Maritime Transport Act 1994

Maritime Rules

Maritime Rules Various Amendments [Changes Related to Conventions] 2017

Pursuant to sections 34 and 36 of the Maritime Transport Act 1994 I, Julie Anne Genter, Associate Minister of Transport, having had regard to the criteria in section 39(2) of the Maritime Transport Act 1994, hereby make the following Maritime Rules.

Signed at Wellington

This 18 day of December 2017

By Hon JULIE ANNE GENTER

Associate Minister of Transport
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Maritime Rules

Objective

Maritime 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
In 2017, Maritime New Zealand consulted, via its website, with stakeholders and other members of the public on drafts of the proposed amendments to the Maritime Rules in accordance with the Maritime Transport Act 1994, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 18 May 2017. The deadline for making a submission was 22 June 2017. One submission was received.

Entry into force
These rules come into force on 1 February 2018 except rules 4 and 5, which come into force on 1 July 2018.
General Index Alignment

1 All Parts: Index of Contents
In each Part of the Maritime Rules, in the Index of Contents, amend the rule headings and pages to align with the rule headings and pages in that Part including changes made by these amendments.

Part 24C: Carriage of Cargoes – Specific Cargoes

2 Rule 24C.2: Definitions
In rule 24C.2, after the definition of "grain", insert the following definition:
"IMSLBC Code means the International Maritime Solid Bulk Cargoes Code adopted by the International Maritime Organization: ".

3 Rule 24C.7: Definitions applying to section 2
In rule 24C.7, delete the definition of "IMSLBC Code".

Part 31: Crewing and Watchkeeping

4 Rule 31.2 Definitions
In rule 31.2, in the appropriate order, insert the following definitions:
"Antarctic area means the sea area south of latitude 60° S:
Arctic waters means those waters which are located north of a line from the latitude 58°00’.0 N and longitude 042°00’.0 W to latitude 64°37’.0 N, longitude 035°27’.0 W and thence by a rhumb line to latitude 67°03’.9 N, longitude 026°33’.4 W and thence by a rhumb line to the latitude 70°49’.56 N and longitude 008°59’.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31’.6 N and 019°01’.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38’.29 N and longitude 043°23’.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etoleft Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37’.1 W and thence to the latitude 58°00’.0 N, longitude 042°00’.0 W:
bergy waters means an area of freely navigable water in which—
(a) ice of land origin is present in concentrations less than 1/10; or
(b) ice of land origin and sea ice are present in concentrations together less than 1/10:

ice free waters means no ice present:

ice of land origin means ice that is floating in water and formed either on land or in an ice shelf:

IGF Code means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels adopted by the International Maritime Organization:

open water means a large area of freely navigable water in which sea ice is present in concentrations less than 1/10 and no ice of land origin is present:

other waters means polar waters that are not ice free waters and not open water:

Polar Ship Certificate means a maritime document issued under Part V of the Act in accordance with rule 46.13(7C) of Part 46:

Polar Ship Document of Compliance means a maritime document issued under Part V of the Act in accordance with rule 46.14(11) of Part 46:
polar waters means any of the following:
(a) Arctic waters:
(b) the Antarctic area:

sea ice means any form of ice found at sea which has originated from the freezing of sea water:”.

5 Rules 31.47A and 31.47B and Table 6A (New Rules)

Insert, after rule 31.47, the following rules:

"31.47A Ships operating in polar waters

(1) This rule 31.47A applies in relation to the following ships:
(a) a SOLAS ship in respect of which is required to be held a Polar Ship Certificate under rule 46.13(15)(i) of Part 46:
(b) a ship in respect of which is required to be held a Polar Ship Document of Compliance under rule 46.14(10) of Part 46.

(2) Except as provided in subrule (3), for the purpose of rule 31.42(d), when operating in polar waters—
(a) to the extent required by Table 6A, the master, chief mate, and officers in charge of a navigational watch on the ship must hold a certificate of competency endorsed with a basic polar waters endorsement under rule 32.135 of Part 32; and
(b) to the extent required by Table 6A, the master and chief mate on the ship must hold a certificate of competency endorsed with an advanced polar waters endorsement under rule 32.137 of Part 32.

