

# Instructions to Recognised Organisations

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Part One – General requirements



# Instructions to Recognised Organisations

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### Part One – General requirements

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# Glossary

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<b>Assessment</b>	Any activity to determine that an entity fulfils the minimum assessment requirements of the RO Code.
<b>Authorisation</b>	The delegation of authority to a Recognised Organisation to perform statutory certification and services on behalf of the Director of Maritime NZ, within the scope, conditions and arrangements set out in the schedules to the instrument of delegation.
<b>IMO</b>	International Maritime Organization.
<b>MTA</b>	Maritime Transport Act 1994.
<b>Recognised Organisation (RO)</b>	An entity assessed by the Director of Maritime NZ as meeting the minimum assessment requirements in Part 2 of the RO Code and holding authorisation to perform statutory certification and services.
<b>RO Code</b>	The Code for Recognized Organizations adopted by the International Maritime Organization by resolution MSC.349 (92) on 21 June 2013 and MEPC.237(65) on 17 May 2013.
<b>Statutory certification and services</b>	The issue of maritime and marine protection documents, and other certificates and approvals, and other services provided under the MTA and rules made under that Act.

# Overview

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Maritime New Zealand (Maritime NZ) issues 'Instructions to Recognised Organisations' to provide detailed information as to specific requirements or processes to be followed in the conduct of the functions specified in its authorisations to ROs.

These 'Instructions to ROs' will be revised and amended by Maritime NZ as and when necessary in consultation with all its ROs.

Compliance with the 'Instructions to ROs' is a condition of the authorisations unless any deviation is approved by the Director of Maritime NZ (the Director).

# Part One – General requirements

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## 1. Scope

- 1.1. These instructions apply to statutory certification and services provided in respect of New Zealand ships as defined in section 2 of the MTA undertaken in accordance with authorisations to ROs.
- 1.2. Under IMO resolution MSC.349(92), application of the RO Code is mandatory in respect of services provided by ROs for the purposes of:
  - a. International Convention for the Safety of Life at Sea, 1974, Protocol of 1978 and Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (the 1974 SOLAS Convention)
  - b. International Convention on Load Lines 1966, as amended, and Protocol of 1988 relating to the International Convention on Load Lines 1966 (the 1988 Load Lines Protocol)
  - c. Annexes I and II of the MARPOL Convention.
- 1.3. Through its authorisations, Maritime NZ also delegates additional functions to Recognised Organisations in respect of:
  - a. International Convention on Tonnage Measurement of Ships, 1969
  - b. International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating hereto, as amended
  - c. Maritime Labour Convention (2006)
  - d. International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004
  - e. International Code for ships operating in Polar Waters (POLAR Code)
  - f. International Convention on Safe Containers (CSC) 1972
  - g. Offshore containers
  - h. New Zealand national requirements for ship safety certificates, barge safety, load lines and load line exemptions.
- 1.4. Maritime NZ will apply the processes in the RO Code as part of its oversight of the provision of all the above services by ROs.
- 1.5. The Director may amend the scope of services from time to time, through agreement with the ROs and amendments to the authorisations and delegations.

### 2. General

- 2.1 These instructions provide a framework under which ROs will conduct inspections and statutory surveys on behalf of Maritime NZ.
- 2.2 These instructions are referenced in, and additional to, the requirements of the authorisations. These instructions form the basis of Maritime NZ's engagement with and oversight of ROs.
- 2.3 These instructions provide guidance on additional provisions contained in the MTA and New Zealand maritime and marine protection rules which relate to the functions and services of ROs. The MTA can be viewed at New Zealand Legislation<sup>1</sup>. Maritime and marine protection rules can be viewed on the Maritime NZ website.
- 2.4 Unless otherwise specified, surveys are to be carried out and certificates issued in accordance with IMO resolution A.1156(32) Harmonized System of Survey and Certification (HSSC) as amended.

