

Advisory Circular

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Maritime Rules – Part 20: Operating limits

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1. General

1.1 Purpose of advisory circulars

Maritime New Zealand (MNZ) advisory circulars are designed to provide assistance with and explanations about the standards and requirements set out in the maritime rules. However, the notes in advisory circulars should not be treated as a substitute for the rules themselves, which are the law.

If an advisory circular sets out how a rule can be satisfied, then compliance with that advice ensures compliance with the rule. While other methods of complying with the rule may be possible, MNZ would first need to be satisfied that those alternative methods are of an equivalent standard to what is advised in the advisory circular. The advisory circular would then be amended to include those equivalents.

This advisory circular supports the new Part 20 Operating Limits, which comes into effect on 1 April 2014. (A number such as 20.4 refers to a specific rule within Part 20.)

1.2 Application of Part 20

Part 20 applies to a commercial ship that is:

- a New Zealand commercial ship that does not have a certificate issued to it as a SOLAS (International Convention for the Safety of Life at Sea, 1974) ship under Part 46 of the maritime rules
- a foreign ship to which rule 46.28 applies.

Part 20 does not apply to:

- a ship under tow
- a ship undergoing sea trial within restricted limits
- hire and drive boats, as defined in rule 40A.72 of Part 40A
- ships to which Part 81 applies
- commercial jetboats to which Part 82 applies.

1.3 Summary of the rule

Part 20 defines operating limits for the purpose of all maritime rules. Its other main purpose is to require ships to be assigned operating limits and to provide for an obligation to keep within the lesser of the assigned operating limits or the operating limits that apply to the ship's master, subject to exceptions. The operating limits (shown in the maps at the end of this circular) are:

- enclosed water limits
- inshore limits
- inshore fishing limits
- coastal limits
- offshore limits
- unlimited area.

The following areas are also referred to:

- restricted limits – enclosed and inshore limits
- near-coastal – coastal and offshore limits for certificates under STCW-10 (2010 amendments to Standards of Training, Certification and Watchkeeping for Seafarers)
- limited waters – coastal and offshore limits for Standards of Training, Certification and Watchkeeping for Fishing Ship Personnel, 1995 (STCW-F) certificates.

Part 20 also provides for the following exceptions to the operating limits in certain circumstances:

- port operations
- specified limits
- permission for a single voyage outside restricted or coastal limits.

2. Supportive guidance to the Part

2.1 Application of operating limits

The permitted operating limits for any ship will be determined by a surveyor, who may assign any of the limits detailed in Part 20.

In assigning operating limits, the surveyor is to take into account the requirements of the applicable design, construction and equipment rules, and in particular:

- Part 40D for fishing ships
- Part 40A for restricted passenger ships
- Part 40C for non-passenger ships
- Part 40F for sailing ships.

These include a requirement that the surveyor is satisfied the ship and ship's equipment is fit for its intended service and intended operating limits. The surveyor may also take into account the knowledge and experience of the skipper in relation to a particular area.

2.1.1 Enclosed limits

The enclosed limit includes enclosed waters such as the sheltered waters of harbours and all New Zealand inland waters. Inland waters are all rivers, lakes and other inland waters of New Zealand that are navigable.

A surveyor may assign to a ship one or more of the enclosed limits prescribed in Part 1 of Appendix 1 to Part 20. An enclosed limit that is only part of the enclosed limit prescribed in Appendix 1 of Part 20 may also be assigned to a ship.

A surveyor can also assign enclosed limits that are outside those prescribed in Appendix 1 if they involve an inland water of New Zealand.

The requirements of STCW and STCW-F do not apply within enclosed limits.

2.1.2 Inshore limits

The surveyor may assign to a ship one or more of the inshore limits prescribed in Part 2 of Appendix 1 to Maritime Rule (MR) Part 20. An inshore limit that is only part of the inshore limit prescribed in Appendix 1 may also be assigned to a ship.

A surveyor can also assign inshore limits that are outside those prescribed in Appendix 1 to any non-fishing vessel less than 500 gross tonnes (GT) or 45 metres (m) in length, provided the limit is within the New Zealand 12 mile territorial limit and no more than 30 nautical miles (NM) from a safe haven (not necessarily its port of departure).