(3) When operating in polar waters, the owner and master of the ship may allow the use of a person other than the master, chief mate, or officers of a navigational watch to satisfy the requirements in subrule (2), provided—
(a) the person is qualified and certified in accordance with regulation II/2 of STCW and section A-III/2 of the STCW Code, and, regardless of whether the voyage is in open water or other waters, holds a certificate of competency endorsed with an advanced polar waters endorsement under rule 32.137 of Part 32; and
(b) the ship has a sufficient number of persons holding the appropriate polar waters endorsements to meet the requirements for all watches; and
(c) the person complies with the minimum hours of rest requirements at all times; and
(d) when operating in polar waters other than open water or bergy waters, the master, chief mate, and officers in charge of a navigational watch on passenger ships and tankers hold a certificate of competency endorsed with a basic polar waters endorsement under rule 32.135 of Part 32; and
(e) when operating in polar waters with ice concentration of more than 2/10, the master, chief mate, and officers in charge of a navigational watch on cargo ships other than tankers hold a certificate of competency endorsed with a basic polar waters endorsement under rule 32.135 of Part 32.

(4) The use of a person other than the master, chief mate, or officers of the navigational watch under subrule (3) to satisfy the requirements for subrule (2) does not relieve the master, chief mate, or officers of the navigational watch from their duties and obligations for the safety of the ship.
Table 6A Certification of Masters and Deck Officers in Polar Waters

<table>
<thead>
<tr>
<th>Ice conditions</th>
<th>Tankers</th>
<th>Passenger ships</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ice free waters</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Open water</td>
<td>Basic polar waters endorsement for master, chief mate, and officers in charge of a navigational watch</td>
<td>Basic polar waters endorsement for master, chief mate, and officers in charge of a navigational watch</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Other waters</td>
<td>Advanced polar waters endorsement for master and chief mate</td>
<td>Advanced polar waters endorsement for master and chief mate</td>
<td>Advanced polar waters endorsement for master and chief mate</td>
</tr>
<tr>
<td></td>
<td>Basic polar waters endorsement for officers in charge of a navigational watch</td>
<td>Basic polar waters endorsement for officers in charge of a navigational watch</td>
<td>Basic polar waters endorsement for officers in charge of a navigational watch</td>
</tr>
</tbody>
</table>

31.47B Ships subject to the IGF Code

(1) This rule 31.47B applies to the owner and the master of a ship to which rule 40B.28B(3) applies.

(2) The owner and master of a ship must ensure that—

(a) each seafarer on the ship has received appropriate ship and equipment specific familiarisation in accordance with regulation I/14, paragraph 1.5 of STCW; and

(b) each seafarer on the ship responsible for designated safety duties associated with the care or use of the fuel on board, or with emergency response relating to the fuel, holds a basic IGF ship endorsement under rule 32.139 of Part 32 or a corresponding ancillary certificate of proficiency in accordance with 32.134; and

(c) the master and each engineer officer and any crew with immediate responsibility for the care and use of fuels and fuel systems on the ship holds an advanced IGF ship endorsement under rule 32.141 of Part 32 or a corresponding ancillary certificate of proficiency in accordance with 32.134.

Part 32: Seafarer Certification

6 Rule 32.2 Definitions

In rule 32.2, in the appropriate order, insert the following definitions:

*Antarctic area* means the sea area south of latitude 60° S.

*Arctic waters* means those waters which are located north of a line from the latitude 58°00’.0 N and longitude 042°00’.0 W to latitude 64°37’.0 N, longitude 035°27’.0 W and thence by a rhumb line to latitude 67°03’.9 N, longitude 026°33’.4 W and thence by a rhumb line to the latitude 70°48’.56 N and longitude 008°59’.61 W (Sarkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31’.6 N and 019°01’.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38’.29 N and longitude 043°23’.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il’pyrskiy and following the 60th North parallel eastward as far as and including Etoolin Strait and thence by the northern shore of the North
American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W.