### 3. Authorisations

- 3.1 Authorisations to ROs to carry out statutory functions on behalf of the Director of Maritime NZ (the Director) are given effect through an instrument of delegation from the Director, granted pursuant to section 444(2) of the MTA. When undertaking activities under delegation, the RO is in effect acting on behalf of the Director in carrying out the functions specified. As the Director cannot delegate to an organisation as such, the instrument of delegation identifies the office bearers within the organisation who may carry out the delegated functions.
- 3.2 Statutory services rendered and certificates issued by an RO under delegation will be accepted by Maritime NZ (and other administrations) as services rendered or certificates issued by the Director provided these are undertaken in accordance with the delegation and applicable provisions of the RO Code.
- 3.3 Delegations are issued for a specified period (but no more than 5 years) and may be revoked or may be withdrawn by the Director at their discretion. The existence of a delegation does not prevent the Director from carrying out any of the delegated functions in respect of a ship.

### 4. Exemptions and equivalents

- 4.1 Exemptions to requirements in maritime rules may be granted by the Director under section 40AA of the MTA. Exemptions to requirements in marine protection rules may be granted by the Director under section 395 of the MTA.
- 4.2 Whenever an RO receives a request from the ship owner for an exemption, the RO may endorse the request if it is deemed to have merit, after which, the owner should make an application for an exemption to Maritime NZ.

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<sup>1</sup> [www.legislation.govt.nz](http://www.legislation.govt.nz)

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- 4.3 Discretion in relation to exemptions (including acceptance of equivalent measures when the rule requirement cannot be met) rests with the Director. In considering an exemption request, the Director may take into account advice from the RO, but exemptions can only be granted by the Director.
- 4.4 Information on applying for exemptions can be found on the Maritime NZ website. Applications should be made on the appropriate application form available on the Maritime NZ website. Fully completed forms should be emailed to [exemptions.officer@maritimenz.govt.nz](mailto:exemptions.officer@maritimenz.govt.nz).
- 4.5 The Director will make a decision on the application taking into account the information provided on the application by the RO and other relevant considerations. The exemption (or letter declining the exemption) will be issued to the owner with a copy to the RO.

## 5. Issue and endorsement of certificates

- 5.1 Where authorised, the RO may issue and endorse statutory certificates on behalf of the Director after undertaking the necessary inspections, surveys and approvals. The RO must provide the Director with a copy of the certificate issued as outlined in Section 10 of this document..
- 5.2 Statutory certificates are maritime documents and marine protection documents issued in accordance with sections 41 and 270 of the MTA.
- 5.3 Where ROs are acting as a surveyor for a ship not in class, they may apply to Maritime NZ for the issue of certificates on behalf of owners. The RO must provide the necessary survey reports and other documentary evidence that the ship complies with the above rules as applicable.

## 6. Suspension of certificates

- 6.1 The RO may suspend or apply conditions to a statutory certificate issued by the respective RO, on behalf of the Director. These powers are given under:
- a. section 43(1) of the MTA if such action is considered necessary in the interests of maritime safety and if one of the grounds provided for in section 43(1)(c)-(f) of the MTA is met;
  - b. section 43(2) of the MTA where it is considered that there is reasonable doubt as to the seaworthiness of a ship;
  - c. section 272(1) of the MTA if such action is considered necessary in the interests of protecting the marine environment.
- 6.2 Where an RO suspends a certificate or imposes conditions on a certificate under delegation, they must notify the Director of such actions.
- 6.3 The RO cannot suspend or apply conditions to a certificate issued by another RO or by the Director.

### 7. Inspections and audits

- 7.1 The RO may carry out inspections and audits of persons or organisations as they consider necessary for the conduct of delegated statutory functions. They can formally notify the parties concerned of the requirement to be inspected or audited and can formally require those parties to provide relevant information and documents for that purpose. These powers can only be exercised with regards to a certificate issued by the respective RO.
- 7.2 These powers are given under:
- a. section 54 of the MTA in respect of a person or organisation who holds a maritime document or operates, maintains or services any ship or maritime product (as defined in section 2 of the MTA);
  - b. section 396 of the MTA in respect of a person or organisation who holds or is required to hold a maritime protection document or operates, maintains or services any ship or marine protection product (as defined in section 2 of the MTA), offshore installation, pipeline, transfer or reception facility.

