



MINISTRY of TRANSPORT
Te MANATU WAKA

WELLINGTON NEW ZEALAND

PURSUANT to Section 36 of the Maritime Transport Act 1994


I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following maritime rules.

SIGNED AT Wellington

This 3rd day of December 1997

by **JENNIFER MARY SHIPLEY**



Minister of Transport

Maritime Rules

Part 22

Collision Prevention

Maritime Rules

PART 22

COLLISION PREVENTION

Part Objective, Extent of Consultation and Commencement

Objective

Part 22 gives effect to the Convention on the International Regulations for Preventing Collisions at Sea, 1972, to which New Zealand is party. The Part provides the steering and sailing rules (rules of the road) for ships, as well as standards for the installation, performance and use of lights for collision avoidance and the sound and light signals used for communication of safety information.

The rules of Part 22 apply to -

- New Zealand ships, including pleasure craft, wherever they are
- foreign ships, including pleasure craft, in New Zealand waters
- ships of the defence Force and foreign defence forces in New Zealand waters
- seaplanes when manoeuvring on the surface of New Zealand waters
- craft in inland waters, such as lakes and rivers

The authority for making Part 22 is found in sections 36(g) and 36(u) of the Maritime Transport Act 1994.

[paragraph inserted 2004]

Extent of Consultation

The international regulations for collision avoidance which are prescribed in Part 22 are a key part of every navigating officer's basic training and his or her stock-in-trade when keeping a navigational watch.

On 23 October 1996 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 22. A notice was also published in the *New Zealand Gazette* on 24 October 1996. The Authority then made its Invitation to Comment, draft Part 22 and draft Advisory Circular available to the public with 173 copies being sent automatically to interested parties. Subsequently, ten additional copies were sent to other parties to whom Part 22 was considered to be relevant. Izard Western lawyers of Wellington, solicitors with experience in the use of the Collision Prevention Regulations, were also asked to comment on the draft. Comments on the Part were requested to be made by 29 November 1996.

Twenty submissions plus Izard Western's comments were received on Part 47. All submissions and any verbal comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

Commencement

Part 22 as amended was referred to and signed by the Minister of Transport.

Part 22 will come into force on 1 February 1998.

Maritime Rules

PART 22

COLLISION PREVENTION

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General

22.1 Entry into force

Part 22 comes into force on the 1st day of February 1998.

22.2 Definitions

(1) In this Part -

“Act” means the Maritime Transport Act 1994:

“Aircraft” has the same meaning as in the Civil Aviation Act 1990:

“All practicable steps”, in relation to achieving any result in any circumstances, means all steps to achieve the result that are reasonably practicable to take in the circumstances, having regard to -

- (a) the nature and severity of the harm that may be suffered if the result is not achieved; and
- (b) the current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the end result is not achieved; and
- (c) the current state of knowledge about harm of that nature; and
- (d) the current state of knowledge about the means available to achieve the result, and about the likely efficacy of those means; and
- (e) the availability and cost of each of the means referred to in paragraph (d) of this definition:

“Breadth” means greatest breadth of a vessel:

“Crew” means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port):

“Director” means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

“Distress” means that a vessel or a person is in grave and imminent danger and requires immediate assistance:

“Dracone” means a large flexible cylindrical container, towed by a vessel, used for transporting liquids:

[“Enclosed Water Limits” - definition inserted 2004]

“Foreign ship” means any ship that is not a New Zealand ship:

[deleted 2004

“Harbour” has the same meaning as in the ~~Local Government Act 1974~~.]

“High speed craft” means a ship in respect of which a High Speed Craft Safety Certificate has been issued in compliance with the *International Code of Safety for High Speed Craft* adopted by Resolution MSC 36(63) of the International Maritime Organization’s Maritime Safety Committee dated June 1994, as amended by that committee from time to time:

“Length”, in relation to a vessel, means the vessel’s overall length:

“Master” means any person (except a pilot) having command or charge of any ship:

“Mile” means a standard nautical mile of 1852 metres:

“New Zealand Defence Force” has the same meaning as the term “Defence Force” in section 2 (1) of the Defence Act 1990:

“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:

“New Zealand waters” means -

- (a) the territorial sea of New Zealand; and
- (b) the internal waters of New Zealand; and
- (c) all rivers and other inland waters of New Zealand:

“On the surface of the water” in respect of a seaplane that is taking off from, or alighting on the water, means the seaplane is in contact with the water surface:

“Owner” - .

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996:

- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) 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, includes the charterer or other person who is for the time being so responsible:
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

“Part” means a grouping of rules made under the Maritime Transport Act 1994:

“Power-driven vessel” means any vessel propelled by machinery:

“Restricted visibility” means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or other similar causes:

“Rules” includes maritime rules and marine protection rules:

“Sailing vessel” means any vessel under sail; as long as propelling machinery, if fitted, is not being used:

“Seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water:

“Ship” means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes -

- (a) a barge, lighter, or other like vessel:
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- (c) a submarine or other submersible:

“Territorial sea of New Zealand” or **“territorial sea”** means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977:

“Traffic separation scheme” means a scheme published by the International Maritime Organization that separates traffic navigating in one direction in an area from traffic navigating in the opposite or approximately opposite direction in that area:

“Trawling” means the dragging through the water of a dredge net or other apparatus used as a fishing appliance:

“Underway” means that a vessel is not at anchor, or made fast to the shore, or aground:

“Vessel” means a ship or a seaplane while it is on the surface of the water:

“Vessel constrained by its draught” means a power-driven vessel severely restricted in ability to deviate from the course it is following due to its draught in relation to the available depth and width of water:

“Vessel engaged in fishing” means any vessel fishing with nets, lines, trawls, or other fishing apparatus which restrict manoeuvrability but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict the vessel’s manoeuvrability:

“Vessel not under command” means a vessel which through some exceptional circumstance is unable to manoeuvre as required by this Part and is therefore unable to keep out of the way of another vessel:

“Vessel restricted in its ability to manoeuvre” means a vessel which from the nature of its work is restricted in its ability to manoeuvre as required by this Part and is therefore unable to keep out of the way of another vessel and includes but is not limited to -

- (a) a vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline:
- (b) a vessel engaged in dredging, surveying or underwater operations:
- (c) a vessel engaged in replenishment or transferring persons, provisions or cargo while underway:
- (d) a vessel engaged in the launching and recovery of aircraft:
- (e) a vessel engaged in mine clearance operations:
- (f) a vessel engaged in a towing operation that severely restricts the towing vessel and its tow in their ability to deviate from their course:

“Warship” -

- (a) means a ship belonging to the armed forces of a State and bearing the external marks distinguishing the nationality of ships of that State, being a ship -
 - (i) under the command of an officer duly commissioned by the Government of that State whose name appears in the appropriate service list or its equivalent; and

- (ii) crewed by crew subject to regular armed forces discipline; and
 - (b) includes a ship requisitioned under section 10 of the Defence Act 1990; but
 - (c) does not include any ship operated by the New Zealand Defence Force that operates, for the time being, for a commercial purpose.
- (2) For the purposes of this Part, vessels are **in sight of one another** only if one can be observed visually from the other.

22.3 Application

- (1) Subject to rule 22.3(2), Part 22 applies to -
 - (a) New Zealand ships; and
 - (b) All vessels in New Zealand waters; and
 - (c) All warships while in New Zealand waters.
- (2) A ship -
 - (a) the keel of which was laid or which was at a corresponding stage of construction before the 15th day of July 1977 (being the date of entry into force of the Collision Regulations Order 1976); and
 - (b) which complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960,

~~14~~ is exempted from the requirements:

 - ~~(i) of Appendix 1.2(a)(i)(ii),(b),(c),(d),(e),(h),(i) and (k), Appendix 1.3(a) and (c), and Appendix 1.4(a) and (b) in relation to the repositioning of lights as a result of conversion from Imperial to metric units and rounding off of measurement figures; and~~
 - (ii) of Appendix 1.3(1) in relation to the repositioning of masthead lights on vessels less than 150 metres in length; and
 - (iii) to reposition all-round lights resulting from the prescription of Appendix 1.9(3).
- (3) Nothing in this Part will interfere with the operation of any special rules made by the New Zealand government or in the case of foreign ships, the Government of its flag state, relating to additional station or signal lights, shapes, or whistle signals for warships and ships proceeding under convoy, or with respect to additional station or signal lights for fishing ships engaged in fishing as a fleet.

replaced
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Additional station or signal lights, shapes, or whistle signals must, as far as possible, be such that they cannot be mistaken for any light, shape, or signal authorised elsewhere in this Part.

Section 1 - Steering and Sailing

SUBSECTION 1 - CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

22.4 Application of Subsection 1

Rules in this subsection apply in any condition of visibility.

22.5 Look-out

Every vessel must at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions, so as to make a full appraisal of the situation and the risk of collision.

22.6 Safe speed

Every vessel must at all times proceed at a safe speed so that proper and effective action to avoid a collision can be taken and the vessel can be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed, the following factors must be among those taken into account -

(1) For all vessels -

- (a) the state of visibility:
- (b) the traffic density, including concentrations of fishing vessels or any other vessels:
- (c) the manoeuvrability of the vessel, with special reference to stopping distance and turning ability in the prevailing conditions:
- (d) at night, the presence of background light such as from shore lights or from the back scatter of the vessel's own lights:

22.8**Action to avoid collision**

- (1) Any action to avoid collision must, if the circumstances of the case allow, be positive, made in ample time and with due regard to the observance of good seafaring practice.
- (2) Any alteration of course or speed or both to avoid collision must, if the circumstances of the case allow, be large enough to be readily apparent to another vessel observing visually or by radar. A succession of small alterations of course or speed or both should be avoided.
- (3) If there is sufficient sea-room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that -
 - (a) it is made in good time; and
 - (b) it is substantial; and
 - (c) it does not result in another close-quarters situation.
- (4) Action taken to avoid collision with another vessel must be such as to result in passing at a safe distance. The effectiveness of the action must be carefully checked until the other vessel is finally past and clear.
- (5) If necessary, to avoid collision or to allow more time to assess the situation, a vessel must slacken its speed or take all way off by stopping or reversing its means of propulsion.
- (6)
 - (a) A vessel that, by any rules in this Part, is obliged not to impede the passage or safe passage of another vessel must, when required, take early action to allow sufficient sea-room for the safe passage of the other vessel.
 - (b) A vessel that is required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision. It must, when taking action, have full regard to the action which may be required of itself and the other vessel by this section of Part 22.
 - (c) A vessel the passage of which is not to be impeded remains fully obliged to comply with this section of Part 22 when the two vessels are approaching one another so as to involve risk of collision.

