



MINISTRY of TRANSPORT
TE MANATŪ WAKA

WELLINGTON NEW ZEALAND

PURSUANT to Section 36 of the Maritime Transport Act 1994

I, **HARRY JAMES DUYNHOVEN**, Minister of Transport,

HEREBY MAKE the following maritime rules.

SIGNED AT Wellington

This

26th day of April

2004

by **HARRY JAMES DUYNHOVEN**

Associate Minister of Transport

Maritime Rules

**Amendments to Parts 20, 22, 23, 24C, 25, 34, 35
40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, and 90**

Maritime Transport Act 1994

Maritime Rules

**AMENDMENTS TO PARTS 20, 22, 23, 24C, 25, 34, 35
40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, 90**

Maritime Rules

AMENDMENTS TO PARTS 20, 22, 23, 24C, 25, 34, 35, 40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, 90

Part Objective, Extent of Consultation and Commencement

Objective

The amendments to Parts 20, 22, 23, 24C, 25, 34, 35, 40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, and 90 generally correct errors in the text and cross referencing of rules in force. Other amendments clarify issues that have been the subject of a number of queries from the industry.

An amendment to Part 34 includes more effective powers for the Director to act where there is doubt as to the on-going medical fitness of a seafarer.

There is a substantive amendment to Part 40D where it is proposed to bring the section on electrical requirements into line with the rules for other ships in Parts 40A and 40C. The latter Parts implement recent international electrical standards for new ships of less than 24 metres in length and propose new inspection and testing requirements. Previous regulations and similar provisions of Part 40D are deficient in this respect. Electrical installations on smaller New Zealand commercial ships have been a cause of concern for some years and have often been identified as the cause of fires and loss of propelling power.

Amendments to Part 42A address concerns raised by the liferaft servicing industry that certification by way of maritime document be required for servicing stations that service liferafts on commercial vessels.

The basis for the amendments is found in section 34 and 36(1)(a), 36(1)(b), 36(1)(c), 36(1)(f), 36(1)(i), 36(1)(k), 36(1)(t) and 36(1)(v) of the Maritime Transport Act 1994.

Extent of Consultation

On 15 December 2001 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 Amendments. A notice was also published in the *New Zealand Gazette* on 13 December 2001. The Authority then made its Invitation to Comment available to the public with 470 copies being sent automatically to interested parties. Comments on the Part were requested to be made by 15 March 2002.

Three written submissions were received on the Amendments. These were considered and where appropriate the proposed rules were amended to take account of the comments made.

Commencement

The 2004 Amendments to Parts 20, 22, 23, 24C, 25, 34, 35, 40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, and 90 as amended were referred to and signed by the Associate Minister of Transport.

The 2004 Amendments to Parts 20, 22, 23, 24C, 25, 34, 35, 40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, and 90 come into force on 27 May 2004.

MARITIME RULES

AMENDMENTS TO PARTS 20, 22, 23, 24C, 25, 34, 35, 40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, AND 90

General

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A1.10 Rule 22.35

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General

A1.1 Entry into Force

These amendments come into force on 27 May 2004.

Amendments to Part 20 – Operating Limits

A1.2 Part 20 Part Objective

The Part Objective to Part 20 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.3 Part 20 Appendix 1 – Inshore limits

- (1) The Inshore Limits section for Auckland in Appendix 1 to Part 20 is amended by substituting the name “Kaiiti Point” for the name “Kaiti Point”.
- (2) The Inshore Limits section for Barrier in Appendix 1 to Part 20 is amended by substituting the name “Kaiiti Point” for the name “Kaiti Point”.

Amendments to Part 22 – Collision Prevention

A1.4 Part 22 Part Objective

The Part Objective to Part 22 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.5 Rule 22.2

- (1) Rule 22.2 is amended by deleting the definition of the term “harbour” and inserting the following definition of the term “enclosed water limits” after the definition of the term “dracone”:

"Enclosed water limits" means--

- (a) the enclosed water limits set out in Appendix 1 of Part 20; and
- (b) all New Zealand inland waters:

- (2) Rule 22.2 is amended by substituting for the defined term “High speed craft” the term “High speed vessel”.

A1.6 Rule 22.3

Rule 22.3 is amended by deleting the existing subparagraph (2)(b)(i) and substituting the following subparagraph (2)(b)(i) –

- “(i) of clauses 2(1)(a) and (b), (2), (3), (4), (5), (8), (9) and (11), 3(1) and (3), and 4(1) and (2) of Appendix 1 in relation to the repositioning of lights as a result of conversion from imperial to metric units and rounding off of measurement figures; and”

A1.7 Rule 22.21

The title of rule 22.21 is amended to read “Definitions Relating to Section 2”.

A1.8 Rule 22.22

- (1) Rule 22.22(4) is amended by substituting the words “In vessels of less than 12 metres in length” for the words “In vessel of less than 12 metres in length”.

- (2) Rule 22.22(5) is amended by substituting the words “a white all-round light, 3 miles” for the words “a white all round light, 3 miles”.

A1.9 Rule 22.23

Rule 22.23(2)(b) is amended by substituting the words “enclosed water limits” for the words “a harbour”.

A1.10 Rule 22.35

Rule 22.35 is amended by deleting paragraphs (c), (d) and (e) and substituting new paragraphs (c), (d) and (e) –

- “(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:”

A1.11 Part 22 Appendix 1

- (1) Appendix 1 clause 2(6) is amended by substituting the word “all-round” for the words “all round”.
- (2) Appendix 1 clause 5(2) is amended by substituting the words “On vessels of less than 20 metres” for the words “On vessels of less than 20 metres”.

- (3) Appendix 1 clause 10(1)(b) is amended by inserting the word “degrees” after the words “from 7.5 degrees above to 7.5”.
- (4) Appendix 1 clause 13 is amended by substituting the words “high speed vessel” for the words “high speed craft” in the title and in the clause.

