



Maritime Transport Act 1994

Marine Protection Rules


Marine Protection Rules Various Amendments 2019

Pursuant to sections 386, 387, 388, 389, and 390 of the Maritime Transport Act 1994 I, Julie Anne Genter, Associate Minister of Transport, having had regard to the criteria for making Marine Protection Rules in section 392 of the Maritime Transport Act 1994, hereby make the following Marine Protection Rules.

Signed at Wellington

This *10th* day of *November* 2019

By Hon JULIE ANNE GENTER



Associate Minister of Transport

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Objective

The objective of the Marine Protection Rules Various Amendments 2019 is to correct minor errors contained in the Marine Protection Rules Parts 100, 101A, 101B, 103, 120, 121A, 121B, 122, 123B, 125, 130A, 142A, 142B, 150, 160, 170, 180 and 190.

Marine Protection Rules are disallowable instruments under the Legislation Act 2012. 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 that Act.

Extent of consultation

On 9 July 2019, Maritime New Zealand consulted, via its website, with the public on the proposed amendments to the marine protection rules in accordance with the Act, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 9 July 2019. The deadline for making a submission was 9 August 2019. No submission was received in respect of the proposed amendments to the marine protection rules.

Entry into force

These rules enter into force on 13 December 2019.

Part 100: Port Reception Facilities – Oil, Noxious Liquid Substances and Garbage

1. Part 100 Part objective

In Part 100, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 101A: Surveys and Inspections – Oil

2. Part 101A Part objective

In Part 101A, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 101B: Surveys and Inspections – Noxious Liquid Substances Carried in Bulk

3. Part 101B Part objective

In Part 101B, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 103: Notifications – Oil and Noxious Liquid Substances

4. Part 103 Part objective

In Part 103, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 120: Discharge of Oil

5. Rule 120.2 Definitions

In 120.2, in the definition of “**Special area**”—

- (a) in “(h) the Oman Area”, replace “(h)” with “(i)”; and
- (b) in “(i) the Southern South African waters”, replace “(i)” with “(j)”.

Part 121A: Ship Design and Construction – Oil Tankers

6. Rule 121A.2 Definitions

In rule 121A.2—

- (a) in the definition of “**CAS**”, replace “Maritime Organisation” with “Maritime Organization”; and
- (b) in the definition of “**fuel oil**”, replace “Organisation” with “Organization”; and
- (c) in the definition of “**heavy diesel oil**”, replace “Organisation” with “Organization”; and
- (d) in the definition of “**heavy grade oil**”, in paragraph (a), insert a space between “900” and “kg”; and
- (e) in the definition of “**International Bulk Chemical Code**”, replace “Maritime Organisation” with “Maritime Organization”.

7. Rule 121A.5 Dedicated clean ballast tanks

In rule 121A.5, in subrule (2), replace “Maritime Organisation” with “Maritime Organization”.

8. Rule 121A.8 Protective location of segregated ballast tanks

In rule 121A.8—

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- (a) in subrule (2), in the formula " $\Sigma PA_c + \Sigma PA_s \geq J [L_t (B + 2D)]$ ", de-italicise "2"; and
- (b) in subrule (2), replace " $Pa_s =$ " with " $PA_s =$ "; and
- (c) in subrule (2), in the second last paragraph, in "value of J shall", italicise "J"; and
- (d) in subrule (3), in the formula for "J reduced", replace "40A" with " $4O_A$ " (so that "O" becomes an italicised capital letter, and "A" becomes an italicised subscript); and
- (e) in subrule (4), in the first paragraph, replace " PA_c " with " P_{Ac} " (so that "P" becomes an italicised capital letter, and "A" becomes an italicised capital letter and subscript, and the "c" becomes italicised); and
- (f) in subrule (4), in the first paragraph, replace " PA_s " with " P_{As} " (so that "P" becomes an italicised capital letter, and "A" becomes an italicised capital letter and subscript, and the "s" becomes italicised); and
- (g) in subrule (4), in subrule (a), replace " PA_c " with " P_{Ac} " (so that "P" becomes an italicised capital letter, and "A" becomes an italicised capital letter and subscript, and the "c" becomes italicised); and
- (h) in subrule (4), in subrule (b), replace "B/15" with " $B/15$ " (so that "B" becomes an italicised capital letter); and
- (i) in subrule (4), in subrule (b), replace " PA_s " with " P_{As} " (so that "P" becomes an italicised capital letter, and "A" becomes an italicised capital letter and subscript, and the "s" becomes italicised).

