

Maritime Transport Act 1994

Maritime Rules

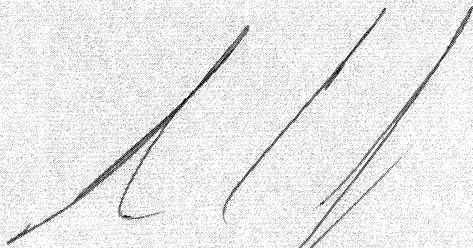
Maritime Rules Various Amendments 2011

Pursuant to section 36 of the Maritime Transport Act 1994 I, Steven Joyce, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This *1st* day of *March* 2011

By



Steven Joyce

Minister of Transport

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Rule objective

The objective of the Maritime Rules Various Amendments 2011 is to correct minor errors contained in some rules.

In addition, the rules amend Maritime Rules Part 21 to include the maximum periods of validity for Certificates of Approval and Interim Certificates of Approval. Maritime Rules Part 40E is also amended to correct a number of technical problems with the rules for sailing ships to make the application of those rules simpler for users.

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 the Regulations (Disallowance) Act.

Extent of consultation

On 18 and 24 December 2010, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed maritime rules. A notice was also published in the *New Zealand Gazette* on 16 December 2010. Notice was also sent via email to approximately 800 people who subscribe to the rules consultation RSS feed and to targeted groups most impacted by changes in Parts 21 and 40E. Comments were requested by 21 January 2011. No submissions were received.

Entry into force

These rules come into force on 1 April 2011.

Part 21: Safe Ship Management Systems

1 Rule 21.12: Safe ship management system

Rule 21.12 is amended by inserting the following new subrules:

"(1A) A Certificate of Approval is valid for a period specified by the Director up to a maximum period of 5 years from the date of issue.

(2A) An Interim Certificate of Approval is valid for a period specified by the Director up to a maximum period of 18 months from the date of issue."

2 Part 21: Appendix 6

Clause 11 is amended by renumbering the third subclause "11.3".

Part 22: Collision Prevention

3 Part 22: Part objective

The first bullet point of the Part objective is amended by omitting the word "plesure", and substituting "pleasure".

4 Rule 22: Extent of consultation

The third paragraph of the Extent of consultation is amended by omitting the words "Part 47" and substituting "Part 22".

5 Rule 22.9: Narrow channels

Rule 22.9(2) is amended by omitting the word "then" and substituting "than".

6 Rule 22.23: Power-driven vessels underway

Rule 22.23(3) is omitted and substituted with the following:

"(3) Instead of exhibiting the lights prescribed in subrule (1), a power-driven vessel—

(a) of less than 12 metres in length may exhibit an all-round white light and sidelights; and

(b) of less than 7 metres in length, whose maximum speed does not exceed 7 knots, may exhibit an all-round light and must, if practicable, exhibit sidelights."

Part 24C: Carriage of Cargoes – Specific Cargoes

7 Rule 24C.2: Definitions

Rule 24C.2 is amended by inserting the following definition in alphabetical order:

"**MAF** means the Ministry of Agriculture and Forestry:".

Part 24D: Carriage of Cargoes – Convention Containers

8 Rule 24D.13: Continuous examination programme requirements

Rule 24D.13(7) is amended by omitting "an container", and substituting "a container".

9 Rule 24D.23: Recognition of inspectors

Rule 24D.23(2) is amended by omitting "he" and substituting "the Director".

10 Part 24D: Appendix 1

Clause 2(1)(e)(i) of Appendix 1 is amended by omitting "the name of organisation", and substituting "the name of the organisation".

Part 25: Nautical Charts and Publications

11 Rule 25.4: Unlimited area

Rule 25.4 is amended by renumbering the third paragraph as paragraph (c).

Part 31A: Crewing and Watchkeeping Unlimited, Offshore, and Coastal (Non-Fishing Vessels)

12 Rule 31A.13: Unlimited area ships

Table 3 of rule 31A.13 is amended by omitting from the column entitled "Engine Room Watchkeeping Qualifications Required" the expression "2 Engineer - MEC 2", and substituting "2nd Engineer – MEC 2".

13 Part 31A: Appendix 1

Appendix 1 is amended by—

- (a) omitting from clause 4(a) the first four semi-colons, and substituting commas:
- (b) by omitting from clause 6(c) the word "radar", and substituting "radar²".

Part 32: Ships' Personnel - Qualifications

14 Rule 32.9: Local launch operator (LLO)

Rule 32.9(1)(b)(iii) is amended by omitting and substituting the following subparagraph:

- "(iii) not less than one month's service—
- (aa) at sea on a commercial vessel; or
 - (bb) as a skipper of a pleasure craft; and".