Amendments to Part 23 – Operating Procedures and Training

A1.12 Part 23 Part Objective

The Part Objective to Part 23 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.13 Rule 23.2

Rule 23.2 is amended by deleting the definition of ‘Fishing ship’ and substituting after the definition of “enclosed water limits”:

“**Fishing ship** means a fishing ship that is required to be registered under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996:”

A1.14 Rule 23.17 and heading

- (1) The heading before rule 23.17 is deleted and the following new heading substituted:

Non-passenger ships, on voyages in the unlimited, offshore and coastal limits and those of 45 metres or more in length on voyages only within restricted coastal limits

- (2) Rule 23.17 is amended by inserting at the end of that rule the words –

“while such ships are beyond inshore limits”.

A1.15 Rule 23.53

Add the following new rule 23.53:

“23.53 Ship reporting systems

- (1) The master of a ship must ensure that, unless there are compelling reasons not to do so, the ship complies with the requirements of any ship reporting system adopted by the International Maritime Organization when in the area of the sea covered by that system.
- (2) If the master of a ship does not comply with rule 23.53(1), the master must record the reasons for not complying with the reporting requirement in the New Zealand Official Logbook.”

A1.16 Part 23 Appendix 1

Appendix 1, clause (1)(b) is amended by substituting the words “Part 31A” for the words “Part 30”.

A1.17 Part 23 Appendix 3

Appendix 3, clause (5) is amended by substituting the word “word” for the word “work”.

Amendments to Part 24C – Carriage of Cargoes – Specific Cargoes

A1.18 Part 24C Part Objective

The Part Objective to Part 24C is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.19 Rules 24C.2 and 24C.14

Rules 24C.2 and 24C.14 are amended by deleting the definition of the term “international voyage” and in rule 24C.14 substituting the following new definition:

“International voyage” means a voyage from New Zealand to a port outside New Zealand or the converse:

A1.20 Rule 24C.4

The definition of the term ‘authorised organisation’ in rule 24C.4 is amended by substituting the words “on behalf of the Director in respect of the International Convention for the Safety of Life at Sea Convention” for the words “on behalf of the Director in respect of the Grain Convention”.

A1.21 Part 24C Appendix 2

Clause 2.2 of Appendix 2, is amended by deleting Table 4 and substituting the following new Table 4:

Table 4

| <i>Average mass of cattle (kilograms)¹</i> | <i>Minimum permissible floor area per head of cattle (square metres)</i> | | <i>Average mass of cattle (kilograms)²</i> | <i>Minimum permissible floor area per head of cattle (square metres)</i> | |
|---|--|-----------------------------------|---|--|-----------------------------------|
| | <i>Voyages of less than 10 days</i> | <i>Voyages of 10 days or more</i> | | <i>Voyages of less than 10 days</i> | <i>Voyages of 10 days or more</i> |
| 200 or less | 0.770 | 0.770 | 420 | 1.505 | 1.518 |
| 210 | 0.804 | 0.804 | 430 | 1.533 | 1.552 |
| 220 | 0.838 | 0.838 | 440 | 1.560 | 1.586 |
| 230 | 0.872 | 0.872 | 450 | 1.588 | 1.620 |
| 240 | 0.906 | 0.906 | 460 | 1.615 | 1.654 |
| 250 | 0.940 | 0.940 | 470 | 1.643 | 1.688 |
| 260 | 0.974 | 0.974 | 480 | 1.670 | 1.722 |

¹ In respect of an average mass per head of cattle between the figures given, the minimum permissible floor area is determined by linear interpolation using only four figures after the decimal point.

² In respect of an average mass per head of cattle between the figures given, the minimum permissible floor area is determined by linear interpolation using only four figures after the decimal point.

| | | | | | |
|-----|-------|-------|-----|-------|-------|
| 270 | 1.008 | 1.008 | 490 | 1.698 | 1.756 |
| 280 | 1.042 | 1.042 | 500 | 1.725 | 1.790 |
| 290 | 1.076 | 1.076 | 510 | 1.753 | 1.824 |
| 300 | 1.110 | 1.110 | 520 | 1.780 | 1.858 |
| 310 | 1.144 | 1.144 | 530 | 1.808 | 1.892 |
| 320 | 1.178 | 1.178 | 540 | 1.835 | 1.926 |
| 330 | 1.212 | 1.212 | 550 | 1.863 | 1.960 |
| 340 | 1.246 | 1.246 | 560 | 1.890 | 1.994 |
| 350 | 1.280 | 1.280 | 570 | 1.918 | 2.028 |
| 360 | 1.314 | 1.314 | 580 | 1.945 | 2.062 |
| 370 | 1.348 | 1.348 | 590 | 1.973 | 2.096 |
| 380 | 1.382 | 1.382 | 600 | 2.000 | 2.130 |
| 390 | 1.416 | 1.416 | 650 | 2.150 | 2.500 |
| 400 | 1.450 | 1.450 | 700 | 3.000 | 3.000 |
| 410 | 1.478 | 1.484 | | | |

Amendments to Part 25 – Nautical Charts and Publications

A1.22 Rule 25.7

Rule 25.7 is amended by substituting the following new rules 25.7(2)-(2C) for rule 25.7(2):

- “(2) Subject to rule 25.7(2A), a paper nautical chart carried to meet the requirements of this Part must:
- (a) be certified by the relevant government institution as correct up to the date of supply to a chart retailer; and
 - (b) be maintained in a fully correct condition.
- (2A) If a paper nautical chart is published by Land Information New Zealand and purchased in New Zealand, that chart will only meet the requirements of this Part if that chart:
- (a) is certified by Land Information New Zealand as correct up to the date of supply to a chart retailer and is either:

- (i) certified by a correcting chart retailer as correct up to the time of purchase; or
 - (ii) purchased from a chart retailer before the publication of corrections in the Notice to Mariners that follows the certification by Land Information New Zealand; and
 - (b) is maintained in a fully correct condition.
- (2B) For the purposes of rule 25.7(2A), a correcting chart retailer is a chart retailer that has been approved by Land Information New Zealand to undertake chart corrections.
- (2C) An electronic nautical chart carried to meet the requirements of this Part must be –
- (a) if published by Land Information New Zealand and purchased in New Zealand, supplied by an agency approved by Land Information New Zealand to distribute electronic charts, and
 - (b) maintained in a fully corrected condition from updates supplied by Land Information New Zealand or its approved agents.”