9. Rule 121A.9 Protection of cargo tank length

In rule 121A.9—

- (a) in subrule (3)(b), replace "B/15" with " $B/15$ " (so that "B" becomes an italicised capital letter); and
- (b) in subrule (4)(a), in the formula " $f \times h_c \times p_c \times g + 100\Delta p \leq d_n \times p_s \times g$ "—
 - (i) replace " p_c " with " ρ_c " (so that "p" becomes italicised Greek lower case Rho); and
 - (ii) replace " Δp " with " $\Delta\rho$ " (so that "p" becomes italicised Greek lower case Rho); and
 - (iii) replace " p_s " with " ρ_s " (so that "p" becomes italicised Greek lower case Rho); and
- (c) in subrule (4)(a), below the formula—
 - (i) replace " $p_c =$ " with " $\rho_c =$ " (so that "p" becomes italicised Greek lower case Rho); and
 - (ii) replace " $p_s =$ " with " $\rho_s =$ " (so that "p" becomes italicised Greek lower case Rho); and
 - (iii) replace " $\Delta p =$ " with " $\Delta\rho =$ " (so that "p" becomes italicised Greek lower case Rho); and
- (d) in subrule (5), replace "Organisation" with "Organization".

10. Rule 121A.10A Oil Tankers of 5000 Tonnes Deadweight or More that Carry Heavy Grade Oil as Cargo

In rule 121A.10A, in subrule (3)(b)(ii)—

- (a) insert a space between "900" and "kg"; and
- (b) insert a space between "945" and "kg".

11. Rule 121A.10C Pump-room bottom protection

In rule 121A.10C—

- (a) in subrule (2)(a), replace "B/15" with " $B/15$ " (so that "B" becomes an italicised capital letter); and

- (b) in subrule (2)(b), replace "B/15" with "*B/15*" (so that "B" becomes an italicised capital letter); and
- (c) in subrule (2)(c), replace both instances of "B/15" with "*B/15*" (so that "B" becomes an italicised capital letter).

12. Rule 121A.10D Accidental oil outflow performance

In rule 121A.10D—

- (a) in subrule (2)(a)(i), replace " O_M " with "*O_M*" (so that "O" becomes an italicised capital letter, and "*M*" becomes an italicised subscript); and
- (b) in subrule (2)(a)(i), italicise "C"; and
- (c) in subrule (2)(a)(ii), replace " O_M " with "*O_M*" (so that "O" becomes an italicised capital letter, and "*M*" becomes an italicised subscript); and
- (d) in subrule (2)(a)(ii), italicise both instances of "C"; and
- (e) in subrule (2)(a)(iii), replace " O_M " with "*O_M*" (so that "O" becomes an italicised capital letter, and "*M*" becomes an italicised subscript); and
- (f) in subrule (2)(a)(iii), italicise "C"; and
- (g) immediately beneath subrule (2)(a)(iii), aligned with the "(iii)", insert the following:

"Where:

O_M = mean oil outflow parameter:

C = total volume of cargo oil, in m³, at 98% tank filling."; and

- (h) in subrule (2)(b)(i), replace " O_M " with "*O_M*" (so that "O" becomes an italicised capital letter, and "*M*" becomes an italicised subscript); and
- (i) in subrule (2)(b)(ii), replace " O_M " with "*O_M*" (so that "O" becomes an italicised capital letter, and "*M*" becomes an italicised subscript); and
- (j) in subrule (2)(b)(ii), italicise "C"; and
- (k) in subrule (2)(b)(iii), replace " O_M " with "*O_M*" (so that "O" becomes an italicised capital letter, and "*M*" becomes an italicised subscript); and
- (l) in subrule (2)(b)(iii), italicise both instances of "C"; and
- (m) immediately beneath subrule (2)(b)(iii), aligned with the "(iii)", insert the following:

"Where:

O_M = mean oil outflow parameter:

C = total volume of cargo oil, in m³, at 98% tank filling."; and

- (n) in subrule (2)(c), in the first sentence, after "no cargo tank", insert "length"; and
- (o) at the end of subrule (2)(c)(i), insert a semi-colon (";"); and
- (p) at the end of subrule (2)(c)(ii), insert a semi-colon (";"); and
- (q) in subrule (2)(c)(iv)(aa), replace "0.2" with "0.2L"; and
- (r) at the end of subrule (2)(c)(iv)(cc), replace the full stop (".") with a semi-colon (";"); and
- (s) in subrule (2)(c)(v)(aa), replace "0.2" with "0.2L"; and
- (t) at the end of subrule (2)(c)(v)(cc), replace the full stop (".") with a semi-colon (";"); and
- (u) immediately beneath subrule (2)(c)(v)(cc), aligned with the "(v)", insert the following:

"Where b_1 = minimum distance from the ship's side to the outer longitudinal bulkhead of the tank in question measured inboard at right-angles to the centreline at the level corresponding to the assigned summer freeboard."

