

(b) is a "fishing vessel" as defined in Article 2 of the Torremolinos Protocol of 1993 Relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the "1993 Torremolinos Protocol"), subject to the exclusions in Article 3(2) of the 1993 Torremolinos Protocol; and

(c) is a 'new vessel' as defined in regulation 2 of Chapter 1 of the Agreement; and

(d) is 24 metres or more in length:

non-Party State means a State for which the Agreement has not entered into force:

Party State means a State for which the Agreement has entered into force.

Section 2 Certificates and port state control

404.302 Foreign Cape Town vessels certified under the Agreement

(1) The owner and the master of a foreign Cape Town vessel that is registered in a Party State must ensure—

(a) compliance with the requirements of the Agreement as given effect by the State; and

(b) that the vessel complies with the requirements of the Agreement as given effect by the State.

(2) Where a requirement referred to in subrule (1) relates to the construction and equipment of a vessel, then that requirement will apply in respect of that vessel from the date upon which construction and equipment requirements in the Agreement apply to that vessel in the Party State.

(3) The owner and the master of a foreign Cape Town vessel that is registered in a Party State must ensure that there is carried on board the vessel, accompanied by an English-language translation where it is not in English, in respect of that vessel—

(a) a current International Fishing Vessel Safety Certificate, including the Record of Equipment supplemented to it; and

(b) where applicable, a current International Fishing Vessel Exemption Certificate—

issued by or on behalf of the Party State in accordance with the Agreement.

(4) The master of a foreign Cape Town vessel must ensure that each certificate required under subrule (3) is produced when requested by the Director.

(5) The certificates referred to in subrule (3) must be the original or certified copies of the original.

404.303 All other foreign Cape Town vessels

(1) The owner and the master of a foreign Cape Town vessel to which rule 404.302 does not apply must ensure that there is carried on board the vessel the appropriate valid documents for that vessel issued by or on behalf of the flag state certifying compliance with the applicable requirements of the Agreement.

(2) The master of a foreign Cape Town vessel must ensure that a copy of each document required under subrule (1) is produced when requested by the Director.

(3) The documents referred to in subrule (1) must be the original or certified copies of the original.

Section 3 Request for New Zealand to certify foreign ship

404.304 Issue or endorsement of certificates and duration – foreign Cape Town vessels

(1) For a foreign Cape Town vessel that is registered in a Party State, if requested by the Party State, the Director may—

(a) arrange for the vessel to be surveyed in accordance with the Agreement; and

(b) on receipt of payment of costs under subrule (4) and on receipt of a satisfactory survey report—

(i) relating to an initial or renewal survey, and an application under section 35 of the Act, issue an International Fishing Vessel Safety Certificate, including the Record of Equipment supplemented to it, and, if applicable, an International Fishing Vessel Exemption Certificate in respect of the vessel under section 41 of the Act; or

(ii) relating to an annual, periodical, intermediate, or additional survey, endorse or authorise a surveyor to endorse the International Fishing Vessel Safety Certificate and, if applicable, an International Fishing Vessel Exemption Certificate in respect of the vessel.

(2) An International Fishing Vessel Safety Certificate and an International Fishing Vessel Exemption Certificate issued in accordance with subrule (1)(b)(i) must state it was issued at the request of the other State.

(3) The Director must ensure that a copy of any International Fishing Vessel Safety Certificate and, if applicable, an International Fishing Vessel Exemption Certificate issued or endorsed under subrule (1), and the relevant survey report, are transmitted to the requesting State.

(4) The owner of the foreign Cape Town vessel in respect of which a request is made under subrule (1), is responsible for the costs of the survey, and any other associated costs of the surveyor or Director in relation to the issue or endorsement of the International Fishing Vessel Safety Certificate and, if applicable, the International Fishing Vessel Exemption Certificate.

(5) An International Fishing Vessel Safety Certificate and an International Fishing Vessel Exemption Certificate issued by the Director under this rule 404.304 is subject to the conditions specified in—

(a) regulation 10(1) and (2) of Chapter 1 of the Agreement; and

(b) regulation 13(8) of chapter 1 of the Agreement.

(6) An International Fishing Vessel Safety Certificate issued by the Director under this rule 404.304 shall be for a period at the discretion of the Director but, in any case, must be issued for a period not exceeding 5 years.