Amendments to Part 34 – Medical Standards

A1.23 Part 34 Part Objective

The Part Objective to Part 34 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.24 Rule 34.2

- (1) In rule 34.2, the definition of the term “designated optometric examiner” is amended by deleting the reference to “Masters and Mates (Foreign Going and Coastal) Regulations 1993” and substituting the reference “Masters and Mates (Foreign Going and Coastal) Qualification Regulations 1993”.

- (2) Rule 34.2 is amended by deleting the definition of “international voyage” and substituting the following new definition:

“International voyage” means a voyage from a port in one country to a port in another country, either of the countries being a party to STCW-95:”

- (3) Rule 34.2 is amended by deleting the definition of “registered medical practitioner” and substituting the following new definition:

“Registered medical practitioner” means a medical practitioner as defined in section 2 of the Medical Practitioners Act 1995.

A1.25 Rule 34.4

Rule 34.4(1)(b) is amended by adding the words “operating outside of restricted limits”.

A1.26 Rule 34.6

Rule 34.6(4) is amended by substituting the reference “Masters and Mates (Foreign-Going and Coastal) Qualification Regulations 1993” for the reference “Masters and Mates (Foreign-Going and Coastal) Regulations 1993”.

A1.27 Rule 34.7

- (1) Rule 34.7 is amended by deleting paragraph (1) and substituting the following paragraph (1):

“(1) A person must not join or begin employment on a ship unless she or he holds –

- (a) a current medical certificate category A issued under this Part; or
- (b) a current medical certificate category A(T) or category B issued under this Part, and complies with any restrictions attached to that medical certificate.”

- (2) Rule 34.7 is amended by deleting paragraph (4) and substituting the following paragraph (4):

“(4) A person must not employ or engage a person for employment on a ship unless that person holds –

- (a) a current medical certificate category A issued under this Part; or

- (b) a current medical certificate category A(T) or category B issued under this Part, and complies with any restrictions attached to that medical certificate.”

A1.28 Rule 34.9

Revoke rule 34.9 and substitute the following new rule 34.9:

“34.9 Validity of a certificate of medical fitness

- (1) Subject to any time restriction imposed on a certificate under rule 34.8(1) and (2), a certificate of medical fitness remains valid for a period of two years from the date of issue.
- (2) If a seafarer has been incapacitated by illness or injury for 30 days or more, the seafarer must not use his or her medical certificate until an approved medical practitioner has re-examined the seafarer and is satisfied the seafarer meets the standard for the category of certificate held.
- (3) If a seafarer has been discharged or evacuated from a ship for health reasons, the seafarer must not use his or her medical certificate until an approved medical practitioner has re-examined the seafarer and is satisfied the seafarer meets the standard for the category of certificate held.
- (4) Despite rules 34.9(1), (2), and (3), if the Director is satisfied at any time that a reasonable doubt exists as to the medical fitness of the holder of a valid certificate of medical fitness, the Director may –
 - (a) request further information from the approved medical practitioner who issued the certificate; and
 - (b) require the holder of the certificate to undergo a further examination with an approved medical practitioner of the certificate holder’s choice to test for compliance with the medical requirements of rule 39.6.

- (5) A person required by the Director to undergo an examination under rule 34.9(4)(b) must comply with that requirement.
- (6) An approved medical examiner who has examined a certificate holder under rule 34.9(4) may –
 - (a) confirm that the medical category on the medical certificate is correct and that the certificate is valid for the period stated; or
 - (b) reissue the medical certificate with a different medical category if the examiner considers the certificate holder meets a different standard to that stated on the certificate.
- (7) If an approved medical examiner reissues a medical certificate under rule 34.9(5) to category B, category C, category D, or category E, the provisions of rule 34.8(3) apply.
- (8) A certificate of medical fitness is considered current for the purposes of this Part if –
 - (a) it has not expired; and
 - (b) the medical category stated on the certificate permits the holder to undertake the sea service proposed or for which the holder is employed or engaged; and
 - (c) all conditions or limitations listed on the certificate are complied with.”

A1.29 Part 34 Appendix 2

Clause 2.2(8) is amended by substituting the sentence “The examinee’s vaccination record must be examined if appropriate.” for the sentence “The examinee’s vaccination record be examined if appropriate.”

A1.30 Part 34 Appendix 5

The last paragraph of clause 5.1.1(7) is amended by substituting the word “cancelled” for the word “canceled”.

Amendments to Part 35 – Training and Examinations

A1.31 Part 35 Part Objective

The Part Objective to Part 35 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.32 Rule 35.3

Rule 35.3 is amended by adding the following new paragraphs (5) and (6):

- “(5) The Director may conduct further audits of any training course, structured training programme or unit standard approved under rules 35.3(2) or (3) to determine whether the applicable approval criteria in rules 35.3(2) or (3) have been complied with. Such audits shall be conducted in accordance with Appendix 1 and at intervals determined by the Director.
- “(6) The Director may withdraw any approval granted under rules 35.3(2) or (3) if the Director is satisfied that any of the applicable approval criteria have not been met. The Director must apply the requirements of section 51 of the Act as if the withdrawal of the approval were an adverse decision.”