15 Rule 32.18: Chief mate of a foreign going ship

Footnote 33 in rule 32.18(2)(a) is amended by omitting the words "Foreign Going Certificate", and substituting "Foreign Going Ship Certificate".

Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships

16 Rule 40A.10: Application of section 1

Rule 40A.10(1) is amended by omitting "40A10(2)", and substituting "40A.10(2)".

17 Part 40A: Appendix 4

Clause (4) of Appendix 4.3 is amended by omitting the word "lifejackets" in the item relating to "Lifejackets" in the second column of the table, and substituting "lifejacket".

18 Part 40A: Appendix 7

The subheading of Appendix 7 is amended by omitting "40.58", and substituting "40A.58".

Part 40B: Design, Construction and Equipment – SOLAS Ships

19 Rule 40B.21: Lifesaving appliances

Rule 40B.21(2)(b) is amended by omitting "MSC 48(66)", and substituting "MSC.48(66)".

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

20 Rule 40C.24: Bilge pumps

Rule 40C.24(4) is amended by omitting "rule 40CA24(5)", and substituting "subrule (5)".

21 Rule 40C.41: Lightning protection

Rule 40C.41(3) is amended by omitting "rule 40C.41(2)", and substituting "subrule (2)".

22 Rule 40C.57: Windlass

Rule 40C.57(2) is amended by omitting "rule 40.57(1)(a)", and substituting "subrule (1)(a)".

23 Rule 40C.68: Safety equipment

Rule 40C.68(2) is amended by omitting the word "by".

24 Rule 40C.77: Cargo piping systems

Rule 40C.77(1) is amended by omitting "Close Cup Test", and substituting "Closed Cup Test".

25 Part 40C: Appendix 1

Clause 1.3(4)(b) of Appendix 1 is amended by omitting the word "degrees".

26 Part 40C: Appendix 2

Appendix 2.3 is amended by omitting the expression "rule 42.66" in subclause (1) of the item relating to "Fire crew outfits" in the table, and substituting "rule 42B.66".

Part 40E: Design, Construction and Equipment – Sailing Ships

27 Rule 40E.25: Bilge pumps

Table 2.0 in rule 40E.25 is amended by omitting and substituting the following table:

		Manual pump		Powered pump	
Limits	Length	No.	Capacity per pump m ³ /h (USGPH)	No.	Capacity per pump m ³ /h (USGPH)
Enclosed and inshore	≤ 6m	1	4.0 (1056)	1	5.5 (1452)
	6m-12m	1	5.5 (1452)	1	5.5 (1452)
	12m-24m	1	5.5 (1452)	1	11.0 (2905)
	More than 45m	—	—	2	15.0 (3962)
Coastal and offshore	≤ 12m	1	5.5 (1452)	1	5.5 (1452)
	12m-24m	1	5.5 (1452)	1	11.0 (2905)
Unlimited	≤ 24m	1	5.5 (1452)	1	11.0 (2905)
More than 16 persons	≤ 24m	1	5.5 (1452)	1	11.0 (2905)
Any limit	24m-45m	—	—	2	15.0 (3962)

28 Rule 40E.40: Emergency lighting

- (1) Rule 40E.40(1) is amended by omitting "12 metres" and substituting "15 metres".
- (2) Rule 40E.40(2) is amended by omitting "inshore/coastal limits" and substituting "restricted coastal limits".
- (3) After 40E.40(2), the following new subrule is inserted:
 “(3) For the purposes of subrules (1) and (2), two torches that are readily accessible with spare batteries may be used to provide an alternative source of emergency lighting.”.

29 Rule 40E.42: Navigation lights

Rule 40E.42(4) is amended by omitting the words "and it can be fitted within three minutes".

30 Rule 40E.43: Lightning protection

Footnote 11 in Rule 40E.43 is amended by omitting "lighting" and substituting "lightning".

31 Rule 40E.46: Ships of less than 24 metres length

Rule 40E.46 is revoked and substituted with the following:

- “(1) In ships of 15 to 24 metres in length,—
 - (a) the machinery space or engine space must be separated from any accommodation space by divisions that prevent fumes from the machinery space or engine space entering the accommodation spaces; and
 - (b) the surveyor must be satisfied that, in the event of fire, any fire extinguishing medium that is injected into the machinery space or engine space can be retained in that space for sufficient time to extinguish the fire.
- (2) In ships of less than 15 metres in length, subrule (1)(b) must be satisfied.”.

32 Part 40E: Appendix 1

Appendix 1 is amended by adding the words "or by calculation" at the end of clause 3(3).

33 Part 40E: Appendix 4

Appendix 4 is amended by omitting item (1)(a) in relation to "Jackstays" in the clause 4 table and substituting the following item:

"(a) carried on the ship at all times; and".