IGF Code means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels adopted by the International Maritime Organization.

low-flashpoint fuel means gaseous or liquid fuel having a flashpoint below 60 degrees C except as otherwise permitted under paragraph 2.1 of SOLAS regulation II-2/4.

polar waters means any of the following:

(a) Arctic waters:

(b) the Antarctic area:

SOLAS means the International Convention for the Safety of Life at Sea 1974:"

7 Rule 32.15 Duration of prescribed endorsement

In rule 32.15, in subrule (2)—

7.1 at the end of subrule (g), replace the full-stop (".") with a colon (":’); and

7.2 after subrule (g), insert the following subrules:

"(h) polar waters endorsement (rule 32.135 or 32.137):

(i) IGF ship endorsement (rule 32.139 or 32.141),".

8 32.25 Minimum duration of sea service for the purposes of renewal of certain prescribed endorsements

In rule 32.25—

8.1 at the end of subrule (c), replace the full stop (".") with ", or"; and

8.2 after subrule (c), insert the following subrules:

"(d) in relation to an advanced polar waters endorsement (32.137), in accordance with the requirements of regulation I/11, paragraph 4 of STCW and with section A-I/11, paragraph 4 of the STCW Code; or

(e) in relation to an IGF ship endorsement (32.139 or 32.141), in accordance with the requirements of regulation V/3 of STCW".

9 32.134 Ancillary certificates of proficiency for tankers issued to masters, officers, or ratings

In rule 32.134—

9.1 in the heading, replace "issued to masters, officers, or ratings" with "or IGF ships"; and

9.2 replace subrule (1) with the following:

"(1) The Director may, where a person meets the requirements for an endorsement issued under rules 32.130, 32.132, 32.139, or 32.141 issue a certificate to be called an ancillary certificate of proficiency, in the place of or in addition to the endorsements provided for in rule 32.130 32.132, 32.139, or 32.141 respectively,"; and

9.3 after subrule (2), insert the following subrule (3):

"(3) An ancillary certificate of proficiency has the same privileges and requirements as its corresponding endorsement.".
10 32.135, Table 37A, 32.136, 32.137, Table 37B, 32.138, 32.139, Table 37C, 32.140, 32.141, Table 37D, and 32.142 (New Rules)

Insert, after rule 32.134, the following rules:

32.135 Basic polar waters endorsement

(1) This is an endorsement that corresponds to the STCW requirements for basic polar waters training under regulations V/4-1 and V/4-2 of STCW.

(2) For the purposes of rule 32.12 the following table of requirements applies:

Table 37A: Table of requirements for basic polar waters endorsement

<table>
<thead>
<tr>
<th></th>
<th>Prerequisites</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>holds an STCW certificate as a master or deck officer.</td>
</tr>
<tr>
<td>2</td>
<td>Competency and training standard</td>
</tr>
<tr>
<td></td>
<td>demonstrates competencies at the level prescribed in regulations V/4-1 and V/4-2 of STCW.</td>
</tr>
<tr>
<td>3</td>
<td>Sea Service</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
</tr>
<tr>
<td>4</td>
<td>Training</td>
</tr>
<tr>
<td></td>
<td>have completed approved basic training for ships operating in polar waters.</td>
</tr>
<tr>
<td>5</td>
<td>Ancillaries</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
</tr>
</tbody>
</table>

32.136 Privileges of holder of basic polar waters endorsement

(1) A master who holds a certificate that is endorsed with a basic polar waters endorsement may perform the privileges of a master while in polar waters that are open waters.

(2) A chief mate who holds a certificate that is endorsed with a basic polar waters endorsement may perform the privileges of a chief mate while in polar waters that are open waters.

(3) A master, chief mate, or a deck officer who holds a certificate that is endorsed with a basic polar waters endorsement may be in charge of a navigational watch on a ship operating in polar waters.

32.137 Advanced polar waters endorsement

(1) This is an endorsement that corresponds to the STCW requirements for advanced polar waters training under regulations V/4-3 and V/4-4 of STCW.

