

Secondary Legislation



MARITIME TRANSPORT (FIRE SAFETY MEASURES FOR VESSELS OF 60 METRES IN LENGTH OR MORE) INSTRUMENT

MTI-404.130-1

This maritime transport instrument is—

- (a) made by the Director of Maritime New Zealand under section 452B of the Maritime Transport Act 1994 (the Act), after being satisfied that appropriate consultation has been carried out in accordance with section 452C of the Act; and
- (b) referred to in rule 404.130 of Part 404: Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels (Part 404).

**Maritime New Zealand Annotated Version
17 March 2023**

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

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

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

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History of MTI 404.130-1

Entry into Force

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

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

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

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

Amendment	Effective date
No amendment	Not applicable

Summary of amendments

No amendments

All signed rules can be found on our website:

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

Section 1 Preliminary provisions

1.1 Title

This maritime transport instrument is the *Maritime Transport (Fire safety measures for vessels of 60 metres in length or more) Instrument* (also referred to as MTI-404.130-1).

1.2 Commencement

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

1.3 What this maritime transport instrument does

This maritime transport instrument (MTI-404.130-1) sets out further requirements in relation to the requirements for fire appliances on vessels of 60 metres or more in length.

1.4 Conflicts

- (1) If there is a conflict between a provision in this maritime transport instrument and a corresponding provision of a maritime rule, the provision of the maritime rule applies.
- (2) If there is a conflict between a provision in this maritime transport instrument and a corresponding provision of material incorporated by reference in this maritime transport instrument, the provision of this maritime transport instrument applies.

Section 2 Definitions

2.1 Definitions

All terms used in this maritime transport instrument and defined in Part 404 but not defined in this maritime transport instrument have the same meaning as set out in Part 404.

Section 3 Application

3.1 Application of maritime transport instrument MTI-404.130-1

This maritime transport instrument applies as follows:

- (1) Section 5 applies to vessels to which rule 404.130(1)(a) or (b) applies.
- (2) Section 6 applies to vessels to which rule 404.130(1)(a) or (2) applies.

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

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

- (1) Part 1 of Annex 1 to the *International Code for Application of Fire Test Procedures, 2010 (2010 FTP Code)* adopted by IMO Resolution MSC.307(88)
- (2) AS/NZS 1530.3 titled *Methods for fire tests on building materials, components and structures - Simultaneous determination of ignitability, flame propagation, heat release and smoke release*
- (3) NZS 5807:1980 titled *Code of Practice for Industrial Identification by Colour, Wording or other Coding*
- (4) the Agreement

Section 5 Fire safety measures, including fire appliances, for vessels of 60 metres in length or more

5.1 Standards

Compliance with the standards set out below is required.

Item	Standard
Cargo spaces – Fixed fire- extinguishing system	Cargo spaces of high fire risk must be protected by a fixed gaseous fire extinguishing system complying with rules 42B.20 to 42B.22.
Fire pumps	At least two power operated fire pumps complying with rule 42B.61, must be fitted. If a fire in any one compartment could put all the fire pumps out of action, there must be an alternative means of providing water for fire fighting. In vessels of 75 metres or more in length this alternative means must be a fixed emergency power operated fire pump complying with rule 42B.61(9) that is independently driven.
Fire hydrants, fire hoses and nozzles	The number and position of the fire hydrants must be such that at least 2 jets of water not emanating from the same hydrant, one of which must be from a single length of fire hose, must reach any part of the vessel normally accessible to the crew while the vessel is being navigated. All required hydrants must be fitted with a fire hose complying with rule 42B.64 and a jet/spray nozzle complying with rule 42B.65. One hydrant must be located near the entrance of the space to be protected. All hose connections must be of the same type i.e. inter-connectable.
Portable fire extinguishers in control stations, accommodation and service spaces	<p>A sufficient number of portable fire extinguishers complying with rule 42B.57, must be provided in control stations and accommodation and service spaces to ensure that at least one extinguisher of a type appropriate to the class of fire anticipated in a space, is readily available for use in any part of such space. The total number of portable fire extinguishers in these spaces must be at least 5.</p> <p>For every two portable fire extinguishers of the same type there must be provided one spare charge or a replacement extinguisher of the same type.</p>
Machinery spaces containing oil-fired boilers – Fixed fire-extinguishing systems, portable air-foam equipment, portable fire extinguishers, foam-type extinguisher and sand receptacle	<p>Each space containing oil-fired boilers or fuel oil units must be provided with one of the following fixed fire-extinguishing systems—</p> <ol style="list-style-type: none"> i) a pressure water-spraying system complying with rules 42B.23 to 42B.26 inclusive; or ii) a gaseous fire-extinguishing system complying with rules 42B.20 to 42B.22 inclusive; or iii) a fire-extinguishing system using high expansion foam complying with rule 42B.31; or iv) other fire-extinguishing system approved by the Director. <p>Where the engine and boiler rooms are not entirely separate, or if fuel oil can drain from the boiler room into the engine room, the combined engine and boiler rooms must be considered as one space.</p>