(7) An International Fishing Vessel Exemption Certificate issued by the Director under this rule 404.304 shall be for a period at the discretion of the Director but, in any case, must—

(a) be issued for a period not exceeding 5 years; and

(b) not exceed the date of expiry of the International Fishing Vessel Safety Certificate to which it relates.

(8) An International Fishing Vessel Safety Certificate and an International Fishing Vessel Exemption Certificate issued by the Director under this rule 404.304 are maritime documents.

SCHEDULE 1
CONSEQUENTIAL AMENDMENTS

1.1 Part 19: Maritime Transport Operator – Certification and Responsibilities

In rule 19.2, in the definition of maritime transport operation—

(a) in paragraph (a)(i), replace "in accordance with" with "under":

(b) replace paragraph (a)(ii), with the following:

"(ii) it operates under a certificate of compliance issued by the Director and a safe operational plan approved by an authorised person, under Part 40A, 40D, 40F, or 82:".

(c) in paragraph (a)(iii), replace both occurrences of "in accordance with" with "under":

(d) in paragraph (a)(v), replace "in accordance with" with "under":

(e) in paragraph (a)(vi), replace "in accordance with" with "under":

(f) in paragraph (b)(ii)(A), replace "in accordance with" with "under":

(g) in paragraph (b)(ii)(B), replace "in accordance with" with "under".

1.2 Part 23: Operating Procedures and Training

(1) In rule 23.2, replace the definition of fishing ship with the following:

"**fishing ship** means a ship that is required to be registered under New Zealand fisheries legislation:".

(2) In rule 23.25(4), replace "hose" with "those".

(3) Amend rule 23.29 as follows, in the following order:

(a) renumber subrule (1) as (1A):

(b) before subrule (1A), insert the following subrule:

"(1) Except as otherwise specified, rule 23.29 applies to fishing ships that proceed into the unlimited area and fishing ships of 45 metres or more in length that proceed beyond the coastal limit but not beyond the offshore limit.":

(c) in subrule (1A), delete "to which this rule applies":

(d) in subrule (2), delete "to which this rule applies":

(e) in subrule (2), replace "which" with "that":

(f) in subrule (3), delete "to which this rule applies":

(g) after subrule (3), insert the following subrules:

"(3A) Subrule (3B) applies to the following ships, and comes into force on the following dates:

(a) subrule (3B) applies to a ship to which Subpart A of Part 404 applies, and comes into force on the day that Subpart A of Part 404 comes into force:

(b) subrule (3B) also applies to a ship to which Part 40D applies, of 24 metres or more in length that is certificated to operate in the unlimited area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(3B) The owner and the master of a ship referred to in subrule (3A) must ensure, in addition to the requirements in subrule (3), the general emergency signal is capable of being sounded on an electrically operated bell or klaxon or other equivalent warning system that is powered from the ship's main supply and the emergency source of electrical power required by rule 40D.32 or rule 404.96 as applicable.":

(h) in subrule (4), delete "to which this rule applies":

(i) after subrule (4), insert the following subrules:

"(4A) Subrule (4B) applies to the following ships, and comes into force on the following dates:

(a) subrule (4B) applies to a ship to which Subpart A of Part 404 applies, and comes into force on the day that Subpart A of Part 404 comes into force:

(b) subrule (4B) also applies to a ship to which Part 40D applies, of 24 metres or more in length that is certificated to operate in the unlimited area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(4B) Where equipment is carried on a voluntary basis, the master of a ship referred to in subrule (4A) must ensure that—

(a) the equipment is used in the drills; and

(b) the drills are adjusted accordingly—

when drills are conducted under rule 23.21 on the ship.":

(j) in subrule (5), delete "to which this rule applies":

(k) in subrule (6), delete "to which this rule applies":

(l) in subrule (7), delete "to which this rule applies":

(m) after subrule (7), insert the following subrules:

"(7A) Subrules (7B) and 7(C) apply to the following ships, and come into force on the following dates:

(a) subrules (7B) and (7C) apply to a ship to which Subpart A of Part 404 applies, and comes into force on the day that Subpart A of Part 404 comes into force:

(b) subrules (7B) and (7C) also apply to a ship to which Part 40D applies, of 24 metres or more in length that is certificated to operate in the unlimited area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(7B) The owner and the master of a ship referred to in subrule (7A) must ensure that there is provided in each crew mess room and recreation room, or in each crew cabin, a training manual or audio visual aid complying with the requirements of rule 42A.32B.