22.9**Narrow channels**

- (1) A vessel proceeding along the course of a narrow channel or fairway must keep as near to the outer limit of the channel or fairway which lies on its starboard side as is safe and practicable.
- (2) A vessel of less than 20 metres in length or a sailing vessel must not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.
- (3) A vessel engaged in fishing must not impede the passage of any other vessel navigating within a narrow channel or fairway.
- (4) A vessel must not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. If the vessels are in sight of one another, the latter vessel may use the following sound signal as prescribed in rule 22.34(4) if in doubt as to the intention of the crossing vessel -

At least five short and rapid blasts on the whistle. This may be supplemented by a light signal of at least five short and rapid flashes.

- (5) If vessels are in sight of each other in a narrow channel or fairway, when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the following provisions apply -
 - (a) the vessel intending to overtake must signal its intention by sounding one of the following sound signals prescribed in rule 22.34(3)(a) -
 - (i) two prolonged blasts followed by one short blast, to mean "I intend to overtake you on your starboard side"; or
 - (ii) two prolonged blasts followed by two short blasts, to mean "I intend to overtake you on your port side."; and
 - (b) the vessel to be overtaken must, if in agreement, sound the following signal as prescribed in rule 22.34(3)(b) and take steps to permit safe passing:
four blasts consisting of one prolonged, one short, one prolonged, one short; and
 - (c) if the vessel to be overtaken has any doubt, it may sound the following sound signal as prescribed in rule 22.34(4):

At least five short and rapid blasts on the whistle. This may be supplemented by a light signal of at least five short and rapid flashes.

This rule does not relieve the overtaking vessel of its obligation under rule 22.13 for overtaking vessels.

- (6) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction must navigate with particular alertness and caution, and must sound the following sound signal prescribed in rule 22.34(5):

one prolonged blast.

Such a signal must be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

- (7) Any vessel must, if the circumstances of the case allow, avoid anchoring in a narrow channel.

22.10 Traffic separation schemes

- (1) This rule applies to traffic separation schemes adopted by the International Maritime Organization but does not relieve any vessel of its obligations under any other rule in this Part.
- (2) A vessel using a traffic separation scheme must -
 - (a) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane; and
 - (b) so far as practicable keep clear of a traffic separation line or separation zone; and
 - (c) normally join or leave a traffic lane at the termination of the lane; and
 - (d) when joining or leaving a traffic lane from either side, do so at as small an angle to the general direction of traffic as practicable.
- (3) So far as practicable, a vessel must avoid crossing traffic lanes. If obliged to do so it must cross on a heading as close as practicable to right angles to the general direction of traffic flow.
- (4) Subject to rule 22.10(5), a vessel must not use an inshore traffic zone when it can safely use the appropriate traffic lane within the adjacent traffic separation scheme.
- (5) A vessel may use the inshore traffic zone if it is -
 - (a) less than 20 metres in length; or

- (b) a sailing vessel; or
 - (c) engaged in fishing; or
 - (d) *en route* to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone; or
 - (e) avoiding immediate danger.
- (6) Subject to rule 22.10(7), a vessel that is not crossing, joining, or leaving a lane must not normally enter a separation zone or cross a separation line.
- (7) A vessel may cross a separation line or enter a separation zone -
- (a) in cases of emergency to avoid immediate danger; or
 - (b) to engage in fishing within the separation zone.
- (8) A vessel navigating in areas near the terminations of traffic separation schemes must do so with particular caution.
- (9) A vessel must as far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.
- (10) A vessel not using a traffic separation scheme must avoid it by as wide a margin as practicable.
- (11) A vessel engaged in fishing must not impede the passage of any vessel following a traffic lane.
- (12) A vessel of less than 20 metres in length or a sailing vessel must not impede the safe passage of a power-driven vessel following a traffic lane.
- (13) The following vessels are exempted from carrying out the requirements of this rule to the extent necessary to carry out their operations -
- (a) a vessel restricted in its ability to manoeuvre, when engaged in an operation for the maintenance of navigational safety in a traffic separation scheme; and
 - (b) a vessel restricted in its ability to manoeuvre, when engaged in an operation for the laying, servicing, or picking up of a submarine cable within a traffic separation scheme.

SUBSECTION 2 - CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER**22.11 Application of Subsection 2**

This subsection applies to vessels in sight of one another.

22.12 Sailing vessels

- (1) For the purpose of rule 22.12 the windward side is defined as -
 - (a) in the case of a square-rigged vessel, the side opposite to that on which the largest fore and aft sail is carried; or
 - (b) in any other case, the side opposite to that on which the mainsail is carried.
- (2) When two sailing vessels are approaching one another so as to involve risk of collision, one must keep out of the way of the other as follows -
 - (a) when each has the wind on a different side, the vessel which has the wind on the port side must keep out of the way of the other;
 - (b) when both have the wind on the same side, the vessel which is to windward must keep out of the way of the vessel which is to leeward;
 - (c) if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or starboard side, it must keep out of the way of the other.
- (3) Sailing vessels when operating propelling machinery must obey the rules for a power-driven vessel.

22.13 Overtaking

- (1) Despite anything contained in subsections 1 and 2 of section 1 of this Part, any vessel overtaking any other must keep out of the way of the vessel being overtaken.
- (2) A vessel will be considered to be overtaking when coming up to another vessel from a direction of more than 22.5 degrees abaft its beam, that is, in such a position where at night the sternlight, but neither of the sidelights of the vessel being overtaken, would be visible.
- (3) When a vessel is in any doubt as to whether it is overtaking another, it must assume that it is and act accordingly.

- (4) Any subsequent alteration of bearing between the two vessels -
 - (a) does not make the overtaking vessel a crossing vessel within the meaning of this Part; and
 - (b) does not relieve the overtaking vessel of its duty to keep clear of the overtaken vessel until it is finally past and clear.

22.14 Head-on situation

- (1) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision, each must alter its course to starboard so that each passes on the port side of the other.
- (2) Such a situation will be considered to exist when a vessel sees the other ahead or nearly ahead and -
 - (a) by night, the masthead lights of the other vessel are in line or nearly in line and/or both sidelights are visible; or
 - (b) by day, the corresponding aspect of the other vessel is observed.
- (3) When a vessel is in any doubt as to whether such a situation exists, it must assume that it does and act accordingly.

22.15 Crossing situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on its own starboard side must keep out of the way. The vessel required to keep out of the way must, if the circumstances of the case allow, avoid crossing ahead of the other vessel.

22.16 Action by give-way vessel

Every vessel which is directed to keep out of the way of another vessel must, so far as possible, take early and substantial action to keep well clear.

22.17 Action by stand-on vessel

- (1) If one of two vessels is to keep out of the way, the other must keep its course and speed.

- (2) As soon as it becomes apparent to the stand-on vessel that the vessel required to give way is not taking appropriate action in compliance with this Part -
 - (a) it may take action to avoid collision by its manoeuvre alone; and
 - (b) if it is a power-driven vessel in a crossing situation, if the circumstances of the case allow, it must not alter course to port for a vessel on its own port side.
- (3) When, from any cause, the stand-on vessel finds itself so close that collision cannot be avoided by the action of the give-way vessel alone, it must take whatever action will best avoid collision.
- (4) This rule does not relieve the give-way vessel of its obligation to keep out of the way.

22.18 Responsibilities between vessels

Except where rules 22.9 (narrow channels), 22.10 (traffic separation schemes), and 22.13 (overtaking) require otherwise, the following rules apply -

- (1) a power-driven vessel underway must keep out of the way of -
 - (a) a vessel not under command;
 - (b) a vessel restricted in its ability to manoeuvre;
 - (c) a vessel engaged in fishing;
 - (d) a sailing vessel; and
- (2) a sailing vessel underway must keep out of the way of -
 - (a) a vessel not under command;
 - (b) a vessel restricted in its ability to manoeuvre;
 - (c) a vessel engaged in fishing; and
- (3) a vessel engaged in fishing when underway must, so far as possible, keep out of the way of -
 - (a) a vessel not under command;
 - (b) a vessel restricted in its ability to manoeuvre; and
- (4) (a) any vessel other than a vessel not under command or a vessel restricted in its ability to manoeuvre must, if the circumstances of the case allow,

avoid impeding the safe passage of a vessel constrained by its draught exhibiting either or both of the following signals as prescribed in rule 22.28:

- (i) three all-round red lights in a vertical line;
 - (ii) a black cylinder; and
- (b) a vessel constrained by its draught must navigate with particular caution and have full regard to that special condition.
- (5) A seaplane on the water must, in general, keep well clear of all vessels and avoid impeding their navigation. However, if the risk of collision exists, the seaplane must comply with the rules of this section.

SUBSECTION 3 - CONDUCT OF VESSELS IN RESTRICTED VISIBILITY**22.19 Conduct of vessels in restricted visibility**

- (1) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.
- (2) Every vessel must proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility.
- (3) A power-driven vessel must have its engines ready for immediate manoeuvre.
- (4) Every vessel must have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsection 1 of this section.
- (5)
 - (a) A vessel which detects by radar alone the presence of another vessel must determine whether a close-quarters situation is developing and must determine if risk of collision exists. If so, it must take avoiding action in ample time.
 - (b) If such action consists of an alteration of course, the following must, as far as possible, be avoided:
 - (i) an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken; and
 - (ii) an alteration of course towards a vessel abeam or abaft the beam.
- (6) Except where it has been determined that there is no risk of collision, every vessel that -
 - (a) hears the fog signal of another vessel apparently forward of its beam;
or
 - (b) cannot avoid a close-quarters situation with another vessel forward of its beam,must -
 - (c) reduce its speed to the minimum at which it can be kept on its course;
and
 - (d) if necessary, take all way off; and

- (e) in any event navigate with extreme caution until the danger of collision is over.