Part 40F: Design, Construction and Equipment – Hovercraft

34 Rule 40F.2: Definitions

Rule 40F.2 is amended as follows:

- (a) in the definition of "Class 1 light craft", omit "Class 1" and substitute "Class I"; and
- (b) in the definition of "Class 2 light craft", omit "Class 2" and substitute "Class II".

35 Rule 40F.4: Maritime New Zealand number

Rule 40F.4(2)(c)(i) is amended by omitting "Class 1" and substituting "Class I".

36 Rule 40F.14: Certification

Rule 40F.14(3)(a) is amended by omitting "a authorised surveyor" and substituting "an authorised surveyor".

37 Part 40F: Appendix 1

Appendix 1 is amended by the following:

- (a) clauses 3.3(a), 8.2(2), 9.2(2)(b), and 10.2(2) omit the expression "Class 1" and substitute "Class I";
- (b) clauses 3.3(b) and 6.2(3) omit the expression "Class 2" and substitute "Class II".

Part 42A: Safety Equipment – Life-saving Appliances – Performance, Maintenance and Servicing

38 Part 42A: Part objective

The Part objective is amended by omitting the words "International Maritime Organisation's", and substituting "International Maritime Organization's".

39 Rule 42A.2: Definitions

Rule 42A.2 is amended as follows:

- (a) by omitting from the definition of "Classification Society" the words "International Maritime Organisation's", and substituting "International Maritime Organization's";
- (b) by renumbering the second paragraph of the definition of "Enclosed water limits" as paragraph (b);
- (c) by omitting from the definition of "International Life-Saving Appliance Code" the words "International Maritime Organisation", and substituting the words "International Maritime Organization".

40 Rule 42A.10: SOLAS liferafts – canopied reversible liferafts and automatically self-righting liferafts on ro-ro passenger ships

Rule 42A.10 is amended by omitting the words "International Maritime Organisation's", and substituting "International Maritime Organization's".

41 Rule 42A.14: SOLAS rescue boats

Rule 42A.14 is amended by omitting the words "International Maritime Organisation's", and substituting "International Maritime Organization's".

Part 42B: Safety Equipment – Fire Appliances Performance Standards

42 Rule 42B.2: Definitions

Rule 42B.2 is amended by omitting from the definition of "Non-combustible material" the second occurrence of the words "this being determined".

43 Rule 42B.9: General

Rule 42B.9(4) is amended by omitting the word "rule".

44 Rule 42B.20: General

(1) Footnote 6 in 42B.20(12) is amended by omitting—

- (a) the words "It is recommended that gas containers comply with" where they first appear; and
- (b) the expression "\$iR\$dm", and substituting the expression "Rm".

(2) Rule 42B.20(13) is amended by omitting from the last sentence the word "Part".

45 Rule 42B.42: Piping and distribution arrangements

Rule 42B.42(3) is amended by omitting the words "Organisation at its forty-eight", and substituting "Organization at its forty-eighth".

46 Rule 42B.57: Portable fire extinguishers

Rule 42B.57 is amended as follows:

- (a) by omitting the expression "AS/NZ" wherever it appears, and substituting "AS/NZS";
- (b) by omitting from rules 42B.57(12)(a) and (b) the words "standard number".

47 Rule 42B.66: Fire crew outfits

Footnote 15 in rule 42B.66 is amended by omitting and substituting the following footnote:

"15 It is recommended that the following fire crew outfit items comply with the corresponding standards:

- (a) for protective clothing, BS EN Publication BS EN 469:1995;
- (b) for boots, BS EN Publication BS EN 345;
- (c) for gloves, BS EN Publication BS EN 659:1996;
- (d) for helmets, Australian standard AS 4067-1994;
- (e) for axes, British standard BS 3054:1959(1998)."

48 Rule 42B.67: Fire blankets

Rule 42B.67 is amended by omitting "Standards Australian/New Zealand Standard AS/NZ", and substituting "Australian/New Zealand Standard AS/NZS".

Part 43: Radio

49 Rule 43.2: Definitions

Rule 43.2 is amended by omitting from paragraph (a) of the definition of "Inshore limit" the word "if", and substituting "of".

50 Rule 43.12: VHF radio (voice communication only)

Rule 43.12(4) is amended by omitting from the last sentence the word "labeled", and substituting "labelled".

51 Part 43: Appendix 3

Clause (v) of Appendix 3 is amended by omitting the expression "006°", and substituting "006°(T)".

Part 46: Surveys, Certification and Maintenance

52 Rule 46.6: Surveys of structure, machinery and equipment of new non-passenger ships

Rule 46.6(2)(b) is amended by renumbering the third subparagraph as subparagraph (iii).