	<p>Every boiler room must be provided with at least 1 portable foam applicator unit complying with rule 42B.56.</p> <p>At least 2 portable foam fire extinguishers complying with rule 42B.57, must be provided in each firing space in each boiler room and in each space in which a part of the fuel oil installation is situated. At least 1 non-portable foam extinguisher complying with rule 42B.53 and of at least 135 litres capacity must be provided with hoses on reels suitable for reaching any part of the boiler room. The surveyor may relax the requirements of this paragraph having regard to the size and nature of the space to be protected and may accept other than foam extinguishers provided they are of the same classification and rating as that specified.</p> <p>In each firing space there must be a receptacle containing sand, sawdust impregnated with soda or other approved dry material, in such quantity as may be required by the surveyor. Alternatively a portable fire extinguisher complying with rule 42B.57, and suitable for extinguishing an oil fire, may be provided.</p>
<p>Spaces containing internal combustion machinery – Fixed fire-extinguishing systems, portable air-foam equipment, foam-type fire extinguishers, portable fire extinguishers</p>	<p>Each space containing internal combustion machinery used either for main propulsion or for other purposes, when such machinery has a total power output of not less than 750 kW, must be provided with—</p> <ol style="list-style-type: none"> a) one of the following fixed fire-extinguishing systems— <ol style="list-style-type: none"> i) a pressure water-spraying system complying with rules 42B.23 to 42B.26 inclusive; or ii) a gaseous fire-extinguishing system complying with rules 42B.20 to 42B.22 inclusive; or iii) a fire-extinguishing system using high expansion foam complying with rule 42B.31; and b) at least 1 portable foam applicator unit complying with rule 42B.56; and c) non-portable foam fire extinguishers complying with rule 42B.53 sufficient in number to enable foam to be directed on to any part of the fuel and lubricating oil pressure systems, gearing and other fire hazards. In addition, there must be provided a sufficient number of portable foam extinguishers complying with rule 42B.57, that are so located that any portable fire extinguisher is not more than 10 metres walking distance from any point in the space; provided that there must be at least 2 such extinguishers in each such space. The surveyor may relax these requirements for smaller spaces and may accept other than foam extinguishers provided they are of the same classification and rating as that specified.
<p>Spaces containing steam engines – Foam fire extinguishers, portable fire extinguishers</p>	<p>Spaces containing steam turbines or enclosed steam engines used for main propulsion, or for other purposes, when such machinery has a total power output of not less than 750 kW must be provided with the following arrangements—</p> <ol style="list-style-type: none"> a) non-portable foam fire extinguishers complying with rule 42B.53, each of at least 45 litres capacity and sufficient in number to enable foam to be directed on to any part of the pressure lubrication system, on to any part of the casings enclosing pressure lubricated parts of the turbines, engines or associated gearing, and any other fire hazards. Such