***Amendments to Part 40A – Design, Construction and Equipment –
Passenger Ships which are not SOLAS Ships***

A1.33 Part 40A Part Objective

The Part Objective to Part 40A is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.34 Rule 40A.2

Rule 40A.2 is amended by deleting the definition of “New ship” and substituting the following new definition

“**New ship** means a ship –

- (a) for which construction commences; or
- (b) which is converted into a passenger ship to which Part 40A applies,
on or after 27 May 2004:”

A1.35 Part 40A Appendix 3

The table for clauses 3.1 and 3.2 of Appendix 3 is amended by adding the following additional words to paragraphs (1) under the item “Fire crew outfits”:

“and a breathing apparatus for each fire crew outfit, complying with rule 42B.58 or rule 42B.59”

Amendments to Part 40B – Design, Construction and Equipment – SOLAS Ships

A1.36 Part 40B Part Objective

The Part Objective to Part 40B is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.37 Rule 40B.5

Revoke rule 40B.5 and substitute the following new rule:

“40B.5 References to Administration in SOLAS

“Where Part 40B requires a New Zealand ship to comply with a requirement of SOLAS and that SOLAS requirement refers to a power or function of the Administration, that power or function must be exercised by the Director.”

Amendments to Part 40C – Design, Construction and Equipment – Non-Passenger Ships that are not SOLAS Ships

A1.38 Part 40C Part Objective

The Part Objective to Part 40C is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.39 Rule 40C.2

Rule 40C.2 is amended by deleting the definition of “New ship” and substituting the following new definition

“**New ship** means a ship –

- (a) for which construction commences; or
- (b) which is converted into a non-passenger ship to which Part 40C applies, on or after the date of entry into force of Part 40C, Amendment 2004.”

A1.40 Rule 40C.60

- (1) Rule 40C.60(a) is amended by substituting the words “towing post or towing bollard” for the word “post”.
- (2) Rule 40C.60(b) is amended by substituting the words “towing posts and towing bollards” for the word “bollards”.
- (3) The footnote to rule 40C.60(b) is deleted and the following text substituted:

“¹ It is recommended that the release mechanism be controlled from the wheelhouse and at the towing hook or towing post or towing bollard itself. The local control at the hook or towing post or towing bollard should preferably be of the direct mechanical type capable of independent operation. Towing post and towing bollard release mechanisms may be situated within the towing hawser.”

A1.41 Part 40C Appendix 2

The table for clause 2.3 of Appendix 2 is amended by adding the following additional words to paragraphs (1) under the item “Fire crew outfits”:

“and a breathing apparatus for each fire crew outfit, complying with rule 42B.58 or rule 42B.59.”

Amendments to Part 40D – Design, Construction and Equipment – Fishing Ships

A1.42 Part 40D Part Objective

The Part Objective to Part 40D is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.43 Rule 40D.2

Rule 40D.2 is amended by deleting the definition of “New ship” and substituting the following new definition:

“**New ship** means a ship –

- (a) for which construction commences; or
- (b) which is converted into a fishing ship to which Part 40D applies, on or after the date of entry into force of Part 40D, Amendment 2004:”

A1.44 Rule 40D.4

Revoke rule 40D.4.

A1.45 Rule 40D.7

Rule 40D.7(1) is amended by adding the word “; and” at the end of paragraph (b) and adding the following new paragraph (c):

- “(c) if the ship undergoes major alteration or permanently changes its operating limits, the ship’s design is approved by a surveyor recognised by the Director for that purpose under rule 46.29 as –
 - (i) fit for its intended service and intended operating limits; and
 - (ii) complying with all the applicable maritime and marine protection rules.”

A1.46 Rule 40D.13

- (1) Rule 40D.13(1) is amended by inserting the words “enclosed superstructures and” before the words “enclosed deck erections”.
- (2) Rule 40D.13(2) is amended by substituting the word “superstructure” for the word “erections”.
- (3) Rule 40D.13 is amended by adding the following new paragraph (3):

“(3) Where an opening is provided in the side of a superstructure or deck erection for the purpose of discharging fish waste overboard, a weathertight closing arrangement must be fitted to prevent water entering the enclosed superstructure or deck erection from that opening.”

A1.47 Rule 40D.30

Revoke rule 40D.30 and substitute the following new rules 40D.30 to 40D.30D:

“40D.30 General

The electrical system must –

- (a) be permanently installed; and
- (b) be such as to minimise risk of fire; and
- (c) provide for safety of passengers and crew; and
- (d) be conveniently operated; and
- (e) provide high degree of reliability.

40D.30A Design

The owner of any ship to which rule 40D.7(1) applies which is a new ship or a ship which undergoes major alteration or modification of its electrical systems must ensure that –

- (a) single line diagrams of the main and any emergency power and lighting systems which include -
 - (i) ratings of generators, transformers, batteries, semi-conductor converters; and

- (ii) all feeders connected to each switchboard; and
 - (iii) switchboards; and
 - (iv) insulation type, size and current loadings of cables; and
 - (v) make, type and rating of circuit breakers and fuses; and
- (b) simplified diagrams of generation circuits, interconnector circuits and feeder circuits; and
- (c) arrangement plans of main and any emergency switchboards, and any section boards
- are provided to and approved by a surveyor recognised by the Director for that purpose before the ship is built, or the electrical systems are altered or modified, as the case may be.

40D.30B Workmanship and materials

- (1) The builder of a ship must ensure that the installation of electrical wiring and equipment is carried out by suitably qualified persons experienced in marine electrical work.
- (2) Electrical equipment, switchboards and conductors must be so selected and located that they are unaffected by water, oil, heat or other environmental conditions to which they may be exposed in a ship.