(2) For the purposes of rule 32.12 the following table of requirements applies:
### Table 37B: Table of requirements for advanced polar waters endorsement

<table>
<thead>
<tr>
<th></th>
<th>Prerequisites</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>holds an STCW certificate as a master or chief mate.</td>
</tr>
<tr>
<td>2</td>
<td>Competency and training standard</td>
</tr>
<tr>
<td></td>
<td>demonstrates competencies at the level prescribed in regulation V/4-3 and V/4-4 of STCW.</td>
</tr>
<tr>
<td>3</td>
<td>Sea Service</td>
</tr>
<tr>
<td></td>
<td>have at least two (2) months of approved seagoing service in the deck department, at management level or while performing watchkeeping duties at the operational level, within polar waters or other equivalent approved seagoing service or, until 1 July 2020 complies with regulation V/4-6 or V/4-7 of STCW.</td>
</tr>
<tr>
<td>4</td>
<td>Training</td>
</tr>
<tr>
<td></td>
<td>have completed approved advanced training for ships operating in polar waters and meet the standard of competence specified in regulation V/4-2 of STCW.</td>
</tr>
<tr>
<td>5</td>
<td>Ancillaries</td>
</tr>
<tr>
<td></td>
<td>demonstrates the ancillary proficiencies for STCW basic training in accordance with rule 32.16.</td>
</tr>
</tbody>
</table>

### 32.138 Privileges of holder of advanced polar waters endorsement

1. A master who holds a certificate that is endorsed with an advanced polar waters endorsement may perform the privileges of a master while in polar waters.

2. A chief mate who holds a certificate that is endorsed with an advanced polar waters endorsement may perform the privileges of a chief mate while in polar waters.

3. A master, chief mate, or a deck officer who holds a certificate that is endorsed with an advanced polar waters endorsement may be in charge of a navigational watch on a ship operating in polar waters.

### 32.139 Basic IGF ship endorsement

1. This is an endorsement that corresponds to the STCW requirements for basic IGF ship training under regulation V/3 of STCW.

2. For the purposes of rule 32.12 the following table of requirements applies:
Table 37C: Table of requirements for basic IGF ship endorsement

<table>
<thead>
<tr>
<th></th>
<th>Prerequisites</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Competency and training standard</td>
<td>demonstrates competencies at the level prescribed in—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• section A-V/3, paragraph 1 of the STCW Code; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• regulation V/1-2, paragraphs 2 and 5 of STCW on liquefied gas tankers; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• regulation V/1-2, paragraphs 4 and 5 of STCW on liquefied gas tankers.</td>
</tr>
<tr>
<td>3</td>
<td>Sea Service</td>
<td>n/a</td>
</tr>
<tr>
<td>4</td>
<td>Training</td>
<td>successfully completes relevant training.</td>
</tr>
</tbody>
</table>

32.140 Privileges of holder of basic IGF ship endorsement

The privileges of a seafarer who holds a certificate that is endorsed with a basic IGF ship endorsement are to have responsibility for designated safety duties associated with the care or use of the fuel on board, or with emergency response relating to the fuel.

32.141 Advanced IGF ship endorsement

(1) This is an endorsement that corresponds to the STCW requirements for advanced IGF ship training under regulation V/3 of STCW.

(2) For the purposes of rule 32.12 the following table of requirements applies:
### Table 37D: Table of requirements for advanced IGF ship endorsement

<table>
<thead>
<tr>
<th></th>
<th>Prerequisites</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>holds a basic IGF ship endorsement.</td>
<td></td>
</tr>
</tbody>
</table>
| 2 | **Competency and training standard** | demonstrates competencies at the level prescribed—  
(a) in section A-V/3, paragraph 2 of the STCW Code; or  
(b) in regulation V/3, paragraph 9 of STCW. |
| 3 | **Sea Service** | completed at least one month of seagoing service that includes a minimum of three bunkering operations on board ships subject to the IGF Code; however, two of the three bunkering operations may be replaced by approved simulator training on bunkering operations as part of the training. |
| 4 | **Training** | successfully completes relevant training. |

#### 32.142 Privileges of holder of advanced IGF ship endorsement

The privileges of a person who holds a certificate that is endorsed with an advanced IGF ship endorsement are to perform designated duties as part of the exercise of that person’s privileges as a master or engineer officer or seafarer with immediate responsibility for the care and use of fuels and fuel systems on the ship."
Part 40B: Design, Construction and Equipment – SOLAS Ships

11 Rule 40B.2: Definitions

In rule 40B.2, in the appropriate order, insert the following definitions:

*Act means the Maritime Transport Act 1994:

Antarctic area means the sea area south of latitude 60° S:

Arctic waters means those waters which are located north of a line from the latitude 58°00’.0 N and longitude 042°00’.0 W to latitude 64°37’.0 N, longitude 035°27’.0 W and thence by a rhumb line to latitude 67°03’.9 N, longitude 026°33’.4 W and thence by a rhumb line to the latitude 70°49’.56 N and longitude 008°59’.61 W (Sarkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31’.6 N and 019°01’.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38’.29 N and longitude 043°23’.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il`pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37’.1 W and thence to the latitude 58°00’.0 N, longitude 042°00’.0 W.

constructed, in respect of a ship, means a ship the keel of which is laid or which is at a similar stage of construction:

gas carrier, unless otherwise specified in the rule, means a tanker constructed or adapted, and used, for the carriage in bulk of any liquefied gas or other products of a flammable nature listed in—

(a) Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the Maritime Safety Committee of the IMO by resolution MSC.5(48); or

(b) Chapter XIX of the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the Assembly of IMO by resolution A.328(IX):

IGF Code means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels adopted by the International Maritime Organization:

low-flashpoint fuel means gaseous or liquid fuel having a flashpoint below 60 degrees C except as otherwise permitted under paragraph 2.1 of SOLAS regulation II-2/4:

Polar Ship Certificate means a maritime document issued under Part V of the Act in accordance with rule 46.13(7C) of Part 46:

Polar Ship Document of Compliance means a maritime document issued under Part V of the Act in accordance with rule 46.14(11) of Part 46:

polar waters means any of the following:

(a) Arctic waters:

(b) the Antarctic area:

similar stage of construction means the stage at which—

(a) construction identifiable with a specific ship begins; and

(b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;”.

12 40B.3 Application

In rule 40B.3, after subrule (3), insert the following subrule (4):

“(4) For the purposes of subrule (1)(c), the requirements and standards in SOLAS apply in relation to a ship on a domestic voyage to which subrule (1)(c) applies and to the owner
and the master of the ship, to the extent specified in this Part and regardless whether the requirement or standard is limited in SOLAS to ships on an international voyage.”.

13 40B.26 Gas carriers

In rule 40B.26, in subrule (a), replace “International Code for the Construction and Equipment of Ships Carrying Gases in Bulk” with “International Code for the Construction and Equipment of Ships Carrying Liquified Gases in Bulk”.

14 40B.28A (New Rule)

After rule 40B.28, insert the following rules:

“40B.28A Ships operating in polar waters

(1) This rule 40B.28A applies—

(a) to a ship—

(i) in respect of which is held, or is required to be held, under rule 46.13, a Passenger Ship Safety Certificate or a Cargo Ship Safety Certificate, or is required to be held, under rule 46.14, a New Zealand Ship Safety Certificate; and

(ii) in polar waters; and

(b) if the ship was constructed before 1 February 2018, to the ship from the first intermediate or renewal survey, whichever occurs first, after 1 February 2018; and

(c) to any other ship from the date of its construction; and

(d) to the owner and the master of the ship.

(2) The owner and master of a ship must ensure the ship's design, construction, and equipment complies with regulation 3.1 of Chapter XIV of SOLAS.

(3) Where the Director grants an exemption under section 47 of the Act from a requirement in subrule (2)—

(a) the Director must ensure each alternative requirement that substitutes a requirement in subrule (2) in accordance with regulations 4.1, 4.2, and 4.3 of Chapter XIV of SOLAS, is recorded in the Polar Ship Certificate or Polar Ship Document of Compliance as applicable; and

(b) the owner must ensure each alternative requirement that substitutes a requirement in subrule (2) in accordance with regulations 4.1, 4.2, and 4.3 of Chapter XIV of SOLAS, is updated in the Polar Water Operational Manual relevant to the ship in accordance with regulation 4.4 of Chapter XIV of SOLAS.

40B.28B Ships using low-flashpoint fuels

(1) This rule 40B.28B applies to a ship to which rule 40B.3(1) applies that uses low-flashpoint fuel and—

(a) for which the building contract is placed on or after 1 February 2018; or

(b) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 1 July 2018; or

(c) the delivery of which is on or after 1 January 2021; or

(d) which converts to using low-flashpoint fuels on or after 1 February 2018; or

(e) which, on or after 1 February 2018, undertakes to use low-flashpoint fuels different from those which it was originally approved to use before 1 February 2018.