Section 2 - Lights and shapes

22.20 Application of Section 2

- (1) This section is to be complied with in all weathers.
- (2) Lights required by this section are to be exhibited from sunset to sunrise. During this time the only other lights which may be exhibited are those lights which -
 - (a) cannot be mistaken for lights specified in this Part; and
 - (b) do not impair the visibility or distinctive character of lights specified in the rule; and
 - (c) do not interfere with the keeping of a proper look-out.
- (3) The lights specified must, if carried, also be exhibited during the day in restricted visibility. They may also be exhibited in all other circumstances where it is considered necessary.
- (4) The rules concerning shapes must be complied with by day.
- (5) The lights and shapes specified in this rule must comply with the provisions of Appendix 1 of this Part.

22.21 Definitions relating to Section 3

In this section -

“All-round light” means a light showing an unbroken arc over the horizon of 360 degrees:

“Flashing light” means a light flashing at regular intervals at a frequency of 120 flashes or more per minute:

“Masthead light” means a white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and fixed to show the light from right ahead to 22.5 degrees (2 points) abaft the beam on both sides of the vessel:

“Sidelights” means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and fixed to show the light from right ahead to 22.5 degrees (2 points) abaft the beam on its respective side.

In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel:

“Sternlight” means a white light placed as close as practicable to the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed to show the light from right aft for 67.5 degrees (6 points) on both sides of the vessel:

“Towing light” means a yellow light having the same characteristics as the sternlight.

22.22

Visibility of lights

Lights must have an intensity as specified in Appendix 1 of this Part. They must be visible at the following minimum ranges.

- (1) In vessels of 50 metres or more in length -
 - a masthead light, 6 miles:
 - a sidelight, 3 miles:
 - a sternlight, 3 miles:
 - a towing light, 3 miles:
 - a white, red, green or yellow all-round light, 3 miles.
- (2) In vessels of 20 metres or more in length but less than 50 metres in length -
 - a masthead light, 5 miles:
 - a sidelight, 2 miles:
 - a sternlight, 2 miles:
 - a towing light, 2 miles:
 - a white, red, green, or yellow all-round light, 2 miles.
- (3) In vessels of 12 metres or more in length but less than 20 metres in length -
 - a masthead light, 3 miles:
 - a sidelight, 2 miles:
 - a sternlight, 2 miles:
 - a towing light, 2 miles:

- a white, red, green or yellow all-round light, 2 miles.
- (4) In vessel of less than 12 metres in length -
 - a masthead light, 2 miles:
 - a sidelight, 1 mile:
 - a sternlight, 2 miles:
 - a towing light, 2 miles:
 - a white, red, green or yellow all-round light, 2 miles.
- (5) In inconspicuous, partly submerged vessels, or objects being towed -
 - a white all round light, 3 miles.
- (6) The signal light prescribed under rule 22.34 for signalling a manoeuvre -
 - a white all-round light, 5 miles.

22.23**Power-driven vessels underway**

- (1) Subject to 22.23(3), a power-driven vessel underway must exhibit -
 - (a) a masthead light forward; and
 - (b) a second masthead light abaft of and higher than the forward one,
 - EXCEPT that a vessel of less than 50 metres in length is not obliged to exhibit such light but may do so; and
 - (c) sidelights; and
 - (d) a sternlight.
- (2) In addition to the lights prescribed in rule 22.23(1), an all-round flashing yellow light must be exhibited by -
 - (a) air cushion vessels operating in the non-displacement mode; and
 - (b) high speed vessels whilst operating within a harbour at or above a speed of 25 knots.
- (3) (a) Instead of the lights prescribed in rule 22.23(1) -
 - (i) a power-driven vessel of less than 12 metres in length may exhibit an all-round white light and sidelights; and

- (ii) a power-driven vessel of less than 7 metres in length whose maximum speed does not exceed 7 knots may exhibit an all-round white light, and must, if practicable, exhibit sidelights.
- (b) The masthead light or all-round white light on a power driven-vessel of less than 12 metres in length may be displaced from the fore and aft centreline of the vessel if -
 - (i) a centreline fitting is not practicable; and
 - (ii) sidelights are combined in one lantern which must be either:
 - (aa) carried on the fore and aft centreline of the vessel; or
 - (bb) located as nearly as practicable in the same fore and aft line as the masthead light or all-round white light.

22.24 Towing and pushing

- (1) When towing, a power-driven vessel must exhibit -
 - (a) instead of either of the masthead lights prescribed in rule 22.23(1)(a) and (b), two masthead lights in a vertical line,

EXCEPT that when the length of tow exceeds 200 metres measured from the stern of the towing vessel to the after end of the tow, 3 such lights in a vertical line must be carried; and
 - (b) sidelights; and
 - (c) a sternlight; and
 - (d) a towing light in a vertical line above the sternlight; and
 - (e) when the length of tow exceeds 200 metres, a black diamond shape where it can best be seen; and
 - (f) if the towing operation is such that it severely restricts the towing vessel and its tow in their ability to deviate from their course, in addition -
 - (i) three all-round lights in a vertical line where they can best be seen the highest and lowest being red and the middle one white; and
 - (ii) three black shapes in a vertical line where they can best be seen the highest and lowest being balls and the middle one a diamond. (rule 22.27(3)).

- (2) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they will be regarded as a power-driven vessel and must exhibit the lights prescribed in rule 22.23 for such vessels.
- (3) A power-driven vessel when pushing ahead or towing alongside, other than a composite unit must exhibit -
 - (a) instead of either of the masthead lights prescribed in rule 22.23(1)(a) and (b), two masthead lights in a vertical line; and
 - (b) sidelights; and
 - (c) a sternlight; and
 - (d) if the towing operation is such that it severely restricts the towing vessel and its tow in their ability to deviate from their course, in addition -
 - (i) three all-round lights in a vertical line where they can best be seen the highest and lowest being red and the middle one white;
 - (ii) three black shapes in a vertical line where they can best be seen the highest and lowest being balls and the middle one a diamond (rule 22.27(3)).
- (4) A vessel or object being towed, other than an inconspicuous, partly submerged vessel or object, or combination of such vessels or objects, must exhibit -
 - (a) sidelights; and
 - (b) a sternlight; and
 - (c) when the length of tow exceeds 200 metres, a black diamond shape where it can best be seen.

Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed, all possible measures must be taken to light the tow or at least to indicate its presence.

- (5) Any number of vessels being towed alongside or pushed in a group must be lighted as one vessel and -
 - (a) a vessel being pushed ahead, not being part of a composite unit, must exhibit sidelights at the forward end; and
 - (b) a vessel being towed alongside must exhibit a sternlight and, at the forward end, sidelights.

- (6) An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, must exhibit -
 - (a) if it is less than 25 metres in breadth -
 - (i) one all-round white light at or near the forward end except in the case of dracones, which need not exhibit a light at or near the forward end; and
 - (ii) one all-round white light at or near the after end; and
 - (b) if it is 25 metres or more in breadth, 2 additional all-round white lights at or near the extremities of its breadth; and
 - (c) if the length of towed object exceeds 100 metres, additional all-round white lights so that the distance between lights does not exceed 100 metres; and
 - (d) a black diamond at or near the aftermost extremity of the last vessel or object being towed, and if the length of tow exceeds 200 metres, an additional black diamond shape where it can best be seen, and located as far forward as practicable.
- (7) If it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed, all possible measures must be taken to light the tow or at least indicate its presence.
- (8) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights for a towing or pushing ahead or towing alongside vessel (rule 22.24(1) or 22.24(3)), that vessel is not required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance.

All possible measures must be taken to indicate the relationship between the towing vessel and the tow as authorised in rule 22.36 "Signals to attract attention", in particular by illuminating the tow line.

22.25 Sailing vessels underway and vessels under oars

- (1) A sailing vessel underway must exhibit:
 - (a) sidelights; and
 - (b) a sternlight.

A sailing vessel of less than 20 metres in length may combine the sidelights and sternlight into 1 tricoloured lantern carried at or near the top of the mast where it can best be seen.

- (2) In addition to the lights required in rule 22.25(1), a sailing vessel underway may exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line. The upper must be red and the lower green,

BUT these lights must not be exhibited in conjunction with the tricoloured lantern.

- (3) (a) A sailing vessel of less than 7 metres in length must, if practicable, exhibit the sidelights and sternlight as prescribed in rule 22.25(1),

BUT if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.

- (b) A vessel under oars may exhibit the lights prescribed in this rule for sailing vessels,

BUT if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.

- (4) A vessel proceeding under sail when also being propelled by machinery must exhibit a black conical shape, apex downwards, forward where it can best be seen. At night it must exhibit the lights for a power-driven vessel prescribed in rule 22.23 instead of those prescribed in rule 22.25.

22.26 Fishing vessels

- (1) A vessel engaged in fishing, whether underway or at anchor, must exhibit only the lights and shapes prescribed in rule 22.26.
- (2) A vessel engaged in trawling must exhibit -
- (a) (i) two all-round lights in a vertical line, the upper being green and the lower white; or
- (ii) a black shape consisting of two cones with their apexes together in a vertical line one above the other; and
- (b) a masthead light abaft of and higher than the all-round green light,

BUT a vessel of less than 50 metres in length is not obliged to exhibit such a light but may choose to do so; and

- (c) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.
- (3) A vessel engaged in fishing other than trawling must exhibit -
 - (a) (i) two all-round lights in a vertical line, the upper being red and the lower white; or
 - (ii) a black shape consisting of two cones with their apexes together in a vertical line one above the other; and
 - (b) when there is outlying gear extending more than 150 metres horizontally from the vessel:
 - (i) an all-round white light; or
 - (ii) a cone apex upwards in the direction of the gear; and
 - (c) in addition, when making way through the water, sidelights and a sternlight.
- (4) The additional signals described in Appendix 2 to this rule apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.
- (5) When not engaged in fishing, a vessel must not exhibit the lights or shapes prescribed by this rule, but only those prescribed for a vessel of its length.