The 500GT/45m limitation does not apply to vessels that have been assigned and operate solely in the prescribed inshore limits in Appendix 1 of Part 20.

When assigning any such inshore limit, the surveyor should consider the intent of the inshore limits. The primary purpose of the inshore limit is to permit a ship to make local seaward commercial voyages from its port of domicile and return the same day. The surveyor is to be satisfied that, in the event of an unfavourable weather report, the ship should be able to reach shelter – safe haven – within an appropriate time, taking into account the characteristics of the ship and its intended use. A safe haven is a place where the master of a ship may shelter the vessel to reduce the hazard to navigation so that the weather and/or sea conditions experienced are within the design parameters of the ship.

Where it is intended for a ship to undertake extended coastal voyages outside its assigned inshore limits but within the limit of New Zealand's territorial sea, it is to be assigned "restricted coastal limits within the territorial sea of New Zealand from point A to point B".

Assigning a 'Cook Strait' inshore limit

A surveyor may only assign an inshore limit that allows voyages between New Zealand's North and South Islands (a 'Cook Strait inshore limit') to commercial ships over 12m in length overall. In assigning the limit, the surveyor must ensure that the vessel and its equipment are fit for purpose in all respects to operate across Cook Strait.

Holders of a Skipper Restricted Limits certificate of competency need to obtain a Cook Strait endorsement to operate a non-fishing ship assigned an inshore limit that allows voyages between New Zealand's North and South Islands.

Contiguous inshore limits

Contiguous inshore areas are treated as one area for the purposes of certificates, survey, crewing and equipment. This enables passenger and non-passenger vessels to travel around the coast within the 12NM territorial limit if they have been assigned inshore limits that are contiguous.

The inshore limit includes "waters closely adjacent to sheltered waters" as defined by STCW. The requirements of STCW and STCW-F do not apply within inshore limits.

2.1.3 Inshore fishing limits

The inshore fishing limit regularises a longstanding exemption that allowed fishing vessels to operate anywhere within the 12NM territorial limit around the New Zealand coast and defined inshore limits in Appendix 1 to Part 20, where these extend beyond the territorial limit (for example, the Tasman inshore limit).

A fishing vessel assigned inshore fishing limits is required to be surveyed as a restricted coastal fishing vessel operating in the territorial sea.

The requirements of STCW-F do not apply within the inshore fishing limit.

2.1.4 Coastal limits

The coastal limit is a uniform distance of 50NM off the coast of the North, South and Stewart Islands and 50NM around the Chatham Islands. It does not apply to other New Zealand offshore islands.

A surveyor is able to prescribe a 'restricted coastal' limit to a ship to enable it to operate in a defined sector of the coastal limit, as long as it meets any rule requirements made for restricted coastal ships.

Coastal limits fall within near-coastal waters as defined by STCW and limited waters as defined in STCW-F. The full requirements of STCW and STCW-F apply to certificates required for vessels of 24m or more within the coastal limit.

2.1.5 Offshore limits

The offshore limit extends from the coastal limit to the outer limit of the EEZ. It includes EEZ waters around the Kermadec Islands and a significant extension south and south east of New Zealand. The outer limit of the offshore limit is also the outer limit of near-coastal waters as defined by STCW and limited waters as defined in STCW-F.

The full requirements of STCW and STCW-F apply to certificates required for vessels of 24m or more convention length within the offshore area.

2.1.6 Unlimited area

The inner boundary of the unlimited area is the EEZ boundary. The unlimited area is the area in which unlimited (foreign going) STCW and STCW-F certificates are obligatory.

2.2 Exceptions

2.2.1 Specified limits permit

The specified limits permit provides for permanent or temporary commercial operations within a restricted area that is very close to shore or very close to a structure that is close to shore for vessels up to 12m in length. The permit provides for commercial operations where the operator's main activities are not in the maritime industry, and where crew are unlikely to be able to achieve the necessary sea time to gain a certificate.

A specified limits permit can be applied for in enclosed, inshore and coastal limits as applicable to the proposed area of operation.

Examples of commercial operations that could be covered by a specified limits permit include marina and salmon farm workboats, vessels used for wharf construction, tidal oyster farms and yacht club safety support boats.