(7C) The owner and the master of a ship referred to in subrule (7A) must ensure that all members of the crew and the master receive training in emergency procedures to the minimum standard set out in Appendix 1A to this Part.".

(4) Before rule 23.49, insert the following rule:

"**23.48A Signalling equipment**

(1) Subrule (2) applies to the following ships, and comes into force on the following dates:

(a) subrule (2) applies to a ship of 45 metres or more in length to which Subpart A of Part 404 applies, and comes into force on the day that Subpart A of Part 404 comes into force:

(b) subrule (2) also applies to a ship to which Part 40D applies, of 45 metres or more in length that is certificated to operate in the unlimited area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(2) The owner and the master of a ship referred to in subrule (1) must ensure that the ship is provided with a full complement of flags and pennants to enable communications to be sent using the International Code of Signals.".

(5) Before Appendix 2 of Part 23, insert the following appendix:

"**Appendix 1A**

Minimum training requirements for crew and master in emergency procedures under 23.29(7C) operating in the unlimited area

The training in emergency procedures required by rule 23.29(7C) must include the following, as appropriate:

(a) types of emergencies which may occur, such as collisions, fire and foundering:

(b) types of life-saving appliances normally carried on ships:

(c) need to adhere to the principles of survival:

(d) value of training and drills:

(e) need to be ready for any emergency and to be constantly aware of:

(i) the information in the muster list, in particular:

(aa) each crew member's specific duties in any emergency:

(bb) each crew member's own survival station:

(cc) the signals calling the crew to their survival craft or fire stations:

(ii) location of each crew member's own lifejacket and spare lifejackets:

(iii) location of fire alarm controls:

(iv) means of escape:

(v) consequences of panic:

(f) actions to be taken in respect to lifting persons from ships and survival craft by helicopter:

(g) actions to be taken when called to survival craft stations, including:

(i) putting on suitable clothing:

(ii) donning of lifejacket:

(iii) collecting additional protection such as blankets, time permitting:

(h) actions to be taken when required to abandon ship, such as:

(i) how to board survival craft from vessel and water:

(ii) how to jump into the sea from a height and reduce the risk of injury when entering the water:

(i) actions to be taken when in the water, such as:

(i) how to survive in circumstances of:

(aa) fire or oil on the water:

(bb) cold conditions:

(cc) shark-infested waters:

(ii) how to right a capsized survival craft:

(j) actions to be taken when aboard a survival craft, such as:

(i) getting the survival craft quickly clear of the ship:

(ii) protection against cold or extreme heat:

(iii) using a drogue or sea-anchor:

(iv) keeping a look-out:

(v) recovering and caring for survivors:

(vi) facilitating detection by others

(vii) checking equipment available for use in the survival craft and using it correctly:

(viii) remaining, so far as possible, in the vicinity:

(k) main dangers to survivors and the general principles of survival, including:

(i) precautions to be taken in cold climates:

(ii) precautions to be taken in tropical climates:

(iii) exposure to sun, wind, rain and sea:

(iv) importance of wearing suitable clothing:

(v) protective measures in survival craft:

(vi) effects of immersion in the water, and of hypothermia:

(vii) importance of preserving body fluids:

(viii) protection against seasickness:

(ix) proper use of fresh water and food:

(x) effects of drinking seawater:

(xi) means available for facilitating detection by others:

(xii) importance of maintaining morale:

(l) actions to be taken in respect to fire fighting:

(i) the use of fire hoses with different nozzles:

(ii) the use of fire extinguishers:

(iii) knowledge of the location of fire doors:

(iv) the use of breathing apparatus.".

1.3 Part 40D: Design, Construction and Equipment – Fishing Ships

(1) In Part 40D, under the heading "Part objective", make the following amendments:

(a) in the first paragraph, at the end of that paragraph, insert the following:

"Part 40D excludes fishing ships to which Part 404 applies, which are ships of 24 metres or more in length that are certificated to operate in the unlimited area or operate in the unlimited area and are built or become New Zealand Cape Town vessels as a consequence of major conversion after Part 404 comes into effect.":

(b) in the third paragraph, delete the second sentence:

(c) replace the last paragraph with the following:

"Maritime 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 of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act. Anyone can make a complaint to the Regulations Review Committee about the operation of a regulation.".

(2) In rule 40D.2, insert the following definitions in the appropriate alphabetical order:

"**foreign Cape Town vessel** has the meaning set out in rule 404.301:":

"**New Zealand Cape Town vessel** has the meaning set out in rule 404.11:".