40D.30C Electrical systems

- (1) For ships of 24 metres or less in length overall, the electrical systems must comply with the relevant rules of a classification society named in rule 40D.9(2)(a) or —
 - (a) for electrical systems which operate at nominal potentials of 50 volts DC or less, ISO 10133:1994(E) – Small craft – Electrical systems – Extra-low voltage DC installations; and
 - (b) for electrical systems which operate at nominal voltages less than 250 volts single phase, ISO 13297:1995 – Small craft – Electrical systems – Alternating current installations; and
 - (c) for electrical systems which are alternating current three phase, the requirements of rule 40D.30C(2)(b) or (c).
- (2) For ships of more than 24 metres in length overall, the electrical systems must comply with either –

- (a) the relevant rules of a classification society named in rule 40D.9(2)(a); or
- (b) the IEC 60092 series of standards – Electrical installations in ships; or
- (c) the Regulations for the Electrical and Electronic Equipment of Ships' issued by the Institution of Electrical Engineers of the United Kingdom.

40D.30D Marking and documentation

- (1) All equipment must be marked or identified in accordance with the requirements of the standards referred to in rule 40D.30C and to the surveyor's satisfaction. Markings must be consistent with the terminology used in any documentation supplied in accordance with rule 40D.30D(2).
- (2) The builder of each new ship of more than 6 metres but not more than 24 metres in length overall must supply the owner of the ship with an owner's manual which contains the information and instructions given in Annex B of ISO 10133:1994(E) or ISO 13297:1995, as appropriate.
- (3) The builder of a ship of more than 24 metres in length must supply the owner of the ship with –
 - (a) copies of the drawings referred to in rule 40D.30A for the installed electrical systems; and
 - (b) relevant equipment installation and operational manuals.
- (4) The owner must ensure that copies of the drawings and manuals are maintained on board the ship.”

A1.48 Rule 40D.32

After rule 40D.32 insert the following new rules 40D.32A, 40D.32B and 40D.32C:

“40D.32A Navigation lights

- (1) Each navigation light must be controlled and protected in each non-earthed pole by a switch, and either a fuse or circuit breaker mounted on a distribution board reserved for this purpose. On ships of more than 12 metres length overall, the distribution board must be accessible to the person on watch.

- (2) On new ships of 24 metres or more in length overall which proceed beyond restricted limits, each navigation light must be provided with an automatic indicator giving audible or visual indication of failure of the light.
- (3) Cables supplying navigation lights must be sized to ensure that total circuit volt drop does not exceed 3 per cent of the supply system voltage.

40D.32B Lightning protection³

- (1) If fitted, lightning conductors must comply with the requirements of rules 40D.32B(2) to 40D.32B(6).
- (2) In wood and composite ships fitted with wooden masts, the lightning conductors must comply with the following:
 - (a) they must be of continuous copper tape or rope, or a combination of copper tape and rope, having a cross sectional area not less than 100 mm² which must be riveted with copper rivets or fastened with copper clamps to a suitable copper spike not less than 13 mm in diameter, projecting at least 150 mm above the top of the mast; and
 - (b) where tape is used, the lower end of the tape must terminate at the point at which the shrouds leave the mast, and must be securely clamped to a copper rope of not less than 13 mm diameter. This copper rope must be led down the shrouds and must be securely clamped to a copper plate not less than 0.2 m² in area, fixed well below the light waterline and attached to the ship's hull in such a manner that it is immersed under all normal conditions of heel.
- (3) In wood and composite ships fitted with steel masts, each mast must be connected to a copper plate in accordance with the requirements of rule 40D.41(2). The copper rope must be securely attached to, and in good electrical contact with, the mast at or above the point at which the shrouds leave the mast.
- (4) In steel ships fitted with wooden masts, the lightning conductors must be of copper tape or rope terminating in a spike, as required by rule 40D.41(2). At the lower end this copper tape or rope must be securely clamped to the nearest metal forming part of the hull of the ship.
- (5) Lightning conductors must be run as straight as possible, and sharp bends in the conductors must be avoided. All clamps used must be of brass or copper and efficiently locked. No connection must be dependent on a soldered joint.

³ For hulls and masts of other materials than those referred to in these rules the arrangements need individual and specialist consideration. The use of copper with an aluminium alloy hull will present corrosion problems.

- (6) The resistance of the lightning conductor, measured between the mast head and the position on the earth plate or hull to which the lightning conductor is earthed, must not exceed 0.02 ohms.

40D.32C Tests and trials

- (1) Before a new electrical system, or an electrical system that has undergone major alteration or modification is put into service, the electrical system must be inspected and tested to the satisfaction of a surveyor.
- (2) The inspection and tests must include –
- (a) visual inspection; and
 - (b) inspection for continuity of all conductors; and
 - (c) insulation resistance tests; and
 - (d) verification of polarity; and
 - (e) confirmation of earthing; and
 - (f) confirmation that it is not possible to make contact with bare live parts; and
 - (g) confirmation that alarms and shutdown devices are functional.
- (3) The insulation resistance of all circuits and equipment must be –
- (a) measured, using a direct current insulation tester, between –
 - (i) all current carrying parts connected together and earth; and
 - (ii) all current carrying parts of opposite polarity or phase; and
 - (b) not less than 1 megohm.

If initial tests produce results less than 1 megohm, appliances may be disconnected and tested separately. Disconnected appliances must have an insulation resistance of not less than 0.5 megohm.”

A1.49 Rule 40D.72

Rule 40D.72 is amended to identify the second paragraph (b) as paragraph (c).

A1.50 Rule 40D.74

Rule 40D.74 is amended by identifying the second paragraph (c) as paragraph (d).

A1.51 Part 40D Appendix 2

The table for both clauses 2.1 and 2.2 of Appendix 2 is amended by adding the following additional requirement under item 'Firefighter's outfits':

"A breathing apparatus for each firefighter's outfits, complying with rule 42B.58 or rule 42B.59 must also be carried."

A1.52 Part 40D Appendix 5

- (1) Clauses 5.9.1, 5.10.1 and 5.10.4 of Appendix 5 are amended by substituting the reference "rule 40D.83(1)" for the reference "Appendix 5".
- (2) Clause 5.11.2 of Appendix 5 is amended by substituting the reference "rule 40D.83(1)" for the reference "clause 9.1(a)".