22.27**Vessels not under command or restricted in their ability to manoeuvre**

- (1) A vessel not under command must exhibit -
 - (a) two all-round red lights in a vertical line where they can best be seen; and
 - (b) two black balls or similar shapes in a vertical line where they can best be seen; and
 - (c) when making way through the water, sidelights and a sternlight.
- (2) A vessel restricted in its ability to manoeuvre, other than a vessel engaged in mineclearance operations, must exhibit -
 - (a) three all-round lights in a vertical line where they can best be seen, the highest and lowest being red and the middle one white; and

- (b) three black shapes in a vertical line where they can best be seen the highest and lowest of these shapes being balls and the middle one a diamond; and
 - (c) when making way through the water, a masthead light or lights, sidelights, and a sternlight; and
 - (d) when at anchor, the light, lights, or shape prescribed in rule 22.30 for vessels at anchor.
- (3) A power-driven vessel engaged in a towing operation which severely restricts the towing vessel and its tow in their ability to deviate from their course must display the lights or shapes prescribed in rules 22.24(1) and 22.27(2)(a) and (b).
- (4) A vessel engaged in dredging or underwater operations, which restrict its ability to manoeuvre, must exhibit the lights and shapes prescribed in rule 22.27(2)(a), (b), and (c).

In addition, when an obstruction exists, it must exhibit -

- (a) two all-round red lights or two black balls in a vertical line to indicate the side on which the obstruction exists; and
 - (b) two all-round green lights or two black diamonds in a vertical line to indicate the side on which the vessel may pass; and
 - (c) when at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shapes prescribed in rule 22.30 for vessels at anchor.
- (5) If the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in rule 22.27(4), the following must be exhibited -
- (a) three all-round lights in a vertical line where they can best be seen the highest and lowest being red and the middle light white; and
 - (b) a rigid replica of the International Code flag "A" of -
 - (i) not less than one metre in height; or
 - (ii) in the case of a New Zealand ship of less than six metres in length operating in New Zealand waters, not less than 0.6 metres in height, with measures taken to ensure its all-round visibility.
- (6) A vessel engaged in mineclearance operations must display the following lights in addition to the lights prescribed in rule 22.23 or rule 22.30 for a power-driven vessel underway or at anchor -

three all-round green lights or three black balls.

One of these lights or shapes must be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within 1000 metres of the mine clearance vessel.

- (7) Vessels of less than 12 metres in length, except those involved in diving operations, are not required to exhibit the lights and shapes of rule 22.27.

22.28 Vessels constrained by their draught

A vessel constrained by its draught may, in addition to the lights prescribed for power-driven vessels in rule 22.23, exhibit where they can best be seen, three all-round red lights in a vertical line or a black cylinder.

22.29 Pilot vessels

- (1) A vessel engaged in pilotage duties must exhibit at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red, and
- (a) when underway, sidelights and a sternlight; and
 - (b) when at anchor the light, lights or shape prescribed in rule 22.30 for vessels at anchor.
- (2) A pilot vessel when not engaged on pilotage duties must exhibit the lights or shapes prescribed for a vessel of its length.

22.30 Anchored vessels and vessels aground

- (1) A vessel at anchor must exhibit where it can best be seen -
- (a) in the fore part, an all-round white light or one black ball; and
 - (b) another all-round white light at or near the stern at a lower level than the light in the fore part;

BUT if the vessel is less than 50 metres in length it may exhibit an all-round white light where it can best be seen instead of the lights referred to in subparagraphs (a) and (b) of this paragraph.

- (2) A vessel of 100 metres or more in length must also use the available working or equivalent lights to illuminate its decks when at anchor. Any other vessel at anchor may do so also.

- (3) A vessel of less than 7 metres in length at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, is not required to exhibit the light or shape prescribed for a vessel at anchor.
- (4) A vessel aground must exhibit the white light or lights for a vessel at anchor prescribed in rule 22.30 (1), and in addition, where they can best be seen -
 - (a) two all-round red lights in a vertical line; and
 - (b) three black balls in a vertical line.
- (5) A vessel of less than 12 metres in length, when aground, is not required to exhibit the lights or shapes prescribed in 22.30(4) for a vessel aground.

2.31 Seaplanes

Where it is not practicable for a seaplane to exhibit lights and shapes as described in this section, a seaplane must exhibit lights and shapes that are as similar in characteristics and position as possible.

Section 3 - Sound and light signals

22.32 Definitions relating to this Section

In this section -

“Prolonged blast” means a blast of from four to six seconds duration:

“Short blast” means a blast of about one second’s duration:

“Whistle” means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Appendix 3 to this rule.

22.33 Equipment for sound signals

- (1) A vessel of 12 metres or more in length must be provided with -
 - (a) a whistle; and
 - (b) a bell; and
 - (c) in the case of a vessel of 100 metres or more in length, a gong.
- (2) The tone and sound of the gong must not be able to be confused with that of the bell.
- (3) The whistle, bell, and gong must comply with the specifications in Appendix 3 to this rule.
- (4) As long as they can still be sounded manually, the bell or gong or both may be replaced by other equipment having the same respective sound characteristics.
- (5) A vessel of less than 12 metres in length is not obliged to carry the sound signalling appliances prescribed, but if it does not carry the prescribed sound signalling appliances, it must be provided with some other means of making an efficient sound signal.

22.34 Manoeuvring and warning signals

- (1) When vessels are in sight of one another, a power-driven vessel underway, manoeuvring as authorised or required by this Part, must indicate that manoeuvre by the following signals on its whistle -
 - (a) one short blast to mean “I am altering my course to starboard”:

- (b) two short blasts to mean "I am altering my course to port":
 - (c) three short blasts to mean "I am operating astern propulsion".
- (2) Any vessel may supplement the whistle signals prescribed in rule 22.34(1) with the following light signals, repeated as appropriate, whilst the manoeuvre is being carried out -
- (a) one flash to mean "I am altering my course to starboard":
 - (b) two flashes to mean "I am altering my course to port":
 - (c) three flashes to mean "I am operating astern propulsion".

The duration of each flash must be about one second, the interval between successive flashes must be about one second, and the interval between successive signals must not be less than 10 seconds.

The light used for this signal must, if fitted, be an all-round white light. It must be visible for a minimum distance of 5 miles and comply with the provisions of Appendix 1.12 of this Part.

- (3) When in sight of one another in a narrow channel or fairway -
- (a) a vessel intending to overtake another must indicate its intention in compliance with rule 22.9 (narrow channels) by sounding one of the following sound signals on its whistle:

two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";

OR

two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";
 - (b) the vessel about to be overtaken when acting in compliance with rule 22.9 (narrow channels) must indicate its agreement by sounding the following signal on its whistle:

one prolonged, one short, one prolonged and one short blast, in that order.
- (4) When vessels in sight of one another are approaching each other and for any reason either fails to understand the intentions or actions of the other, OR is in any doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt must immediately indicate such doubt by sounding the following signal on its whistle -

at least five short and rapid blasts.

This signal may be supplemented by a light signal of at least 5 short and rapid flashes.

- (5) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction must sound one prolonged blast.

Such signal must be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

- (6) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only must be used for giving manoeuvring and warning signals.

22.35 Sound signals in restricted visibility

In or near an area of restricted visibility, by day and by night, the following signals must be used:

- (a) subject to rule 22.35(b) -

- (i) a power-driven vessel making way through the water must sound one prolonged blast at intervals of not more than 2 minutes;
- (ii) a power-driven vessel underway but stopped and making no way through the water must sound two prolonged blasts in succession with 2 seconds between them at intervals of not more than 2 minutes:

- (b) the following vessels -

- (i) vessels not under command, vessels restricted in their ability to manoeuvre, vessels constrained by their draught, sailing vessels, vessels engaged in fishing, vessels engaged in towing or pushing another vessel; and
- (ii) vessels engaged in fishing at anchor and vessels restricted in their ability to manoeuvre when carrying out work at anchor;

must sound three blasts in succession, namely one prolonged followed by two short blasts, at intervals of not more than 2 minutes:

- (c) if crewed, a vessel towed or, if more than one vessel is towed, the last vessel of the tow, must sound four blasts in succession, namely one prolonged followed by three short blasts:

This signal must be made at intervals of not more than 2 minutes, and where practicable, be made immediately after the signal made by the towing vessel.

- (d) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are to be regarded as a power-driven vessel and sound the appropriate sound signal as described in rule 22.35(a):
- (e) A vessel at anchor must ring a bell rapidly for about 5 seconds at intervals of not more than 1 minute and -
 - (i) if the vessel is 100 metres or more in length, the bell must be sounded in the forepart of the vessel; and
 - (ii) immediately after the ringing of the bell the gong must be sounded rapidly for about five seconds at the after part of the vessel.

A vessel at anchor may additionally sound three blasts in succession, namely one short, one prolonged, and one short blast to give warning of its position:

- (f) a vessel aground must give the bell signal, and (if required) the gong signal, prescribed for a vessel at anchor in rule 22.35(e),

AND in addition must give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell.

A vessel aground may also sound an appropriate whistle signal:

- (g) a vessel less than 12 metres in length is not obliged to give the above mentioned signals, but, if it does not, must make some other efficient sound signal at intervals of not more than 2 minutes.
- (h) when engaged on pilotage duty, a pilot vessel may in addition to the signals prescribed for power-driven vessels (rule 22.35(a)) or vessels at anchor (rule 22.35(e)), sound an identity signal consisting of four short blasts.

22.36 Signals to attract attention

If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any other signal authorised elsewhere in this section. It may direct the beam of its searchlight in the direction of the danger in such a way as to not embarrass any vessel.

Any light to attract the attention of another vessel must be such that it cannot be mistaken for any aid to navigation, and high intensity intermittent or revolving lights, such as strobe lights, must be avoided.

22.37 Distress signals

When a vessel is in distress it must use or exhibit the signals described in Part 23 (Operational procedures and training), Appendix 3.

Section 4**22.38 Vessels of special function**

- (1) Whenever the Director determines that a vessel of special construction or purpose cannot fully comply with the provisions of this Part relating to number, position, range, or arc of visibility of lights or shapes, then such a vessel must comply with such other provisions relating to the number, position, range, or arc of visibility of lights or shapes as the Director determines to be the closest possible compliance with this Part for that vessel.
- (2) Whenever the Director determines that a vessel of special construction or purpose cannot fully comply with the provisions of this Part relating to the disposition and characteristics of sound-signalling appliances, then such a vessel must comply with such other provisions relating to the disposition and characteristics of sound-signalling appliances as the Director determines to be the closest possible compliance with this Part for that vessel.