Specified limits will not be approved in areas within the normal flow of marine traffic and typically would not be more than 200m from the shore or a structure. Voyages from one specified area to another will not be allowed. Carrying fare-paying passengers, delivering workers to site, or travelling to a specified area from a port will not be permitted.

Further details about applying for a specified limit will be available from 1 April 2014 on MNZ's website: maritimenz.govt.nz.

Application for a specified limit permit

The vessel owner or operator needs to apply to the Director of MNZ for a permit to operate a vessel in a specified limit. Although usual survey, equipment and manning requirements will not apply, the operator of a vessel operating under a specified limit permit will be required to develop and maintain a specified limit operating plan approved by the Director. This plan should include:

- a description of the approved specified limit
- details of vessels to be permitted to operate within the specified limit
- contact and communication arrangements with the shore and other vessels
- records of training and certification of the masters of all vessels permitted to operate in the specified limit
- a record of the safety equipment required for the vessel (or vessels), its maintenance, servicing and inspection
- a planned maintenance schedule for the vessel (or vessels) and motor (or motors) with a record of work undertaken
- operational management procedures, including pre-operation and post-operation checks of the vessel and its equipment, procedures for safe operation within the specified limit, and emergency procedures
- a hazard register
- accident and emergency procedures, including reporting requirements.

2.2.2 Port operations exception

The port operations exception allows a port operator or harbourmaster, or a person authorised by the port operator or harbourmaster, to operate a ship a certain distance beyond their defined enclosed limit, for specific operational reasons.

The exception enables pilots, harbour tugs and vessels operated by the local authority, such as the harbourmaster, to operate within a very limited area outside the enclosed limit at times – for example, to go outside a harbour entrance to the pilotage boarding ground.

A port company vessel would typically be the pilot boat, but could include tugs and vessels owned or operated by a port company that are meeting ships or engaged in maintenance of aids to navigation immediately at or outside the defined enclosed limit. A local authority vessel would typically be one owned or operated by the harbourmaster's department of the local authority.

What is needed to obtain a port operations exception?

The Director of MNZ should be advised where the exercise of the port operations exception is intended. After 30 June 2014, the exercise of the exception should be recorded in the maritime operator transport plan (MTO) of the port operator or harbourmaster, or operator authorised by the port operator or harbourmaster, with any changes notified to the Director in writing.

The information recorded should include confirmation of ownership of the proposed vessel or vessels and the area of the port operations exception in relation to the defined enclosed limit and pilotage limit.

The pilotage limit is shown on nautical charts and also contained in the *New Zealand Pilot* (N.P.51). The limit varies from port to port, but averages 3NM outside the defined enclosed limit at New Zealand's major ports.

2.2.3 Single voyages outside restricted and coastal limit permits

An application can be made to the Director of MNZ for a permit for a ship assigned restricted limits to make a single voyage within the coastal limits, or a ship assigned coastal limits to make a single voyage within offshore limits.

The permit can only be issued if there are no passengers to be carried on board during the voyage, and the voyage is not for hire or reward and:

- a delivery voyage
- for repair, inspection, dry docking or slipping, trials or tests
- for repositioning between different restricted limits

The master and the owner of the ship must ensure that any relevant survey or safety requirements under the maritime rules that apply because of the ship's area of operation or intended operation are complied with. Those additional safety requirements can be found for fishing ships in Rule 40D.6, for passenger ships in Rule 40A.6, for non-passenger ships in Rule 40C.6, and for sailing ships in Rule 40E.6.

Further details about applying for a specified limit will be available from 1 April 2014 on MNZ's website: maritimenz.govt.nz.

3. **Transitional arrangements**

MR 20.60 allows the following transitional arrangements:

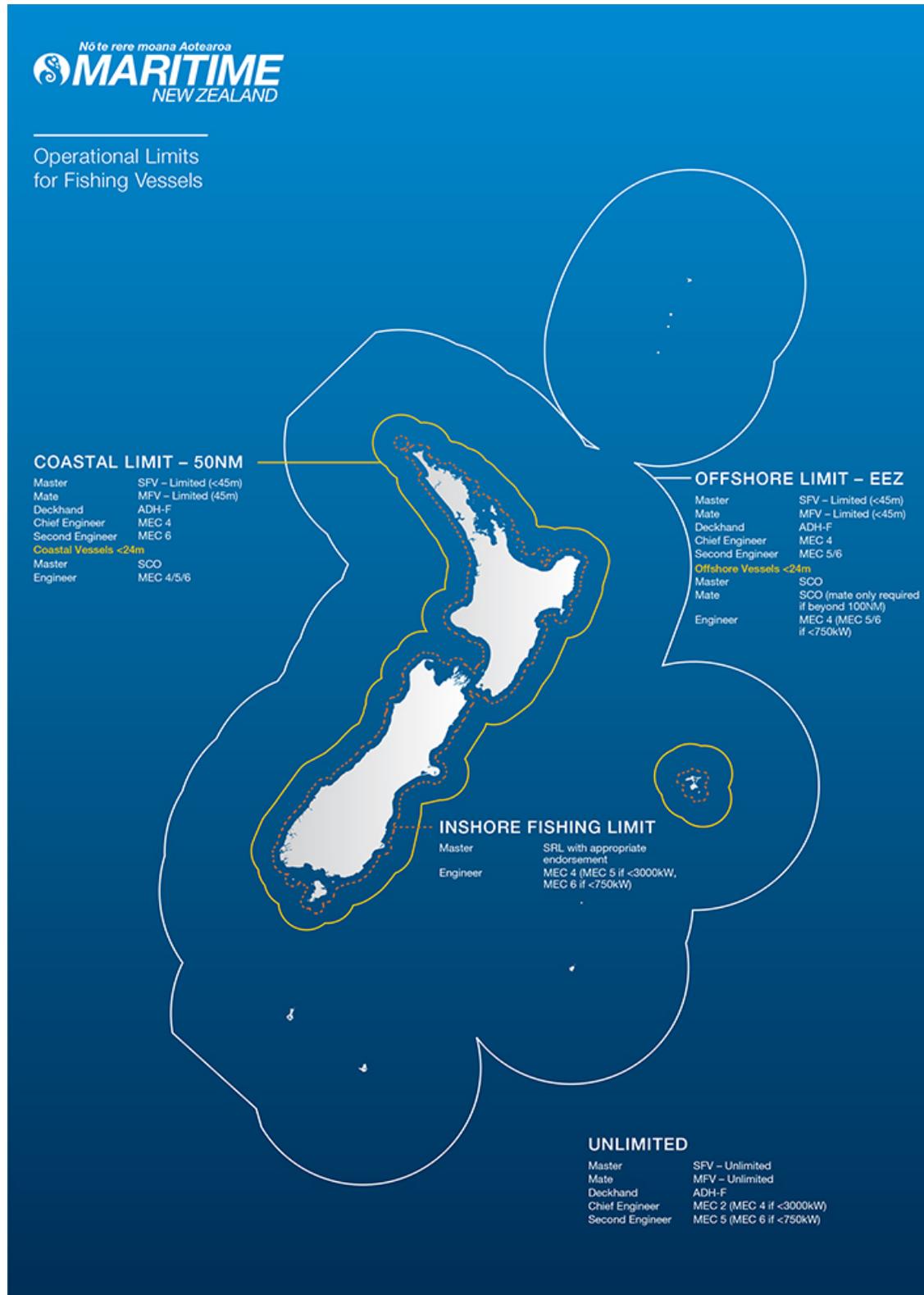
- a ship assigned coastal limits that are within the area of the new coastal limits to have the new coastal limits
- a ship assigned coastal limits that go beyond the area of the new coastal limits to continue to have the original limits until the certificate of survey is renewed
- a ship assigned restricted coastal limits to continue to have the original limits until the certificate of survey is renewed.

In all cases, the operator must continue to comply with any relevant safety or survey requirements that applied prior to the revocation of the former Part 20, including any conditions or limitations stated in the relevant certificate.