***Amendments to Part 42A – Safety Equipment - Lifesaving Appliances:
Performance, Maintenance and Servicing***

A1.53 Part 42A Part Objective

The Part Objective to Part 42A is amended by adding the following new paragraph:

"Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act."

A1.54 Rule 42A.2

- (1) Rule 42A.2 is amended by deleting the definition of "Approved servicing station" and substituting the following new definitions:

“Approved servicing station”

- (a) in relation to inflatable liferafts, inflated rescue boats and hydrostatic release units, means a facility for servicing inflatable liferafts that has been approved–
 - (i) for that purpose by the Director under rule 42A.5A; or
 - (ii) as complying with International Maritime Organization Assembly Resolution A.761(18) entitled *Recommendation on Conditions for the Approval of Servicing Stations for Inflatable Liferafts* by the competent authority of another State party to SOLAS or by a classification society; and
 - (b) in relation to inflatable lifejackets, means a facility for servicing inflatable liferafts that has been –
 - (i) approved for that purpose under rule 42A.5A; and
 - (ii) approved in writing by the manufacturer of the inflatable lifejacket as a servicing station for that product.”
- (2) Rule 42A.2 is amended by inserting the definition of “classification society” after the definition of “charter yacht”:

“Classification society”, for the purpose of this Part and in respect of New Zealand ships, means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organisation's Assembly Resolution A.739(18) and its Annexes entitled “Guidelines for the Authorisation of Organisations Acting on Behalf of the Administration”, governing the undertaking of particular survey and certification functions by that organisation's employees under the Maritime Transport Act 1994 and the rules:”

A1.55 Rule 42A.5A

Part 42A is amended by inserting after rule 42A.5, the following rule 42A.5A:

“42A.5A Approval of liferaft servicing stations

- (1) No person may operate a liferaft servicing station in New Zealand to service a liferaft required to be serviced under rule 42A.37 unless that person holds or is employed by the holder of an approved service station certificate.
- (2) An applicant is entitled to an approved servicing station certificate if –

- (a) the applicant makes an application under section 35 of the Act; and
- (b) the Director is satisfied that the requirements specified in paragraph (3) and section 41 of the Act have been complied with in respect of that certificate.
- (3) An applicant for an approved servicing station certificate must provide evidence satisfactory to the Director that the facility complies with International Maritime Organization Assembly Resolution A.761(18) entitled *Recommendation on Conditions for the Approval of Servicing Stations for Inflatable Liferafts*.
- (4) The Director may issue an approved servicing station certificate for a period not exceeding 3 years and subject to any conditions that the Director considers necessary in the interests of maritime safety.
- (5) It is a condition of every approved servicing station certificate that any person who services a liferaft must be trained by a person approved by the manufacturer of that liferaft.”

A1.56 Rule 42A.17

Rule 42A.17(2)(a) is amended by substituting the words “not more than 800 mm” in place of the words “not less than 800 mm”.

Amendments to Part 43 – Radio

A1.57 Part 43 Part Objective

The Part Objective to Part 43 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.58 Part 43 Appendix 3

- (1) Appendix 3 of Part 43 is amended in the second column of the entry for Taranaki by substituting the reference “Mt Egmont 39°17'S 174°5.5'E” for the reference “Mt Egmont 39°17.6'S 174°17.6'E”. In the 3rd column substitute “39°17'S 174°5.5'E” for the reference “39°17.6'S 174°17.6'E” in paragraphs 1.1, 1.2 and 1.3.
- (2) In Appendix 3 of Part 43 is amended in the second column of the entry for Wairarapa by substituting the reference “Mt Adams 41°19'S 175°46'E” for the reference “Mt Adams 41°19'S 176°46'E”. In the 3rd column substitute “41°19'S 175°46'E” for the reference “41°19'S 176°46'E”.

Amendments to Part 45 – Navigational Equipment**A1.59 Part 45 Part Objective**

The Part Objective to Part 45 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.60 Part 45 Appendix

Clause (b)(2)(b) of the Appendix to Part 45 is amended by substituting the words “undergoing inspection required by Part 46.17(1)(b).” for the words “leaving a dry-docking required by Part 46.”

Amendments to Part 46 – Surveys and Maintenance

A1.61 Part 46 Part Objective

The Part Objective to Part 46 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.62 Rule 46.2

Rule 46.2 is amended by deleting the definition of “international voyage” and substituting the following definition:

“ ‘**International voyage**’ means a voyage to or from a port outside of New Zealand.”

A1.63 Rule 46.13

Rule 46.13 is amended by deleting paragraph (15) and substituting the following subparagraph:

- “(15) The owner of a SOLAS ship must not operate that ship unless the owner holds in respect of that ship:
- (a) a valid Passenger Ship Safety Certificate, in the case of a passenger ship; and
 - (b) a valid Cargo Ship Safety Certificate, in the case of a non-passenger ship of 500 tons gross tonnage or more; and
 - (c) a valid Cargo Ship Safety Radio Certificate, in the case of a non-passenger ship of 300 tons gross tonnage or more but less than 500 tons gross tonnage; and
 - (d) in the case of a ship built before 1 July 1986 that carries dangerous chemicals in bulk, a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and

- (e) in the case of a ship built on or after 1 July 1986 that carries dangerous chemicals in bulk, a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and
- (f) in the case of a ship built before 1 July 1986 that carries liquefied gases in bulk, a valid Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; and
- (g) in the case of a ship built on or after 1 July 1986 that carries liquefied gases in bulk, a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.

A1.64 Rule 46.18

Rule 46.18 is amended by deleting rule 46.18(1)(a) and substituting the following new rule 46.18(1)(a) –

“(a) is for a period of –

- (i) 4 years in the case of a ship having propellor shafts which have water lubricated bearings; or
- (ii) 5 years in any other case; and”

A1.65 Rule 46.25

Rule 46.25(2) is amended by deleting the words “of the anniversary”.