22.39 Observance of Part 22

- (1) Every owner of a vessel to which this Part applies must ensure that the vessel is provided with all such lights, shapes, and means of making fog signals as may be required by this Part.
- (2) Every master or other person for the time being responsible for the navigation of a vessel to which this Part applies must -
 - (a) ensure that all such lights, shapes, and means of making fog signals, as may be required by this Part, are carried, exhibited, and used in accordance with this Part; and
 - (b) refrain from carrying, exhibiting, or using on the vessel any lights, shapes, or means of making fog signals other than those required or permitted by this rule to be carried, exhibited or used on the vessel; and
 - (c) ensure that the vessel is navigated in accordance with this Part; and
 - (d) refrain from navigating the vessel in a manner that is contrary to this Part.

Responsibility

- (1) Nothing in this Part will exonerate any vessel, its owner, master, or crew, from the consequences of any neglect to comply with this Part, or of the neglect of any precaution which may be required by the ordinary practice of seafarers, or the special circumstances of the case.
- (2) In interpreting and complying with these rules, due regard must be given to all dangers of navigation, collision, and any special circumstances, including the limitations of the vessels involved, that may make a departure from the rules of this Part necessary to avoid immediate danger.

Appendix 1 - Positioning and technical details of lights and shapes**1. Definitions relating to Appendix 1**

In this Part -

“Height above the hull” means height above the uppermost continuous deck. This height must be measured from the position vertically beneath the location of the light.

2. Vertical positioning and spacing of lights

- (1) On a power-driven vessel of 20 metres or more in length, the masthead lights must be placed as follows -
 - (a) the forward masthead light or, if only one masthead light is carried, then that light, at a height above the hull of not less than 6 metres, AND if the breadth of vessel exceeds 6 metres, then at a height above the hull not less than such breadth,

BUT the light need not be placed at a greater height above the hull than 12 metres; and
 - (b) when two masthead lights are carried the after one must be at least 4.5 metres vertically higher than the forward one.
- (2) The vertical separation of masthead lights of power-driven vessels must be such that in normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 metres from the stem when viewed from sea-level.
- (3) The masthead light of a power-driven vessel of 12 or more metres but less than 20 metres in length must be placed at a height above the gunwale of not less than 2.5 metres.
- (4) A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of less than 2.5 metres above the gunwale. However when a masthead light is carried in addition to sidelights and a sternlight or the all-round light prescribed in rule 22.23(3)(a) is carried in addition to sidelights, then such a masthead light or all-round light must be carried at least 1 metre higher than the sidelights.
- (5) One of the two or three masthead lights prescribed for a power-driven vessel engaged in towing or pushing another vessel must be placed in the same position as either the forward masthead light or the after masthead light,

BUT, if carried on the aftermast, the lowest after masthead light must be 4.5 metres vertically higher than the forward masthead light.

- (6) Subject to Appendix 1.12, the masthead light or lights prescribed in rule 22.23(1) must be so placed as to be above and clear of all other lights and obstructions,

EXCEPT that when it is impracticable to carry the all-round lights prescribed by rules 22.27(2)(a) or 22.28 (all round lights for vessels restricted in their ability to manoeuvre and vessels constrained by their draught) below the masthead lights, they may be carried -

- (a) above the after masthead light(s); or
- (b) vertically in between the forward masthead light(s) and after masthead light(s), provided that the requirement of Appendix 1.3(3) (relating to horizontal distance) is complied with.

- (7) The sidelights of a power-driven vessel must be placed at a height above the hull not greater than three-quarters of that of the forward masthead light. They must not be so low as to be interfered with by deck lights.

- (8) The sidelights, if in a combined lantern and carried on a power-driven vessel of less than 20 metres in length, must be placed not less than 1 metre below the masthead light.

- (9) If these rules prescribe two or three lights to be carried in a vertical line, they must be spaced as follows -

- (a) on a vessel of 20 metres in length or more, such lights must be spaced not less than 2 metres apart, and the lowest of these lights must, except where a towing light is required, be placed at a height of not less than 4 metres above the hull; and
- (b) on a vessel of less than 20 metres in length, such lights must be spaced not less than 1 metre apart and the lowest of these lights must, except where a towing light is required, be placed at a height of not less than 2 metres above the gunwale; and
- (c) when three lights are carried, they must be equally spaced.

- (10) The lower of the two all-round lights prescribed for a vessel when engaged in fishing must be at a height above the sidelights not less than twice the distance between the two vertical lights.

- (11) The forward anchor light prescribed in rule 22.30(1), when two are carried, must not be less than 4.5 metres above the after one. On a vessel of 50

metres or more in length, this forward anchor light must be placed at a height of not less than 6 metres above the hull.

Horizontal positioning and spacing of lights

- (1) When 2 masthead lights are prescribed for a power-driven vessel, the horizontal distance between them -
 - (a) must not be less than one-half of the length of the vessel; but
 - (b) need not be more than 100 metres.

The forward light must be placed not more than one quarter of the length of the vessel from the stem.

- (2) On a power-driven vessel of 20 metres or more in length, the sidelights must not be placed in front of the forward masthead lights. They must be placed at or near the side of the vessel.
- (3) When the lights prescribed in rules 22.27(2)(a) and 22.28 (all-round lights for vessels restricted in their ability to manoeuvre and vessels constrained by their draught) are placed vertically between the forward masthead light(s) and the after masthead light(s), these all-round lights must be placed at a horizontal distance of not less than 2 metres from the fore and aft centreline of the vessel in the athwartship direction.
- (4) When only one masthead light is prescribed for a power-driven vessel, this light must be exhibited forward of amidships; except that a vessel of less than 20 metres in length need not exhibit this light forward of amidships but must exhibit it as far forward as practicable.

4. Details of location of direction-indicating lights for fishing vessels, dredgers, and vessels engaged in underwater operations

- (1) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in rule 22.26(3)(b) must be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights.

This light must be placed not higher than the all-round white light prescribed in rule 22.26(3)(a) and not lower than the sidelights.

- (2) The lights and shapes on a vessel engaged in dredging or underwater operations that indicate the obstructed side or the side on which it is safe to pass or both, as prescribed in rule 22.27(4)(a) and (b), must be placed at the

following distance from the lights or shapes prescribed in rule 22.27(2)(a) and (b) (for vessels restricted in their ability to manoeuvre) -

- (a) at the maximum practical horizontal distance; and
- (b) in no case less than 2 metres.

In no case may the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in rule 22.27(2)(a) and (b).

5. Screens for sidelights

- (1) The sidelights of vessels of 20 metres or more in length must be fitted with inboard screens painted matt black, and meet the requirements of Appendix 1.9.
- (2) On vessels of less than 20 metres in length, the sidelights, if necessary to meet the requirements of Appendix 1.9, must be fitted with inboard matt black screens. With a combined lantern, that has a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6. Shapes

- (1) Shapes must be black and of the following sizes -
 - (a) a ball must have a diameter of not less than 0.6 metres;
 - (b) a cone must have a base diameter of not less than 0.6 metres and a height equal to its diameter;
 - (c) a cylinder must have a diameter of at least 0.6 metres and a height of twice its diameter; and
 - (d) a diamond shape must consist of two cones as defined in Appendix 1.6(1)(b) and having a common base.
- (2) The vertical distance between shapes must be at least 1.5 metres.
- (3) In a vessel of less than 20 metres in length, shapes of lesser dimensions, but commensurate with the size of the vessel, may be used and the distance apart may be correspondingly reduced.

7. Colour specification of lights

- (1) The chromaticity of all navigation lights must conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).
- (2) The boundaries of the area for each colour are given by indicating the corner co-ordinates, which are as follows:

(a) White

| | | | | | | |
|---|-------|-------|-------|-------|-------|-------|
| x | 0.525 | 0.525 | 0.452 | 0.310 | 0.310 | 0.443 |
| y | 0.382 | 0.440 | 0.440 | 0.348 | 0.283 | 0.382 |

(b) Green

| | | | | |
|---|-------|-------|-------|-------|
| x | 0.028 | 0.009 | 0.300 | 0.203 |
| y | 0.385 | 0.723 | 0.511 | 0.356 |

(c) Red

| | | | | |
|---|-------|-------|-------|-------|
| x | 0.680 | 0.660 | 0.735 | 0.721 |
| y | 0.320 | 0.320 | 0.265 | 0.259 |

(d) Yellow

| | | | | |
|---|-------|-------|-------|-------|
| x | 0.612 | 0.618 | 0.575 | 0.575 |
| y | 0.382 | 0.382 | 0.425 | 0.406 |

8. Intensity of lights

- (1) The minimum luminous intensity of lights must be calculated by using the formula -

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D}$$

where I is luminous intensity in candelas under service conditions; and

T is the threshold factor 2×10^{-7} lux;

D is the range of visibility (luminous range) of the light in nautical miles; and

K is atmospheric transmissivity.

For prescribed lights, the value of K must be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

- (2) A selection of figures derived from the formula is given in the following table:

| Range of visibility (luminous range) of light in nautical miles | Luminous intensity of light in candelas K = 0.8 |
|---|--|
| 1 | 0.9 |
| 2 | 4.3 |
| 3 | 12 |
| 4 | 27 |
| 5 | 52 |
| 6 | 94 |

Note: The maximum luminous intensity of navigation lights should be limited to avoid undue glare. This must not be achieved by a variable control of the luminous intensity.

9. Horizontal sectors

- (1) In the forward direction, sidelights as fitted on the vessel must show the minimum required intensities. The intensities must decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors.
- (2) For sternlights, masthead lights, and, at 22.5 degrees abaft the beam, sidelights the following provisions apply -
 - (a) the minimum required intensities must be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in rule 22.21; and
 - (b) from 5 degrees within the prescribed sectors, the intensity may decrease by 50 per cent up to the prescribed limits. It must decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.
- (3) All-round lights must be located so as to not be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees,

EXCEPT anchor lights prescribed in rule 22.30, which need not be placed at an impracticable height above the hull.

If it is not practicable to comply with this paragraph by exhibiting only one all-round light, two all-round lights must be used. They must be suitably positioned or screened so that they appear, as far as practicable, as one light at a distance of one mile.