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13. Rule 121A.14 Damage assumptions

In rule 121A.14—

- (a) in subrule (1)(a), replace “B/5” with “*B/5*” (so that “B” becomes an italicised capital letter); and
- (b) in subrule (1)(b)(ii), replace “B/6” with “*B/6*” (so that “B” becomes an italicised capital letter); and
- (c) in subrule (1)(b)(iii), replace both instances of “B/15” with “*B/15*” (so that “B” becomes an italicised capital letter).

14. Rule 121A.15 Hypothetical outflow of oil

In rule 121A.15, in subrule (4), in the first paragraph, replace “O_s” with “*O_s*” (so that “O” becomes an italicised capital letter, and “_s” becomes an italicised subscript).

15. Rule 121A.16 Limitation of size and arrangement of cargo tanks

In rule 121A.16—

- (a) in subrule (4)(c)(ii)(aa), replace “b_i/B” with “*b_i/B*” (so that “B” becomes an italicised capital letter); and
- (b) in subrule (4)(c)(ii)(bb), replace “b_i/B” with “*b_i/B*” (so that “B” becomes an italicised capital letter).

16. Rule 121A.17 Subdivision and stability

In rule 121A.17, in subrule 2(b)(iii), in the right-hand column, replace “B/15” with “*B/15*” (so that “B” becomes an italicised capital letter).

17. Rule 121A.18 Intact stability

In rule 121A.18, in subrule (2)(b)(ii), replace “20 metres” with “0.20 metres”.

18. Part 121A Schedule

In Part 121A, in the Schedule—

- (a) in footnote 6, replace “Organisation” with “Organization”; and
- (b) in clause 9, replace “Organisation” with “Organization”; and
- (c) in footnote 7, replace “Organisation” with “Organization”; and
- (d) in footnote 8, replace “Organisation” with “Organization”.

Part 121B: Ship Design and Construction – Ships other than Oil Tankers

19. Part 121B Part objective

In Part 121B, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 122: Maritime Protection Products – Oil

20. Part 122 Part objective

In Part 122, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

21. Rule 122.2 Definitions

In rule 122.2, in the definition of “IMO”, replace “Organisation” with “Organization”.

Part 123B: Documents (Record Books and Manuals)

22. Part 123B Part objective

In Part 123B, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 125: Shipboard Operations – Oil

23. Part 125 Part objective

In Part 125, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 130A: Shipboard Marine Oil Spill Contingency Plans

24. Part 130A Part objective

In Part 130A, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 142A: Documents (Certificates) – Noxious Liquid Substances

25. Part 142A Part objective

In Part 142A, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 142B: Documents (Record Books and Manuals) – Noxious Liquid Substances

26. Part 142B Part objective

In Part 142B, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 150: Carriage of Cargoes – Harmful Substances Carried in Packaged Form

27. Part 150 Part objective

In Part 150, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

28. Rule 150.2 Definitions

In rule 150.2, in the definition of “**International Maritime Dangerous Goods Code**”, replace “Maritime Organisation” with “Maritime Organization”.

Part 160: Prevention of Pollution by Sewage from Ships in the Antarctic Treaty Area

29. Part 160 Part objective

In Part 160, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Part 170: Prevention of Pollution from Garbage from Ships

30. Part 170 Part objective

In Part 170, in the Part objective, in the sixth (6th) paragraph, replace “craft, as a result of the International Maritime Organisation’s” with “craft, as a result of the International Maritime Organization’s”.

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Part 180: Dumping of Waste and Other Matter

31. Rule 180.12 Emergency dumping

In rule 180.12—

- (a) in subrule (3)(c), replace “Organisation” with “Organization”; and
- (b) in subrule (3)(d), replace “Organisation” with “Organization”.

Part 190: Mandatory Ships Routeing

32. Part 190 Part objective

In rule Part 190, in the Part objective, in the last paragraph, replace “Maritime rules” with “Marine protection rules”.

Summary of Submissions

The proposed Marine Protection Rules were consulted on in conjunction with Maritime Rules Various Amendments 2019, as one package of rule amendments (titled Maritime Rules and Marine Protection Rules (Domestic Omnibus) Amendments 2019), between 9 July 2019 and 9 August 2019.

No submission was received in respect of the proposed amendments to the marine protection rules.