A1.66 Rule 46.26

The definition of “foreign non-SOLAS ship” in rule 46.26 is amended by inserting a new paragraph (ab) as follows:

“(ab) a foreign passenger ship that the owner intends to operate on the New Zealand coast;
or”

A1.67 Rule 46.28

Rule 46.28 is amended by deleting paragraph (5) and substituting the following new paragraph (5) –

“(5) The owner and the master of a foreign non-SOLAS ship that has certificates that can be recognised by the Director in accordance with section 41 of the Act must ensure that the ship

–

- (a) does not operate on the New Zealand coast unless the certificates for the ship have been recognised by the Director in accordance with section 41 of the Act; and
- (b) enters and remains in a safe ship management system established under Part 21, if the ship has operated on the New Zealand coast for a period of 2 years in any 3 year period.”

A1.68 Rule 46.29

Rule 46.29(3) is amended by substituting the reference “rule 46.29(1)” for the reference “rule 46.29(2)”.

A1.69 Record of Equipment for the Cargo Ship Safety Radio Certificate (Form R)

The details of radio facilities in Appendices 1, 2, 3 and 5 to Part 46 are amended by deleting the expression “ECG” and substituting “EGC”.

Amendments to Part 47 – Load Lines

A1.70 Part 47 Part Objective

The Part Objective to Part 47 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.71 Rule 47.2

Rule 47.2 is amended by adding the following definitions after the definitions of the terms Barge, Existing ship, and Part, respectively –

‘ **“Cargo”** means any goods (excluding fish carried on fishing ships) carried for reward other than –

- (a) the personal luggage of passengers; or
- (b) perishable goods not exceeding 100 kilograms in total weight.’

“Fishing ship” means a ship which is used for catching fish, whales, seals, walrus or other living resources of the sea, and includes a ship that is recognised by the Director as being engaged in fisheries research.’

“Passenger” means any person carried on a ship, other than –

- (a) the master and the members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship; and
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled; and
- (c) a child under the age of 1 year.’

A1.72 Rule 47.5

Rule 47.5 is amended by deleting paragraph (1) and substituting the following new paragraph (1) –

- “(1) The owner of a New Zealand ship of 16 metres or more in length that is a fishing ship or that carries cargo or more than 50 passengers must ensure that the ship is marked on each side of its stem and stern post (and where no stern post is fitted, in the line of the centre of the rudder stock) with a scale of marks showing its draught.”

A1.73 Rule 47.8

Rule 47.8 is amended -

- (a) in the definition of “Authorised organisation” by substituting the words “Load Line Convention” for “Load Lines Convention”;

- (b) in the definitions of the terms “International Load Line Exemption Certificate” and “International Load Line Certificate” by substituting the words “maritime document” for the words “marine document”;
- (c) by adding the following definition of the term “international voyage” after the definition of the term “International load line exemption certificate”

“**International voyage**” means a voyage from a port in one country to a port in another country, either of the countries being a party to the Load Line Convention:”.

A1.74 Rule 47.19

Rule 47.19(3)(c) is amended by deleting the formula and substituting the following new formula:

$$\frac{5(0.07L - f)}{0.07L}$$

A1.75 Rule 47.48

Rule 47.48(j) is amended by –

- (a) substituting the reference “rule 47.48(h)” for the reference “rule 47.48(8)”.
- (b) amending the notation of the last paragraph of rule 47.48 from (j) to (k).

A1.76 Rule 47.55

Rule 47.55 is revoked and the following new rule 47.55 is substituted:

“47.55 Issue Of Certificates

- (1) The Director or an authorized person may issue a maritime document called an International Load Line Certificate in the form specified in Appendix 4 to the owner of –
 - (a) a ship to which section 1 of Part 46 applies; or
 - (b) a ship to which section 2 of Part 46 applies that is undertaking an international voyageif–
 - (c) the owner applies under section 35 of the Act; and
 - (d) the ship undergoes a satisfactory survey in accordance with rule 47.50 or rule 47.51.
- (2) The Director or an authorized person may issue a maritime document called an International Load Line Exemption Certificate in the form specified in Appendix 4 to the owner of –

- (a) a ship to which section 1 of Part 46 applies; or
 - (b) a ship to which section 2 of Part 46 applies that is undertaking an international voyageif–
 - (c) the owner applies under section 35 of the Act; and
 - (d) an exemption has been granted in respect of the ship in accordance with rule 47.57 and section 47 of the Act.

- (3) The Director may issue a maritime document called a New Zealand Load Line Certificate in the form specified in Appendix 4 to the owner of –
 - (a) a ship to which section 1 of Part 46 applies if the ship is 45 metres or more in length and does not undertake an international voyage; or
 - (b) a ship to which section 2 of Part 46 appliesif–
 - (c) the owner applies under section 35 of the Act; and
 - (d) the Director receives a notification under rule 47.53.

- (4) The Director may issue a maritime document called an New Zealand Load Line Exemption Certificate in the form specified in Appendix 4 to the owner of –
 - (a) a ship to which section 1 of Part 46 applies if the ship is 45 metres or more in length and does not undertake an international voyage; or
 - (b) a ship to which section 2 of Part 46 appliesif–
 - (c) the owner applies under section 35 of the Act; and
 - (d) an exemption has been granted in respect of the ship under section 47 of the Act.

- (5) The owner and master of a ship to which this rule applies must ensure that any certificate issued to the ship in accordance with rule 47.55(1) or rule 47.55(2) is readily available on board for examination at all times.

- (6) Every new ship that is issued with an International Load Line Certificate in accordance with rule 47.55(1) must carry on board a “Record of Conditions of Assignment of Load Lines”. This record must be in the form shown in Appendix 5 and must be completed and signed by the surveyor undertaking the initial survey in accordance with rule 47.50. Existing ships to which this rule applies must carry on board either a “Record of Particulars Relating to Conditions of Assignment” issued under rule 27 of the Load Line Rules 1970 or the “Record of Conditions of Assignment of Load Lines” referred to above.”