(3) Amend rule 40D.3 as follows:

(a) in the chapeau of subrule (1), replace "and (4)" with "(4), (5), and (6)":

(b) after subrule (4), insert the following subrules:

"(5) This Part does not apply to a New Zealand Cape Town vessel.

(6) This Part does not apply to a foreign Cape Town vessel.".

(4) In Appendix 1.1 of Part 40D, in the row titled "Survival craft – two-way VHF radiotelephone", in the second column, make the following amendments:

(a) at the start of the first sentence, replace "Every ship" with "During the initial period of 5 years that Subpart A of Part 404 is in force, every ship":

(b) at the end of the last paragraph, insert the following paragraphs:

"5 years from the date Subpart A of Part 404 comes into force, every ship of 45m or more in length must be provided with at least three two-way VHF radiotelephone apparatus. Such apparatus must conform to performance standards acceptable to the Director.

If a fixed two-way VHF radiotelephone apparatus is fitted in a survival craft, it must conform to performance standards acceptable to the Director.".

(5) In Appendix 3.3 of Part 40D, after the row titled "VHF Radio", insert the following row:

"

NAVTEX	10 years from the date Subpart A of Part 404 comes into force, for ships of 45m or more in length, a receiver capable of receiving international NAVTEX service broadcasts if the ship is engaged on voyages in any area in which an international NAVTEX service is provided

".

(6) In Appendix 3.3 of Part 40D, in the row titled "Radar Transponder or AIS-SART", in the second column, make the following amendments:

(a) at the start of the first sentence, replace "The ship" with "5 years from the date Subpart A of Part 404 comes into force, a ship less than 45 m in length":

(b) at the end of the last paragraph, insert the following paragraphs:

"5 years from the date Subpart A of Part 404 comes into force, a ship of 45 m or more in length must be provided with a transponder conforming to standards acceptable to the Director—

(1) on each side of the ship in such locations they can be rapidly placed in any survival craft; or

(2) stowed in each survival craft.".

1.4 Part 42B: Safety Equipment – Fire Appliances Performance Standards

(1) Amend rule 42B.3 as follows:

(a) in the chapeau of subrule (2), before "that—", insert "on a ship":

(b) in subrule (2)(a), replace "a ship" with "that ship":

(2) Before rule 42B.11, insert the following rule:

"**42B.10A Pressure gauge**

(1) Subrule (2) applies to the following ships, and comes into force on the following date—

(a) subrule (2) applies to a ship—

(i) of 45 metres or more in length to which Subpart A of Part 404 applies; and

(ii) for which the method of protection adopted under rule 404.130 or 404.131 is method IIF; and

(b) subrule (2) comes into force on the day that Subpart A of Part 404 comes into force.

(2) For a ship referred to in subrule (1), a gauge indicating the pressure in the system must be provided at each section stop valve and at a central station.

(3) For the purposes of subrule (1)(a)(ii), method IIF means the method of protection that may be adopted in accommodation and service spaces, with the fitting of an automatic sprinkler and fire alarm system for the detection and extinction of fire in all spaces in which fire might be expected to originate, generally with no restrictions on the type of internal divisional bulkheads.".

(3) In rule 42B.64, after subrule (2), insert the following rules:

"(3A) Subrule (3B) applies to the following ships, and comes into force on the following date—

(a) subrule (3B) applies to a vessel of 45 metres or more in length to which Subpart A of Part 404 applies; and

(b) subrule (3B) comes into force on the day Subpart A of Part 404 comes into force.

(3B) For a ship referred to in subrule (3A), single lengths of fire hose must not exceed 20 metres.".

1.5 Part 43: Radio

In rule 43.3, in subrule (1), replace "or 40F" with ", 40F, or 404".

1.6 Part 45: Navigational Equipment

(1) In rule 45.2 replace the definition of "fishing ship" with—

"fishing ship means a ship that is required to be registered under New Zealand fisheries legislation:".

(2) Amend rule 45.24 as follows:

(a) in subrule (1), replace "rule 45.24(4)" with "rules 45.24(4) and 45.24(5C)":

(b) in the chapeau of subrule (4), replace "A" with "Except for a ship to which subrule (5C) applies, a":

(c) after subrule (4), insert the following subrules:

"(5) Subrules (5A), (5B), and (5C) apply to the following ships, and come into force on the following dates:

(a) subrules (5A), (5B), and (5C) apply to a ship of 24 metres or more in length to which Subpart A of Part 404 applies, and comes into force on the day Subpart A of Part 404 comes into force:

(b) subrules (5A), (5B), and (5C) apply to a ship to which Part 40D applies, of 24 metres or more in length that is certificated to operate in the unlimited area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(5A) The owner of a ship referred to in subrule (5) must ensure it is fitted with adequate means of communication between the standard compass position and the normal navigation control position.