53 Rule 46.12: Maintenance and conditions after survey

Rule 46.12(3) is amended by omitting the words "or a defect is discovered to a ship to which this section applies", and substituting "or a ship to which this section applies is discovered to have a defect".

54 Rule 46.17: Inspections

Rule 46.17(1) is amended by omitting paragraph (c) and substituting the following paragraph:

"(c) inspects and tests the equipment that the ship is required to have, in accordance with the applicable maritime rules."

55 Rule 46.20: Non-passenger ships of less than 500 tons gross tonnage, and less than 45 metres in length proceeding on an international voyage

Rule 46.20(b) is amended by omitting the first occurrence of the words "by the Director".

56 Rule 46.26: Definitions relating to section 4

The definition of "Foreign non-SOLAS ship" in rule 46.26 is amended by—

- (a) renumbering the second paragraph as paragraph (b); and
- (b) renumbering the third paragraph as paragraph (c).

Part 47: Load Lines

57 Rule 47.54: Issue, endorsement and renewal of certificates

Rule 47.54(2) is amended by omitting the words "in accordance section 41", and substituting "in accordance with section 41".

58 Rule 47.61: Application of section 2

Rule 47.61 is amended by numbering the first paragraph as subrule (1).

59 Rule 47.65: Conditions of assignment

Rule 47.65(4)(b) is amended by omitting the words "an hull", and substituting "a hull".

60 Part 47: Appendix 1

(1) Clause 5(5) of Appendix 1 is amended by—

- (a) omitting the words "[in this rule] to"; and
- (b) omitting the words "may not be granted in accordance with clause", and substituting ", in accordance with regulation 38(16) of the International Convention on Load Lines, may not be granted".

(2) Clause 6(2) of Appendix 1 is amended by omitting the words "[is", and substituting "is".

Part 48: Tonnage Measurement

61 Rule 48.12: Issue of certificates

Rule 48.12(1) is amended by—

- (a) omitting the words "a International Tonnage Certificate", and substituting "an International Tonnage Certificate":
- (b) omitting the words "Annex II of Tonnage Convention", and substituting "Annex II of the Tonnage Convention".

Part 49: Ships' Lifting Appliances

62 Part 49: Part objective

The Part objective is amended by adding the following paragraph at the end of the section:

"The maritime rules are subject to the Regulations (Disallowance) Act 1989, which requires that the rules are laid before the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for reviewing the rules."

63 Rule 49.5: Testing of ships' lifting appliances and loose cargo gear

Rule 49.5(3) and (4) are amended by omitting from the tables the apostrophes in each place they occur, and substituting the multiplication sign "x" in each place.

Part 50: Medical Stores

64 Rule 50.10: Preparations for accidents involving dangerous goods

Rule 50.10(2)(b)(ii) is amended by omitting the words "person", and substituting "persons".

65 Rule 50.17: Inspection of medical stores

Rule 50.17(1)(a) is amended by omitting the words "less than", and substituting "more than".

66 Part 50: Appendix 1

Clause 5 of Appendix 1 is amended by omitting from column 2 of the table, in regard to the item relating to "Dressing and suturing", the words "butterfly stripes", and substituting "butterfly strips".

Part 51: Crew Accommodation

67 Rule 51.2: Definitions

The definition of "seafarer" in rule 51.2(a)(ii) is amended by omitting the word "otherwise", and substituting the word "other".

Part 53: Pilot Safety

68 Rule 53.6: Constructions - steps

Footnote 4 in rule 53.6(2)(b) is amended by inserting the word "for" after the words "advisory circular".

69 Rule 53.20: Testing of pilot hoist

Rule 53.20(5) is amended by omitting the words "foreign ship on board which", and substituting "foreign ship on which".

Part 73: Logbooks

70 Part 73: Part objective

The Part objective is amended by omitting from the second paragraph the words "International Convention for the Safety of Life at Sea Convention, 1974", and substituting the words "International Convention for the Safety of Life at Sea, 1974".

71 Rule 73.2: Definitions

Rule 73.2 is amended by omitting from the definition of "International voyage" the words "a voyage to or a from," and substituting "a voyage to or from".

72 Rule 73.5: Record of command

Rule 73.5 is amended by renumbering the second rule numbered as 73.5 (Record of watchkeeping crew) as rule 73.5A.

Part 90: Pilotage 2010

73 Part 90: Schedule

The Schedule is amended by omitting the words "then by a straight line to the southernwest extreme of Tiritiri Matangi Island, then by a straight line to the southeastern extreme of Whangaparoa Peninsula", and substituting "then by a straight line to the south-eastern extreme of Tiritiri Matangi Island, then by a straight line to the south-eastern extreme of Whangaparoa Peninsula".