A1.77 Rule 47.61

Rule 47.61 is amended by adding the following new paragraph (2):

“(2) Section 2 does not apply to any fishing ship unless that ship carries for reward goods other than the ship’s catch of fish and other living resources of the sea.”

A1.78 Rule 47.62

Rule 47.62 is amended by deleting the definition of “Cargo”.

A1.79 Rule 47.71

In Table 7 of rule 47.71 the heading for columns two and three is amended by deleting the words “Freeboard (metres)” and substituting the words “Freeboard (millimetres)”.

A1.80 Appendix 4 – Certificates

The form of the NEW ZEALAND LOAD LINE CERTIFICATE contained in Appendix 4 to Part 47 is amended by –

(a) substituting the first line of the certificate with –

‘Issued under the provisions of rule 47.55(2)/47.67(1)/47.75(1) of the maritime rules by the Director of Maritime Safety’

(b) substituting the text after the load line illustration with –

‘THIS IS TO CERTIFY:

1. That the ship/barge has been surveyed in accordance with the requirements of rules 47.50, 47.51, 47.66(2), 47.66(4), 47.74(2), 47.74(6).
2. That the survey showed that the freeboards have been assigned and load lines shown above have been marked in accordance with Part 47 of the maritime rules.

This certificate is valid until subject to rules 47.54, 47.66(5), 47.74(7).’

(c) adding the following note at the bottom of the certificate:

Note! For a ship which is issued with this form of certificate under rule 47.55(2) the marking to be shown above must be in accordance with rules 47.23, 47.24 and 47.25 (see Fig. 47.2), but only the summer, winter and fresh water load lines need be marked.’

Amendments to Part 48 – Tonnage Measurement**A1.81 Part 48 Part Objective**

The Part Objective to Part 48 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.82 Rule 48.2

Rule 48.2 is amended by deleting the definition of “moulded depth” and substituting the following new definition –

‘**“Moulded depth”** means the vertical distance measured from the top of the keel to the top of the upper deck beam at side; provided that –’

A1.83 Rule 48.7

Rule 48.7 is amended by substituting the following for the last line:

‘GT = gross tonnage of the ship as determined by rule 48.6.’

Amendments to Part 51 – Crew Accommodation**A1.84 Part 51 Part Objective**

The Part Objective to Part 51 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.85 Rule 51.27

Rule 51.27(19) is amended by substituting the words “this rule” for the reference “rule 51.26”.

Amendments to Part 73 – Logbooks

A1.86 Part 73 Part Objective

The Part Objective to Part 73 is amended by adding the following new paragraph:

“Maritime Rules are subject to the Regulations (Disallowance) Act 1989. Under that Act the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under this Act.”

A1.87 Part 73 Appendix

The definition of “serious harm” in the Procedure for classifying, recording and reporting accidents, incidents and mishaps in the Appendix, is amended by substituting the word “dermatological” for the word “dermatological”.

Amendment to Part 90 – Pilotage

A1.88 Part 90 Schedule

The limits for the Lyttelton pilotage area are amended by inserting in the third column beneath the words “500 gross tons”, the words “40 metres length overall”.

Maritime Rules

**AMENDMENTS TO PARTS 20, 22, 23, 24C, 25, 34, 35
40A, 40B, 40C, 40D, 42A, 43, 45, 46, 47, 48, 51, 73, 90**

Consultation Details

(This text does not form part of the Amendment Rules. It provides details of the consultation undertaken before making the rules.)

Summary of consultation

Copies of the Amendments were distributed to 470 organisations and individuals. Three written comments were received.

Mr Mark Brewin's comments related to drug and alcohol matters that will be addressed in the review of drug and alcohol use on ships currently being undertaken by the MSA.

Mr Harry Stronach noted that the revised wording proposed in the amendment to rule 22.22 was not different to the existing wording.

MSA response: *The correction changing "vessel" to "vessels" has been made.*

Mr Stronach also noted that, due to the revised position of the definition of cargo, rule 47.5 now applies to fishing ships. He suggests that the definition of "cargo" be clarified to put this beyond doubt.

MSA response: *MSA agrees that rule 47.5 should apply to fishing ships, however our view is that this should be stated specifically in the rule. The definition of cargo has been amended to clarify that it does not include fish carried on a fishing ship to ensure that the remaining provisions of Part 47 do not apply to fishing ships.*

Maritime Management Services commented on rule 47.5 stating that draft marks should not be required on any passenger ships. MMS express the view that draft marks are only relevant to the carriage of cargo and that additional numbers of passengers do not significantly alter the trim of the ship. As an alternative proposal MMS suggests that draft marks be required

only in respect of ships of between 16 and 24 metres carrying 50 passenger or more or 24 to 35 metres carrying over 100 passengers.

MSA response: *The MSA considers the rule is correct as it stands. Most ships over 16 metres are required to hold stability information and in order to assess the stability of the ship on a day to day basis, the draft and trim of the ship is required.*

MSA initiated changes

The Amendment originally proposed to Part 24A has been postponed. Recent amendments to the IMDG Code necessitate a more significant amendment and possible restructure of Part 24A. The amendments earlier proposed will be addressed in the more substantive amendment to Part 24A.

Additional amendments have been made to Part 42A following consultation with the liferaft servicing industry. The consultation focussed on concerns expressed by industry participants that there was no effective enforcement mechanism to ensure required servicing was performed only by approved servicing stations. The amendments proposed address this by requiring approved servicing stations to hold a maritime document. The amendments were drafted in consultation with industry participants.

The amendment to Part 90 incorporates an amendment proposed by Environment Canterbury in the consultation process for the making of Part 90. The purpose of the amendment is to continue the threshold for compulsory pilotage in Lyttelton that existed prior to the introduction of Part 90. The MSA overlooked the amendment proposed in the consultation process for Part 90 and now supports the proposed amendment.