	<p>extinguishers are not required to be provided if protection at least equivalent to that of this paragraph is provided in such spaces by a fixed fire-extinguishing system for machinery spaces complying with Part 42B; and</p> <p>b) a sufficient number of portable fire extinguishers complying with rule 42B.57 and suitable for extinguishing an oil fire, that are so located that a portable fire extinguisher is not more than 10 metres walking distance from any point in the space.</p> <p>Provided that there are at least 2 such extinguishers in each such space, and those extinguishers will not be required in addition to any provided in compliance with the requirement for portable fire extinguishers in an internal combustion machinery space.</p>
Other machinery spaces – Portable fire extinguishers	Where in the opinion of a surveyor, a fire hazard exists in any machinery space for which no specific provisions for fire extinguishing appliances are prescribed, there must be provided in, or adjacent to, that space a number of portable fire extinguishers or other means of fire extinction that are to the satisfaction of the surveyor.
Fixed fire extinguishing systems not required by this Part	Where fixed fire extinguishing systems that are not required by this Part are installed, such systems must be to the satisfaction of the surveyor.
Firefighter's outfits	<p>At least 2 fire crew outfits complying with rule 42B.66 must be carried.</p> <p>The fire crew outfits must be stored so as to be easily accessible and ready for use.</p> <p>A breathing apparatus for each firefighter's outfits, complying with rule 42B.58 or rule 42B.59 must be carried.</p>
Fire control plan	A fire control plan complying with rule 42B.68 is required.
Signage	Signs complying with rule 42B.69 must be provided to identify all fire fighting appliances and their location.

5.2 Definitions of terms used in Chapter V of the Agreement

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

- Regulation 2(1) **non-combustible material** means a material that neither burns nor gives off flammable vapours in sufficient quantity for self-ignition when heated to approximately 750°C, this being determined in accordance with Part 1 of Annex 1 to the *International Code for Application of Fire Test Procedures, 2010 (2010 FTP Code)* adopted by IMO Resolution MSC.307(88):
- Regulation 2(9) **low flame spread** means that the surface thus described must comply with the following—
- (a) the surface must adequately restrict the spread of flame; and
 - (b) an established test procedure to determine the material's adequacy is that laid down in Australian Standard 1530 Part 3 "*Methods for fire tests on building materials, components and structures - Simultaneous determination of ignitability, flame propagation, heat release and smoke release*", where the material must meet the following criteria—

- (i) spread of flame index, not to exceed 3; and
 - (ii) ignitability index plus heat involved index not to exceed 7 (in total); and
 - (iii) subject to subparagraph (iv), smoke developed index, not to exceed 4; and
 - (iv) the Director may accept a smoke developed index of up to 5 where the spread of flame index does not exceed 1, and the ignitability index plus the heat evolved index does not exceed 3; and
- (c) the Director may accept evidence of approval as a low flame spread material by the Administration of another state or a classification society, where tests have been carried out in accordance with other relevant national or international standards:

Regulation 12(1) Cylinders for compressed, liquefied or dissolved gases must be clearly marked by means of identifying colours in accordance with NZS 5807:1980 *Code of Practice for Industrial Identification by Colour, Wording or other Coding*

5.3 Surveyor discretion in Chapter V of the Agreement

- (1) Subject to clauses (2) and (3), each discretion provided in a regulation in Parts A and B of Chapter V of the Agreement to the Administration in respect of a vessel may be exercised by a surveyor.
- (2) A discretion under clause (1) must not be exercised by a surveyor if:
- (a) the Director has exercised that discretion in respect of that vessel and it is in force at the time;
 - (b) an applicable rule in this Part or in Part 42B has replaced it with a specific requirement;
 - (c) an applicable maritime transport instrument has replaced it with a specific requirement.
- (3) Clause (1) does not authorise a surveyor to exercise any of the following discretions:
- (a) any discretion in regulation 27 of Part B of Chapter V of the Agreement;
 - (b) any discretion for which a discretion relating to the same subject matter already exists in Part 42B.

Section 6 Maintenance, inspection, and servicing of fire appliances for vessels of 60 metres in length or more

6.1 Maintenance, inspection, and servicing of fire appliances

The vessel's fire appliances must be—

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

in accordance with the applicable requirements of Part 42B.