10.**Vertical sectors**

- (1) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels underway, must ensure that -
 - (a) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal; and
 - (b) at least 60 per cent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 below the horizontal.
- (2) In the case of sailing vessels underway, the vertical sectors of electric lights as fitted must ensure that -
 - (a) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal; and
 - (b) at least 50 per cent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.
- (3) In the case of non-electric lights these specifications must be met as closely as possible.

11.**Intensity of non-electric lights**

Non-electric lights must, so far as practicable, comply with the minimum intensities, as specified in the table given in Appendix 1.8.

12.**Manoeuvring light**

- (1) The manoeuvring light described in rule 22.34(2) must be placed in the same fore and aft vertical plane as the masthead light or lights.
- (2) Where practicable, it should be at a minimum height of 2 metres vertically above the forward masthead light, provided that it is carried at least 2 metres vertically above or below the after masthead light.

- (3) On a vessel where only one masthead light is carried, the manoeuvring light, if fitted, must be carried where it can best be seen, at least 2 metres vertically apart from the masthead light.

13. High Speed Craft

The masthead light of high speed craft with a length to breadth ratio of less than 3.0 may be placed at a height related to the breadth of the craft lower than that prescribed in Appendix 1.2(1)(a), provided that the base angle of the isosceles triangle formed by the sidelights and masthead light, when seen in end elevation, is not less than 27 degrees.

14. Approval

The construction of lights and shapes and the installation of lights on board the vessel must be to the satisfaction of -

- (a) in the case of a New Zealand ship, the Director; or
- (b) in the case of a foreign ship, the State whose flag the vessel is entitled to fly.

Appendix 2 - Additional signals for fishing vessels fishing in close proximity**1. General**

The lights mentioned in this Appendix, if exhibited by fishing vessels in close proximity to other fishing vessels in accordance with rule 22.26(4) must -

- (a) be placed where they can best be seen; and
- (b) be at least 0.9 metres apart but at a lower level than the all-round fishing or trawling lights prescribed in rule 22.26(2)(a) and (3)(a); and
- (c) be visible all round the horizon at a distance of at least one mile but at a lesser distance than the lights prescribed by this Part for fishing vessels.

2. Signals for trawlers

- (1) Vessels of 20 metres or more in length engaged in trawling, whether using demersal or pelagic gear, or involved in pair trawling, must exhibit -
 - (a) when shooting their nets:
two white lights in a vertical line; and
 - (b) when hauling their nets:
one white light over one red light in a vertical line; and
 - (c) when the net has come fast upon an obstruction:
two red lights in a vertical line; and
 - (d) when engaged in pair trawling by night:
a searchlight directed forward and in the direction of the other vessel of the pair.
- (2) A vessel of less than 20 metres in length engaged in trawling, whether using demersal or pelagic gear or engaged in pair trawling, may exhibit the lights prescribed in Appendix 2.2(1).

3. Signals for purse seiners

Vessels engaged in fishing with purse seine gear may exhibit 2 yellow flashing lights in a vertical line. These lights must flash alternately every second and with equal light and occultation duration. These lights must only be exhibited when the vessel is hampered by its fishing gear.

Appendix 3 - Technical details of sound signal appliances

1. Whistles

(1) *Frequencies and range of audibility*

The fundamental frequency of the signal must lie within the range 70-700Hz.

The range of audibility of the signal from a whistle must be determined by those frequencies, which may include the fundamental or one or more higher frequencies or both, which lie within the range 180 - 700 Hz ($\pm 1\%$) and which provide the sound pressure levels specified in Appendix 3.1(3).

(2) *Limits of fundamental frequencies*

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle must be between the following limits -

- (a) 70 - 200 Hz, for a vessel 200 metres or more in length; and
- (b) 130 - 350 Hz, for a vessel 75 metres but less than 200 metres in length; and
- (c) 250 - 700 Hz, for a vessel less than 75 metres in length.

(3) *Sound signal intensity and range of audibility*

A whistle fitted in a vessel must provide, in the direction of maximum intensity of the whistle and at a distance of 1 metre from it, a sound pressure level in at least one 1/3rd-octave band within the range of frequencies 180 - 700 Hz ($\pm 1\%$) of not less than the appropriate figure given in the table below.

| Length of vessel in metres | 1/3rd-octave band level at 1 metre in dB referred to 2×10^{-5} N/m ² | Audibility range in nautical miles |
|----------------------------|--|------------------------------------|
| 200 or more | 143 | 2.0 |
| 75 but less than 200 | 138 | 1.5 |
| 20 but less than 75 | 130 | 1.0 |
| Less than 20 | 120 | 0.5 |

The range of audibility in the table is for information only and is approximately the range at which a whistle may be heard on its forward axis with 90 per cent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68

dB in the octave band centred on 250 Hz and 63 dB in the octave band centred on 500Hz).

In practice, the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical, but under conditions of strong wind or high ambient noise level at the listening post, the range may be much reduced.

(4) *Directional properties*

The sound pressure level of a directional whistle must be not more than 4 dB below the prescribed sound pressure level on the axis at any direction in the horizontal plane within ± 45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane must be not more than 10 dB below the prescribed sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level must be measured in the 1/3rd-octave band which determines the audibility range.

(5) *Positioning of whistles*

When a directional whistle is to be used as the only whistle on a vessel, it must be installed with its maximum intensity directed straight ahead.

A whistle must be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimise hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts must not exceed 110 dB (A) and, as far as practicable, should not exceed 100 dB (A).

(6) *Fitting of more than one whistle*

If whistles are fitted at a distance apart of more than 100 metres, it must be so arranged that they are not sounded simultaneously.

(7) *Combined whistle systems*

If, due to the presence of obstructions, the sound field of a single whistle or one of the whistles referred to in Appendix 3.1(6) is likely to have a zone of greatly reduced signal level, a combined whistle system should be fitted so as to overcome this reduction in signal.

For the purposes of this rule, a combined whistle system is to be regarded as a single whistle.

The whistles of a combined system must be located at a distance apart of not more than 100 metres and arranged to be sounded simultaneously. The

frequency of any one whistle must differ from those of the others by at least 10 Hz.

Bell or gong

(1) Intensity of signal

A bell or gong, or other device having similar sound characteristics, must produce a sound pressure level of not less than 110 dB at a distance of one metre from it.

(2) Construction -

(a) bells and gongs must be made of corrosion-resistant material and designed to give a clear tone; and

(b) the diameter of the mouth of the bell must be:

(i) not less than 300mm for vessels of 20 metres or more in length;

(ii) not less than 200mm for vessels of 12 metres or more, but less than 20 metres, in length; and

(c) where practicable, a power-driven bell striker is recommended to ensure constant force, but manual operation must be possible; and

(d) the mass of the striker must not be less than 3 % of the mass of the bell.

3. Approval

The construction of sound signal appliances, their performance, and their installation on board the vessel must be to the satisfaction of -

(a) in the case of a New Zealand ship, the Director; or

(b) in the case of a foreign ship, the State whose flag the vessel is entitled to fly.

Maritime Rules

PART 22

COLLISION PREVENTION

Consultation Details

(This text does not form part of the rules contained in Part 22. It provides details of the consultation undertaken in making the rules)

Summary of Consultation

Twenty submissions were received on Part 22 - Collision Prevention. These were from the New Zealand Defence Force, the New Zealand Fire Service, the Port of Wellington, the Auckland Regional Council, Tasman District Council, the New Zealand Shipping Federation, Union Shipping New Zealand Limited, Silver Fern Shipping Limited, South Pacific Shipping, New Zealand Underwater, the New Zealand Maritime School, the Nautical Institute, the Merchant Service Guild, the New Zealand Maritime Transport Association, Overseas Yachts, and five individuals.

Izard Western lawyers of Wellington, solicitors with experience in the use of the Collision Prevention Regulations, were asked to look at the draft. They produced a nine page comment document.

General

Leonce Jones said the New Zealand Fire Service had no submissions to make on Part 22.

Charles Smith, Marine Services Manager of the Port of Wellington said that "The draft Collision Regulations Part 22 are formatted in a manner which appears to make them simpler to digest. This is a big step forward." He felt there was possible confusion over the use of the words "Part" and "rule" and that international consistency of calling the Collision Regulations 'the rules' should be kept.

Confusion between "Part" and "rules" in Part 22 has been amended. The rules framework outlined in the Maritime Transport Act had to be followed, but as Part 22 is one of the Maritime Rules, seafarers can quite legitimately continue to call them rules.

Paul Nicholas, Manager Administration said the New Zealand Shipping Federation noted that, apart from some minor errors, "the draft Rule appears to be consistent with the 'Convention on the International Regulations for Preventing Collisions at Sea 1972 and its amendments'".

Peter King Marine Manager (Northern Region) of South Pacific Shipping Limited requested that Part 22 be reconsidered and should "merely incorporate the INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972." He felt "it is presumptuous for a small Maritime Country like New Zealand, to set out to change an International Law".

He also felt there were numerous examples of "double speak" in the document and clauses which are not included in other countries rules which "can only lead to confusion".

Part 22 as drafted does not change International Law, it merely puts it into plain English and gender neutral language. The example of 'double speak' given is from the Invitation to comment which is not a part of the rule. Mr. King does not give any other examples of 'double speak' or added clauses, so we are unable to answer these points.

M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School (Manukau Institute of Technology) commented that "As a teaching establishment, responsible for teaching and examining seafarers in the use and understanding of the rules for avoiding collision, we question the reasons for change. It concerns us that the only apparent reason for change is to tidy all maritime rules into one neat package; but in doing so we are tinkering with internationally accepted regulations....

"The rules for avoiding collision at sea should be plain and simple to understand."

P.A. Stanley, Chairman of the Nautical Institute commented that "The policy of publishing a New Zealand version of the International Regulations for Preventing Collisions at Sea... is not supported.... Although many of the changes proposed on the draft rules are apparently minor, they may legally mean something quite

different from the International Rules - which have the advantage, despite their archaic language, of having been tested repeatedly in Courts of Law....

“Finally, it is considered that some of the changes in presentation which have been adopted in the draft rule make for easier reading and understanding. If they were to be taken up by the International Maritime Organisation at its next major rewrite of the International Rules, the latter would be improved - but until then we must stick with the official version.”