(5B) The owner of a ship referred to in subrule (5) must ensure it is provided with means such as an azimuth mirror or azimuth circle or sight vane for taking bearings as near as practicable over an arc of the horizon of 360°.

(5C) A steering compass is not required on a ship referred to in subrule (5) if it is fitted with—

(a) a spare magnetic compass interchangeable with the standard compass; or

(b) a gyro-compass that meets the requirements of the International Maritime Organization Assembly Resolution A.424(XI).".

(3) Before rule 45.25, insert the following rules:

"**45.24A Positioning receiving systems – fishing ships that proceed into the unlimited area**

(1) Subrule (2) applies to the following ships, and comes into force on the following dates:

(a) subrule (2) applies to a ship of 75 metres or more in length to which Subpart A of Part 404 applies, and comes into force on the day that Subpart A of Part 404 comes into force:

(b) subrule (2) also applies to a ship to which Part 40D applies, of 75 metres or more in length that is certificated to operate in the unlimited area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(2) The owner and the master of a ship that is 75 metres or more in length to which subrule (1) applies must ensure that the ship is fitted with a receiver for a global satellite system or a terrestrial radio-navigation system, or other means suitable for use at all times throughout the intended voyage to establish and update the ship's position by automatic means.":

"**45.24B Signalling equipment**

(1) Subrule (2) applies to the following ships, and comes into force on the following dates:

(a) subrule (2) applies to a ship to which Subpart A of Part 404 applies, and comes into force on the day Subpart A of Part 404 comes into force:

(b) subrule (2) also applies to a ship to which Part 40D applies, of 24 metres or more in length that is certificated to operate in the unlimited

area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(2) The owner and the master of a ship referred to in subrule (1) must ensure the ship is provided with a daylight signalling lamp—

(a) the operation of which is not solely dependent upon the main source of electrical power; and

(b) a power supply for which must include a portable battery.".

(4) After 45.25, before the heading "Ships of 500 tons gross tonnage or more to which SOLAS is not applied", insert the following rule:

"**45.25A Echo-sounding devices**

(1) Subrule (2) applies to a ship of 500 tons gross tonnage or more to which SOLAS is not applied.

(2) Subject to subrule (4), a ship that is—

(a) a passenger or non-passenger ship of 1,600 tons gross tonnage or more that is constructed after 25 May 1980; or

(b) a fishing ship of 75 metres or more in length; or

(c) a fishing ship of 45 metres or more in length that is constructed after 1 September 1984—

must be fitted with an echo-sounding device that meets the requirements of the International Maritime Organization Assembly Resolution A.224(VII).

(3) Subrules (4) and (5) apply to the following ships, and come into force on the following dates:

(a) subrules (4) and (5) apply to a ship to which Subpart A of Part 404 applies, and comes into force on the day Subpart A of Part 404 comes into force:

(b) subrules (4) and (5) also apply to a ship to which Part 40D applies, of 24 metres or more in length that is certificated to operate in the unlimited area or operates in the unlimited area, and comes into force 5 years from the date Subpart A of Part 404 comes into force.

(4) The owner and the master of a ship referred to in subrule (3) that is 45 metres or more in length that is constructed on or after 25 May 1990 must ensure the ship is provided with an echo-sounding device that meets the standards adopted by the IMO titled "Recommendation on performance standards for echo-sounding equipment".

(5) The owner and the master of a ship referred to in subrule (3) that is less than 45 metres in length must ensure the ship is provided with a means, acceptable to the Director, for determining the depth of water under the vessel.".

(5) Amend rule 45.28 as follows:

(a) in subrule (1), replace "which" with "that":

(b) in subrule (2), replace "1998" with "1992".

(6) Replace rule 45.32 with the following:

"**45.32 Reserved**".

1.7 Amendments to Parts 23, 25, 43, and 45 clarifying scope of fishing ship operations

(1) In rule 23.2, in the definition of "**Fishing ship**", after "section 103", insert "or 113D".