### 8. Lifesaving, fire-fighting and radio equipment

- 8.1 All New Zealand commercial ships must be equipped with lifesaving and fire-fighting appliances and radio equipment that meet the applicable safety standards in the maritime rules.
- 8.2 **Lifesaving appliances (LSA)**  
Performance standards and requirements for maintenance, servicing, testing and inspection are set out in Maritime Rules Part 42A.
- 8.3 **Fire-fighting appliances (FFA)**  
Performance standards and requirements for fire appliances, including fixed fire detection and alarm systems, various types of fixed fire-extinguishing systems, fire pumps, portable and non-portable fire extinguishers, breathing apparatus and fire crew outfits are set out in Maritime Rules Part 42B.
- 8.4 **Radio equipment**  
Performance standards for radio equipment covering survey and inspection provisions, requirements for installation, maintenance and testing of shipboard radio installations are set out in Maritime Rules Part 43.



### 9. Other approvals

#### 9.1 Shipboard marine oil spill contingency plan approvals

The RO may issue approvals of shipboard marine oil spill contingency plans that meet the requirements of Marine Protection Rules Part 130A. As part of such approvals ROs may require the ship owner to include or omit certain provisions from such plans.

#### 9.2 CSC approvals

The RO may issue design type approvals, modified design type approvals and individual containers approvals in accordance with the International Convention for Safe Containers 1972 (CSC) as provided for in Maritime Rules Part 24D.

#### 9.3 Offshore containers

The RO may issue design type approvals, modified design type approvals and individual containers approvals in accordance with the IMO Guidelines for the Approval of offshore Containers Handled in Open Seas (MSC/Circ. 860) as provided for in Maritime Rules Part 24D.

### 10. Liaison with Maritime NZ and reporting

- 10.1 The RO will provide the Director with access to online status reports for each New Zealand ship.
- 10.2 When any certificate or approval is issued or endorsed by an RO under delegation, the RO must notify the Director and provide a copy, by email to [operators@maritimenz.govt.nz](mailto:operators@maritimenz.govt.nz). The same applies to the endorsement, suspension, and withdrawal of any certificate or approval. Maritime NZ may not require an RO to notify these events if such information is readily available through Maritime NZ's access to their online survey and certification information systems.
- 10.3 The RO is to provide the Director, upon request, with access to all plans and documentation (including reports on surveys) that form the basis for the issue and endorsement of certificates and approvals.
- 10.4 Prior to any new ship construction or existing ships coming on to the New Zealand register, the RO must notify the Director of any intended first issue of relevant certificates.
- 10.5 When an RO determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or is such that the ship is not fit to proceed to sea without danger to the ship, or persons on board, the RO shall immediately ensure that corrective action is taken and in due course notify Maritime NZ. If such corrective action is not taken the relevant certificate must be withdrawn and Maritime NZ must be notified immediately. If the ship is in the port of another Party, the appropriate authorities of the Port State shall also be notified immediately.
- 10.6 The RO must notify Maritime NZ immediately upon becoming aware of a situation involving a major deficiency, or serious safety-related issue that would normally be considered sufficient to detain a ship from proceeding to sea pending correction.

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- 10.7 The RO must notify Maritime NZ immediately upon becoming aware of a situation aboard ship or within a company involving a major non-conformity, as defined in the Guidelines on the Implementation of the International Safety Management (ISM) Code by Administrations (resolution A.1022(26), as amended).
- 10.8 The notification above should contain the name of the company or ship, the IMO number, the official number, if applicable, and a description of the major non-conformity, deficiency or issue.
- 10.9 The RO must inform Maritime NZ, as soon as possible, of any dangerous occurrences, accidents, machinery or structural breakdowns, or failures that they are aware of on a ship.
- 10.10 The RO must report to Maritime NZ in writing the names and official numbers, if applicable, of any ships removed from the RO's list of classed/certified ships for which the RO has performed statutory certification and services. The report must contain a description of the reason(s) for removal from class, and this should be made within thirty (30) days of the removal becoming effective.
- 10.11 Maritime NZ will endeavour to arrange annual meetings with ROs and encourages ROs to co-operate and share relevant experience with each other with the view to standardising processes concerning statutory certification and services.

## 11. Maritime NZ oversight

- 11.1 To ensure that the RO's quality system continues to comply with the conditions of their delegation and the requirements the RO Code the Director will routinely conduct monitoring and audits of the RO at a mutually agreed time. The Director may alternatively, elect to accept or recognise the audits performed on an RO by an independent audit group effectively representing the interest of the Director or IMO.