S.E. Hill, Legal officer of the New Zealand Merchant Service Guild attached comments from Chris Cole but did not offer specific comment.

W.A. Simpson, National Secretary, said the New Zealand Marine Transport Association accepted that as Part 22 incorporated international requirements, changes that could be made were limited.

B.M. Commons of Auckland felt that “these rules are unnecessary or dangerous.” He felt that the Draft rule Part 22 was “a supreme example of unintelligible bureaucratic gobbledegook.”

The examples given are from: the Invitation to comment which is not a part of the rule; the high speed craft definition written by the International Maritime Organisation; and the definition of a ‘seaplane’ which has been amended.

Chris Cole of Christchurch said he was “not in favour of changing from a ‘Rule’ to a ‘part’ of a Section/Subsection.”

The use of sections and subsections is the format adopted throughout the Maritime Rules and is used in Part 22 for consistency.

Michael Burch of Porirua submitted that “The Collregs were written by people who knew the English language thoroughly, and they have on the whole stood the test of time and the interpretation of both mariners and judges pretty well. They are perfectly understandable, they are precise and they are well known. Why change them?”

D.W. Handley of Auckland expressed “disbelief” that New Zealand “could be so presumptuous” by attempting to modify the International Regulations for Preventing Collisions at Sea. He felt that “every single word in the International Regulations has been tested in, and understood by, Maritime Courts throughout the world”.

D.W. Handley commented that "The current lack of understanding and correct application of the Col Regs is unfortunately demonstrated every day..." "I believe it is appropriate that the MSA be involved with evolving maritime regulations. In the matter of International Col Regs perhaps the involvement should be with the I.M.O. in formulating a simplified, more easily understood set of Col Regs for application internationally."

There are official versions of the International Collision Prevention regulations in Chinese, English, French, Russian, and Spanish, and official translations in Arabic, German and Italian.

John Burton, Partner at IZARD WESTON, Lawyers of Wellington, commented that "In our view, provided the Part 22 Rules do not effect substantive changes to the content of the Regulations, there can be no objection to the use of plain English and gender neutral language. Put another way, our adoption of the SOLAS convention does not require us to enact, verbatim, the official English text of the Collision Regulations."

The following amendments have been made:**General**

- The name of a number of individual rules were altered in line with style changes.

Alignment

Captain Rathburn of Naval Staff, H.Q. N.Z. Defence Force, "considered that it would be advantageous to align the number of the subparagraphs in these rules to the International Maritime Organisation COLREGS. This would ensure that the Mariner who understands the rules from their International Maritime Organisation number will be able to match these with the MSA regulations."

Charles Smith, Marine Services Manager of the Port of Wellington comment that "There has been a break away from an international numbering pattern, so that in the event of an enquiry, examination or even discussion there will be no consistency and this may lead to confusion."

P.A. Stanley, Chairman of the Nautical Institute recommended that "The numbering system used be the same as, or entirely compatible with, that used in the International Rules."

In a follow up letter Michael Burch of Porirua commented that he thought that renumbering was "an excellent idea.... This will cause much less concern to a) visitors, and b) those of us who had to learn the Collregs word-perfectly to get our tickets."

We agree. The order of the rules has been amended so that the main body of the Part aligns with the International Regulations.

Peter King Marine Manager (Northern Region) of South Pacific Shipping Limited felt that the system of numbering and the format will be a nightmare for any student to try and learn and understand.

Mr. King did not explain why the system of numbering and the format were any more difficult for anyone to understand than the present regulations. The systems used are the same for all of the Maritime Rules so that a student, and indeed all seafarers on board and office staff can become familiar with the layout.

22.2 Definitions

“All practicable steps” - Neil Jackson from the Tasman District Council suggested that “Some additional statements about circumstances which would affect what is practicable would be useful.”

The definition is taken from the Maritime Transport Act, and therefore will not be altered.

“Distress” - *is included and defined to fit in with rule 22.39.*

“Dracone” - Neil Jackson from the Tasman District Council suggested a better construction for this definition.

We agree with this construction, the rule has been amended.

“Foreign ship” - *is included and defined as per the Maritime Transport Act.*

“High speed craft” - Michael Burch of Porirua queried that “If clarity is an object, why define “High speed craft” using units of no interest to any practical sailor?”

We agree that this definition is confusing, it has been amended.

“Mile” - B.M. Commons of Auckland submitted that “The nautical mile is a distance equal to the distance on the surface of the earth subtended by one minute of latitude at that location. To embody in New Zealand law some other definition would be decidedly odd”.

The definition of mile refers to the internationally accepted “standard nautical mile” which does not alter with an observers latitude. The term “mile” as it is used in Part 22 refers to the range of lights and audibility of sound signals. It is not the intention of this rule for these requirements to alter with latitude as they would if the term “nautical mile” was used.

“New Zealand Ship” - Paul Nicholas, Manager Administration said the New Zealand Shipping Federation thought this definition “ought to be redefined in accordance with normal international practice.”

D.E. McPherson, General Manager - Marine Division said that Union Shipping New Zealand Limited felt this definition “opens the possibility of a conflict in jurisdiction.” He continued that “Whilst the probability of there being a conflict between the flag state and the New Zealand Authorities is slight in this particular case, such a definition does little to aid clarity of jurisdiction”.

B.M. Commons of Auckland felt that this definition was unclear. "This attempt to hi-jack foreign ships into New Zealand jurisdiction would surely be laughed out of court."

The definition is taken from the Maritime Transport Act, and therefore will not be altered.

"Not under command" - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School suggested that this definition should be rephrased as "Vessel not under command."

We agree, this has been amended.

"On the surface of the water" - *is defined to provide consistency with the Maritime Transport Act.*

"Seaplane" - *This has been amended at the suggestion of Izard Weston Lawyers of Wellington.*

"Ship" - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School queried whether it was necessary to include this definition. He felt that "the term 'vessel' is sufficient. A ship is a vessel, and a vessel is a ship."

The term "ship" does not include a seaplane where as "vessel" does. It is the format of these rules to include all definitions considered relevant.

"Underway" - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School suggested an alteration of this definition would be more precise.

We agree, this has been amended.

"Vessel" - *This has been amended for clarity.*

"Vessel constrained by its draught" - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School and Michael Burch of Porirua suggested that "and width of navigable water" be included for accuracy.

We agree, this has been amended.

22.3 Application

Chris Cole of Christchurch felt that this "could be more grammatically correct with regard to the wording of the text."

We agree, this has been rephrased for clarity.

22.5 Responsibility

This has been amended for clarity.

22.7 Look-out

The word "available" is inserted for accuracy.

22.10 Action to avoid collision

(2) - Michael Burch of Porirua suggested that the word "must" be replaced by the word "should".

We agree, this has been amended.

(5) - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School suggested the inclusion of a comma for international consistency.

We agree, this has been amended.

(6)(b) - Michael Burch of Porirua suggested that this be rephrased for clarity.

We agree, this has been amended.

22.11 Narrow channels

(2) and (4) - Michael Burch of Porirua suggested that the word "only" be moved.

We agree, these have been amended.

(4) - *The phrase "such a channel" is amended for clarity.*

(4) and (5) - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School suggested the phrase "When in sight of each other" be included.

We agree, this has been amended.

(5) - *The phrase "has to take action" is amended for clarity.*

(5)(c) - *"Obligations" is amended to "obligation" for accuracy.*

22.12 Traffic separation schemes

(2)(d), (3), (9) and (10) - *"Possible" is amended to "practicable" for accuracy.*

(2)(d) - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School suggested that this should refer specifically to a separation lane, not a separation scheme.

We agree, this has been amended.

(5) - Michael Burch of Porirua suggested the use of the word "or" for clarity after each semicolon.

We agree, this has been amended.

(6) - Michael Burch of Porirua suggested that "lane" be amended to "line".

We agree, this has been amended.

(7) - Michael Burch of Porirua suggested that this be rephrased for accuracy.

We agree, this has been amended.

(9) and (10) - Michael Burch of Porirua suggested that "possible" be amended to "practicable".

We agree, this has been amended.

(12) - Paul Nicholas, Manager Administration of the New Zealand Shipping Federation, D.E. McPherson, General Manager - Marine Division of Union Shipping New Zealand Limited and Michael Burch of Porirua, noted that "a sailing vessel" appears to have been omitted.

This error has been amended.

(13)(a) and (b) - *a comma is inserted after the word "manoeuvre" in both subsections for accuracy.*

22.14 Sailing vessels

(3) - Phil Cregeen of Overseas Yachts suggested the inclusion of a new paragraph for the clarification of this rule.

We agree, this has been added.

22.15 Overtaking

(2) - *This is rephrased for clarity.*

(4)(a) - Neil Jackson from the Tasman District Council, Des Brown of Christchurch and Michael Burch of Porirua felt that the reference to rule 22.15 was in error.

We agree, this has been amended.

(4)(b) - Des Brown of Christchurch suggested that the word "of" be deleted as it is a typographical error.

We agree, this has been amended.

22.16 Head-on situation

(1) - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime suggests a typographical error be amended.

We agree, this has been amended.

22.19 Action by stand-on vessel

(2) - *A typographical error is amended.*

22.20 Responsibilities between vessels

(1)(c) and (2)(b) - Michael Burch of Porirua suggested that 'or' might be rather more appropriate than 'and'. Or better still, follow the lead if the Collregs and omit any word here."

We agree, "and" has been omitted.

22.21 Conduct of vessels in restricted visibility

(5)(a) - Des Brown of Christchurch commented that "The language of the International Maritime Organisation Rule 19 is laborious in its coverage of all the required situations and the Draft Part 22 is no better. In neither is the logic recognised that if risk of collision exists a close-quarters situation must be developing or have already developed; in other words it is a prerequisite."

We agree, this has been rephrased.

(5)(b) - *The word "should" is changed to "must" for accuracy.*

Mr Scanlan also noted that the word "overtaken is not defined for this rule.... Is it intended that the definition in 22.21(5)(b) is the same as in 22.15(2) or may it include, for example, any vessel travelling faster?"

For international consistency we are not able to make this rule any clearer than the present regulations.

