EXEMPTION FROM THE REQUIREMENTS OF MARITIME RULES 40A.56(1), 40C.52(1) AND 42A.28(2)(b)

PURSUANT TO Section 47 of the Maritime Transport Act 1994,

I, SHARYN FORSYTH, General Manager Maritime Standards, acting under delegated authority, being satisfied that —

(a) the granting of the exemption will not breach New Zealand’s obligations under any convention; and
(b) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement; and
(ba) the risk of harm to the marine environment will not be significantly increased by the granting of the exemption; and
(c) the risk to safety will not be significantly increased by the granting of the exemption,

HEREBY EXEMPT:

THE OWNER AND MASTER OF NON-SOLAS PASSENGER SHIPS AND NON-SOLAS NON-PASSENGER SHIPS LESS THAN 45M THAT PROCEED TO THE RESTRICTED COASTAL LIMITS

FROM:

The requirements of Maritime Rules 40A.56(1), 40C.52(1) and 42A.28(2)(b)

40A.56 Life saving appliances
(1) The owner and the master of a ship must ensure that life saving appliances are provided in accordance with the requirements of Appendix 4 of this Part.
Appendix 4.2 Restricted coastal limit ships – Survival craft
(3) Every lifeboat or rescue boat must be attached to a separate set of davits, that complies with rule 42A.28(2).

Appendix 4.3 Restricted limit ships – Survival craft
(6) Every lifeboat or rescue boat must be attached to a separate set of davits that complies with rule 42A.28(2).

40C.52: Life savings appliances
(1) Subject to rule 40C.52(5), the owner and the master of a ship must ensure that life saving appliances are provided in accordance with the requirements of Appendix 3 of this Part.

Appendix 3.3 Restricted coastal and restricted limit ships – Survival craft
(4) Each lifeboat or rescue boat provided must be attached to davits that complies with rule 42A.28(2).

42A.28 Launching and embarkation appliances
(2) For vessels operating under a Safe Ship Management Certificate or a Maritime Transport Operator Certificate, each launching appliance for a life-raft, lifeboat or rescue boat — … (b) must not depend on any means other than gravity or stored mechanical power which is independent of the ship’s power supplies to launch the survival craft boat it serves in the fully loaded and equipped condition and also in the light condition;
PROVIDED THAT:

At all times, the owner and master must ensure that:

1) The ship complies with all conditions imposed in a valid Certificate of Survey;
2) The ship complies with the applicable Maritime Transport Operator Plan (MTOP);
3) The ship does not operate beyond the restricted coastal limits, as defined in Maritime Rule Part 20;
4) The time for launching the rescue boat does not exceed five minutes;
5) A Recognised Surveyor, having observed a launching drill at the initial survey has deemed the mechanism for launching the rescue boat appropriate for the purpose and verified that the mechanism meets the requirements prescribed in Condition (4) and Maritime Rule 42A.28(2), (excluding 42A.28(2)(b));
6) The procedures and persons involved in launching the rescue boat are detailed in the ship’s MTOP;
7) The ship is crewed adequately to undertake launching the rescue boat and the crew is trained and assessed accordingly;
8) Drills for launching the rescue boat are conducted at least once every month and recorded on board the ship;
9) The maintenance of launching appliances for the rescue boat is included in the ship’s maintenance plan or schedule.

This exemption is only applicable to the rescue boat. For the avoidance of doubt, this exemption does not apply to a ship’s lifeboat(s).

The exemption shall be valid until **31 January 2023**, unless withdrawn earlier in writing by the Director.

**SIGNED** at Wellington on this _[ ]_ day of February 2018.

Sharyn Forsyth,
General Manager Maritime Standards,
Maritime New Zealand,
Acting Under Delegated Authority