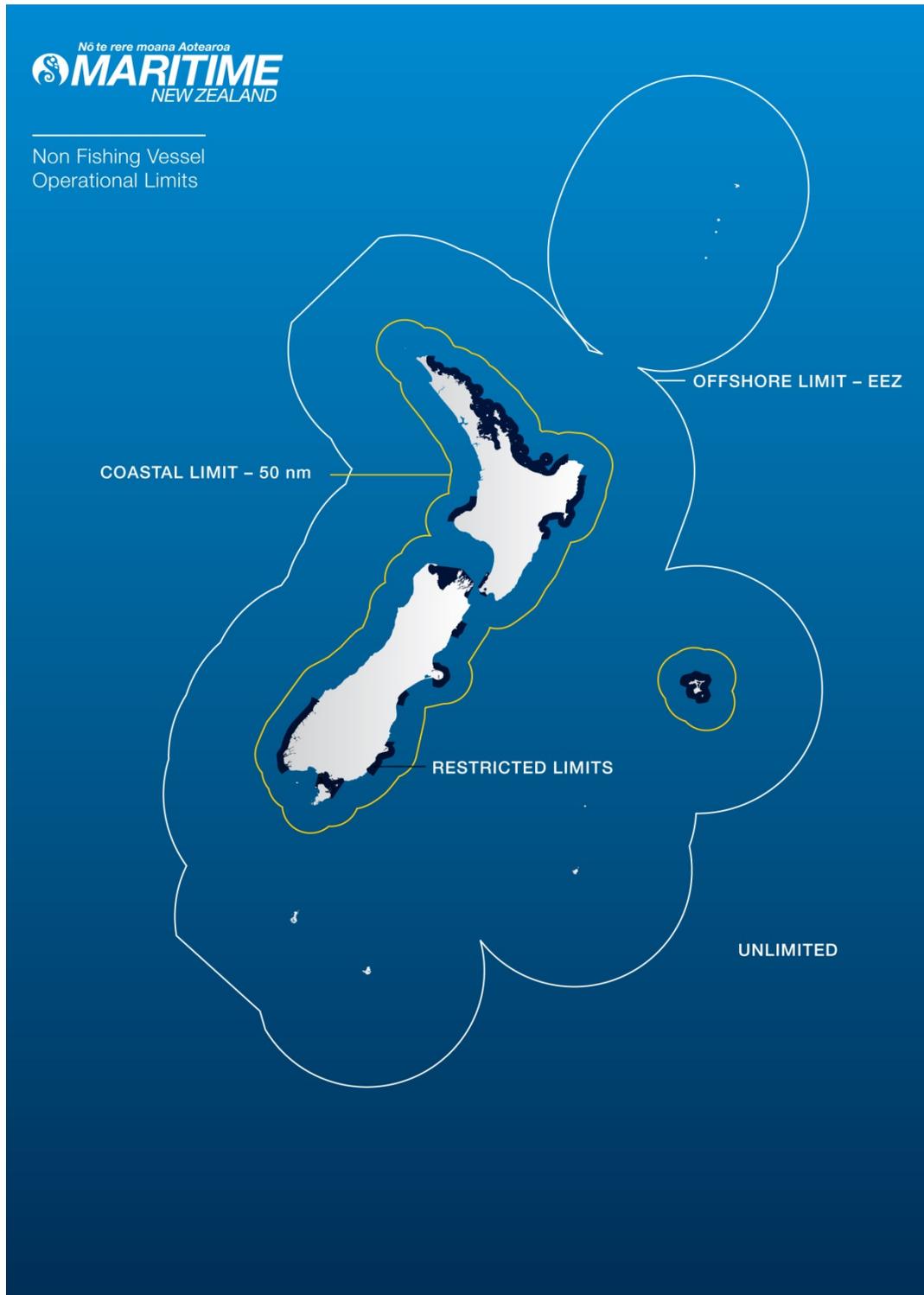
MR 20.61 allows a ship that has been assigned enclosed, inshore or offshore limits, or the unlimited area under Part 20 before it was revoked, to be deemed to be assigned the same limit in the new Part 20.

MR 20.62 allows a fishing ship that has been assigned restricted coastal – restricted to the territorial sea limits to be deemed to be assigned the inshore fishing limit, for the purposes of the maritime rules.

Operational limits for fishing vessels



Operational limits for non-fishing vessels



4. General enquiries

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All current rules and advisory circulars can be found on MNZ's website:
maritimenz.govt.nz.

Printable versions can be downloaded from the landing page for each rule. If you are printing a full set of rules, printable versions of the cover pages and side insert tabs may also be downloaded.

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