(5)(b)(i) - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School noted that "there appears to be some confusion in some countries as to which vessel is 'being overtaken'; the vessel referred to in the rule which has detected the other vessel by radar, or the vessel which has been detected on the radar. In this country we assume the latter, but the Australian Navy, for example, interprets this to mean the former. If the rule is to be re-written, this phrase needs to be addressed.

For international consistency we are not able to make this rule any clearer than the present regulations.

(6) - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School noted that the phrase "Except where it has been determined that risk of collision does not exist" appears to contain a double negative. He felt that this should be simplified.

We agree, this has been rephrased for accuracy.

22.22 Application

(2) - The word "must" is changed to "may" for accuracy. The word "and" is included in line with style changes.

(4) - Michael Burch of Porirua suggested amending this for clarity.

We agree, this has been amended.

22.23 Definitions relating to this section

Ashley Buhl, Marine Superintendent of Silver Fern Shipping noted that "Generally where rewording of the draft rules has taken place it tends to simplify and bring up to date, however, whilst only minor, the reintroduction of compass points in 22.23 may seem at odds with this approach." Michael Burch of Porirua also queried the relevance of points as "this is nearly the 21st century".

It was felt that, due to the importance of remembering the angular distances involved, the use of points may assist in the correct memory of the requirements.

“Sternlight” - Michael Burch of Porirua suggested amending “possible” to “practicable” for accuracy.

We agree, this has been amended.

“Flashing light” - Michael Burch of Porirua suggested adding “or more” to this definition for accuracy.

We agree, this has been amended.

22.25 Power-driven vessels underway

(2)(b) - J.D. McPetrie, Regional Maritime Coordinator said the Auckland Regional Council was concerned about the requirement for high speed craft to carry a flashing yellow light when operating within harbour limits at or above a speed of 25 knots. He said that “we have applied the formula defining high speed craft and we find that it includes almost all small high speed pleasure craft” which would not be practicable.

The intention of this rule is to replace individual harbour regulations requiring the carrying of a flashing yellow light on large High Speed vessels. The definition of High Speed Craft has been altered so that this will apply only to ships to which the International Maritime Organisation High Speed Craft Code applies.

Michael Burch of Porirua noted that ‘harbour limits’ are not defined in this Part.

This sentence is amended to refer to a ‘harbour’ and not a ‘harbour limit’.

Mr Burch also felt that this application excluded vessels under 1750 tonnes which could then “hurtle around the harbour at 25 knots without showing a flashing yellow light to warn the slower and less get-out-of-the-way-able.”

The requirement to carry a flashing yellow light is intended to be only for large high speed craft as their high speed is unexpected by other vessels.

The sentence is also rephrased for clarity.

(3)(a)(ii) - *This is rephrased and the word “must” added for clarity.*

(3)(b) - *A typographical error is amended for clarity.*

(3)(d)(ii) - Phil Cregeen of Overseas Yachts said that he found this paragraph “confusing and had to read it through several times to understand what was required.” Michael Burch of Porirua said “This is unclear. It does not scan correctly.” Both suggested rephrasing this subparagraph.

We agree, this has been rephrased.

22.26 Towing and pushing

(1)(b) - Michael Burch of Porirua suggested that "or 22.25(3)" need be included for accuracy.

We do not agree that this is correct. This has not been amended.

(1)(a) and (3)(a) - Phil Cregeen of Overseas Yachts and Des Brown of Christchurch pointed out that these were incorrect.

We agree, these have been deleted.

(4) - The phrases "vessels or objects", and "Where for any sufficient cause" and the word "to" are inserted for clarity.

(6) - The phrase "vessels or objects" is inserted for clarity.

(6)(a)(i) - Michael Burch of Porirua suggested that this be rephrased for clarity.

We agree, this has been amended.

(6)(a)(iii) - Michael Burch of Porirua suggested this be renumbered (6)(c).

We agree, this has been amended.

(6)(c) - This is renumbered to (6)(d) and rephrased for clarity.

(7) - Michael Burch of Porirua suggested this be split up into (7) and (8), rephrased for clarity and references amended.

We agree, this has been amended.

22.27 Sailing vessels underway and vessels under oars

(2) - This is rephrased for clarity.

(4) - Phil Cregeen of Overseas Yachts suggested that a second sentence be added for clarity.

We agree, this has been added.

22.28 Fishing vessels

(3) - *"Involved" is changed to "engaged" for consistency.*

(5) - Michael Burch of Porirua noted that the apostrophe is a typographical error.

We agree, this has been amended.

22.29 Vessels not under command or restricted in their ability to manoeuvre

(3) - Michael Burch of Porirua suggested this be amended to 'lights or shapes' for accuracy.

We agree, this has been amended.

(4) - *The phrase "it must exhibit" is added for clarity.*

(5)(b) - Michael Burch of Porirua suggested that "should" be changed to "must" for accuracy.

We agree, this has been amended.

Lee Hughes, Technical/Training Manager for New Zealand Underwater said that "NZ Underwater are of the opinion that the size of the flag under this rule... and the requirement for all round visibility (which would require a rigid flag) render this rule impractical for small craft." A flag of 600mm x 600mm was suggested as more appropriate.

The signal is actually a 'rigid replica' and not a 'flag'. However, we agree with the size suggestion. This is amended for under six metre ships operating in New Zealand waters.

Lee Hughes continued that "As regards the design, a better alternative exists in the form of the US dive flag. This flag is a red and white diagonal pattern that is suitably distinct from all other international shipping code flags. It has an advantage over the existing blue and white flag in that it is more visible at sea."

We do not believe that a design of flag that is not recognised by non-dive or international vessels is 'better'. Any advantage it may have in being more visible will be outweighed by the fact that it is not understood as a signal.

Lee Hughes further continued that "NZ Underwater anticipate that small craft will have difficulty complying with the requirement for all round visibility... the flag should be displayed 'where it can best be seen.'"

There is little use for this signal if it is placed where 'it can best be seen' as it will not be visible from some directions.

(7) - Michael Burch of Porirua suggested that "and shapes" be added for clarity.

We agree, this has been amended.

22.31 Pilot vessels

(1) - *This rule is rephrased for clarity.*

Michael Burch of Porirua suggested that the term "in addition" be used for clarity.

This is not considered necessary with the rephrasing undertaken.

22.32 Anchored vessels and vessels aground

Phil Cregeen of Overseas Yachts suggested the reordering of this rule for clarity.

We agree, this has been amended.

(1)(a) - *"Black" is added for clarity.*

(2) - *This is rephrased for clarity.*

(3) - *"Prescribed in rule 22.32(1)" is added for clarity.*

22.34 Definitions relating to this section

"Short blast" - Michael Burch of Porirua suggested an apostrophe be added to correct a typographical error.

We agree, this has been amended.

"Whistle" - *"And" is added to correct a typographical error.*

22.35 Equipment for sound signals

W.A. Simpson, National Secretary said the New Zealand Marine Transport Association wondered about "the applicability today of a whistle on vessels of more than 12 metres in length". They wondered if "a horn might not be better as being more likely to be fitted and to be heard."

We feel that 'horn' is adequately covered by the definition of 'whistle' which includes any sound signalling device capable of making the prescribed blasts.

22.36 Manoeuvring and warning signals

(1) - Michael Burch of Porirua suggested "this rule" be amended to "this Part" for accuracy.

We agree, this has been amended.

(2) - Neil Jackson from the Tasman District Council, Phil Cregeen of Overseas Yachts and Michael Burch of Porirua felt that the paragraph on the duration of flashes of a light did not make sense.

We agree, this has been amended.

22.37 Sound Signals in restricted visibility

(4) - Paul Nicholas, Manager Administration of the New Zealand Shipping Federation, D.E. McPherson, General Manager - Marine Division of Union Shipping New Zealand Limited and Michael Burch of Porirua noted that "pushed" should be "pushing".

We agree, this has been amended.

(5) - *This is rephrased and "for about five seconds" added for accuracy.*

(8) - Michael Burch of Porirua suggested the inclusion of 'or 22.37(2)'.

This amendment would not be correct.

22.38 Signals to attract attention

Michael Burch of Porirua suggested the apostrophe be removed from the first paragraph to correct a typographical error.

We agree, this has been amended.

Michael Burch of Porirua suggested "strobe light" be changed to "strobe lights" for consistency.

We agree, this has been amended.

22.39 Distress signals

Paul Nicholas, Manager Administration noted for the New Zealand Shipping Federation that they were unable to comment on this as Part 23 is not yet available for comment. D.E. McPherson, General Manager - Marine Division noted this for Union Shipping New Zealand Limited.

The phrase "and requires immediate assistance" is removed. (See definitions)

22.40 Vessels of special function

The phrase "without interfering with the special function of that vessel" is removed for international consistency.

Appendix 1 Positioning and technical details of lights and shapes

4.(1) - *The phrase "2 metres and not more than" is added for accuracy.*

6.(1)(c) - Michael Burch of Porirua suggested the word "black" be removed for consistency.

We agree, this has been amended.

7. - Mr Burch pointed out a typographical error in the table.

This is amended.

8. - Mr Burch suggested the ".0" be removed from the table for accuracy.

We agree, this has been amended.

9.(2)(c)(ii) - Mr Burch also suggested this be altered to make it grammatically correct.

This has been broken into two sentences.

Appendix 2 Additional signals for fishing vessels fishing in close proximity

1.(b) - Michael Burch of Porirua suggests that the term '0.9 metres' would be most correct to use in this case and in the other places where this construction is used in this Part.

We agree, these have been amended.

1.(c) - Mr Burch suggested amending "this rule" to "this Part" for accuracy.

We agree, this has been amended.

3. - M.J. Scanlan, Senior Lecturer at the New Zealand Maritime School and Michael Burch of Porirua suggested adding the word "flashing" and an extra sentence for accuracy.

We agree, this has been amended.

Appendix 3 Technical details of sound signal appliances

1. - "+/-" is changed to "±" for consistency within the rule.

2. - W.A. Simpson, National Secretary said the New Zealand Marine Transport Association felt that a bell with a 200mm diameter "seems rather large for vessels between 12 and 20 metres in length. We would recommend that a smaller sized bell be prescribed."

We do not feel that a bell of 200mm is too large for a vessel of that size.

Michael Burch of Porirua suggested adding subparagraphs (c) and (d) for accuracy.

We agree, this has been amended.

3.(a) - *This is amended for clarity.*