(2) In rule 25.2, in the definition of "**fishing vessel**", after "section 103", insert "or 113D".

(3) In rule 43.2, in the definition of "**fishing ship**", after "section 103", insert "or 113D".

(4) In rule 45.2, in the definition of "**Fishing ship**", after "section 103", insert "or 113D".

CONSULTATION

Summary of public consultation

Decision to accede to the Agreement

It was agreed by Cabinet 2015 New Zealand should accede to the Agreement following the satisfactory completion of the Parliamentary treaty examination process. Prior to the National Interest Assessment (NIA) in 2015, iwi representative groups were contacted directly via email while the wider public had the opportunity to submit through the discussion paper and submission template on Te Manatū Waka's public website.

Initial consultation in 2020

A notice of the Minister's intention to make rules was published in the Gazette on the 26 August 2020 (notice no. 2020-au3942) in accordance with section 446(a) of the Act. The Gazette notice also included, in accordance with section 446(b), a due date for submissions of Friday 30 October 2020, details of how to make submissions, and a link to the Invitation to Comment consultation document on the Maritime NZ website.

Maritime NZ developed and consulted on proposed draft Maritime Rule Part 404 which would implement the Agreement in NZ. The consultation document included technical and detailed content in the rules which set out matters that could be considered as 'acceptable means of compliance' (AMOC) with the requirements in Part 404. During this consultation one submission was received representing 45+ NGOs.

Specific comments in this submission included reference to:

- Concern at the absence of an effective international agreement managing international safety standards for the building of new (and major conversions of existing) ocean fishing vessels of 24 metres or more in length.
- ratification of the Agreement as being important as part of other arrangements to reduce the chance of accidents causing death and injury and associated environmental impacts from fishing vessels.
- Support for the progress in New Zealand ratifying and implementing updated IMO agreements and measures, and that is is an important move in the protection of the marine environment and safety at sea including the measures and resolutions of the IMO
- Support for advocacy by New Zealand on the IMO Polar Code with other like-minded countries and that NZ should continue to support the expansion of the IMO's Polar Code to non-SOLAS vessels, including fishing vessels

No specific issues were raised and submitters were in favour of accession.

Maritime NZ also provided information on the Government consultation website, emailed interested stakeholders with information about the consultation, and published an article about the consultation in SeaChange (July 2020).

In 2021 the Act was amended to create section 452A, which enables transport instruments to be made under regulations or rules, subject to the Minister being satisfied that the subject matter is appropriate to be in a transport instrument rather than the rule itself. Maritime NZ and Te Manatū Waka considered the content consulted on in 2020 as AMOCs was potentially suitable to be in a transport instrument.

Follow up consultation in 2022

A follow-up consultation was issued on 16 September 2022 to finalise Part 404, and seek submitter input on the rules providing for eight transport instruments. Maritime NZ also consulted on seven of the draft transport instruments alongside the rules, to provide a more complete package for submitters to consider, and confirmed the policy position on requiring annual surveys for NZ Cape Town vessels. The consultation closed on 28 October 2022.

During the consultation period Maritime NZ also tested levels of interest in further enagement on the Agreement and Part 404 by emailing iwi and Māori identified in port and coastal regions. No interest

was received in further engagement at that point. An information session was also held with affected fishing industry bodies.

One industry body submission was received by the close of consultation. It sought clarifications on technical requirements for existing fishing vessels that would be brought in by a number of consequential amendments to existing rules. In summary the clarifications sought from the submitter were in relation to:

- voluntary equipment required to be used in safety drills
- availability of material to inform training manuals or audio visual guides
- minimum requirements for emergency training and drills
- specifications for radio communication and signalling equipment

No submissions were received on the annual survey requirement or the transport instruments.

Maritime NZ's response:

Maritime NZ made some minor amendments to the Part 404 rules to clarify requirements for existing vessels. Overall it is envisaged that guidance material will be developed as part of implementation to provide further information around some details in the rules.

Additionally, some minor amendments were made to clarify and improve the Part 404 rules including:

- clarifying that only one requirement applies to fishing vessels under 24 meters in length, as enabled by discretion available under Regulation 3(2) of Chapter X of the Agreement
- clarifying requirements for surveys in relation to owner obligations, surveyor responsibilities and Classification Societies
- removing reference to specific dates for entry into force for Part 404, as the date of entry into force of the Agreement is yet to be known
- consolidating some provisions under appropriate headings to improve readability of the rules