(2) Subrule (3) does not apply to a gas carrier, as defined in regulation VII/11.2 of the IGF Code, that—
(a) is using its cargoes as fuel and complying with the requirements of the IGC Code, as defined in regulation VII/11.1 of the IGF Code; or

(b) is using other low-flashpoint gaseous fuels provided that the fuel storage and distribution systems design and arrangements for such gaseous fuels comply with the requirements of the IGC Code for gas as a cargo.

(3) The owner of a ship to which subrule (1) refers, except those listed in subrule (2), must ensure that the ship complies with the design, construction and equipment requirements of the IGF Code."

15 New Footnote
At the bottom of the page that subrule 40B.28A(1)(b) ends, insert the following footnote:

"2 Refer IMO circular MSC.1/Circ.1562 for information."

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

16 42A.2 Definitions
In rule 42A.2—

16.1 In the definition of "approved servicing station", replace "in relations to inflatable liferafts, inflated rescue boats and hydrostatic release units," with "in relation to inflatable liferafts, inflated rescue boats, hydrostatic release units, and marine evacuation systems," and

16.2 after the definition of "life saving appliance", insert the following definition:

"marine evacuation system means an appliance for the rapid transfer of persons from the embarkation deck of a ship to a floating survival craft.".

17 42A.39A (New Rule)
After rule 42A.39, insert the following rule 42A.39A:

"42A.39A Servicing of marine evacuation system

(1) The owner and the master of a ship must ensure that each marine evacuation system applicable to the ship is serviced—

(a) at intervals of not more than twelve months, except as may be provided for in rule 42A.39A(2); and

(b) at an approved servicing station.

(2) The Director or a surveyor may extend the servicing interval to not more than 17 months, if the Director or surveyor is satisfied that the extension is reasonable—

(a) because there is no approved servicing station in the vicinity of the ship's location; or

(b) to coincide with a periodic survey or inspection."

Part 46: Surveys, Certification and Maintenance

18 Rule 46.2: Definitions
In rule 46.2, in the appropriate order, insert the following definitions:

"Antarctic area means the sea area south of latitude 60° S:

Arctic waters means those waters which are located north of a line from the latitude 58°00' 0 N and longitude 042°00' 0 W to latitude 64°37' 0 N, longitude 035°27' 0 W and thence by a rhumb line to latitude 67°03' 9 N, longitude 026°33' 4 W and thence by a rhumb line to the latitude 70°49' 56 N and longitude 008°59' 61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31' 6 N and 019°01' 0 E by the Island of Bjørnøya, and thence by a great circle
line to the latitude 68°38’.29 N and longitude 043°23’.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il‘pyrskiy and following the 60th North parallel eastward as far as and including Etoilin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37’.1 W and thence to the latitude 58°00’.0 N, longitude 042°00’.0 W.

**domestic voyage** means a voyage by ship that is not an international voyage.

**Polar Code** means the safety-related provisions in the Introduction, and all of Part I-A, of the International Code for Ships Operating in Polar Waters adopted by the International Maritime Organization:

**Polar Ship Certificate** means a maritime document issued under Part V of the Act in accordance with rule 46.13(7C):

**Polar Ship Document of Compliance** means a maritime document issued under Part V of the Act in accordance with rule 46.14(11):

**polar waters** means any of the following:

(a) Arctic waters:

(b) the Antarctic area.”.

19 **Rule 46.3: Application of section 1**

In rule 46.3, after subrule (3), insert the following subrule (4):

”(4) Regardless of the limits of the application specified in SOLAS, the requirements and standards in SOLAS apply, to the extent specified in this Part, to a ship to which subrule (1) or (2) applies, including to a ship on a domestic voyage, and to the owner and the master of the ship.”.

20 **Rule 46.10B: (New Rule)**

After rule 46.10, insert the following rule 46.10B:

“46.10B Surveys of ships in polar waters

The owner of a ship described in rule 46.3(1), where that ship operates in polar waters, must ensure that, in addition to the surveys required by rules 46.6 to 46.11 inclusive, a surveyor has completed a survey to verify the ship complies with the additional safety measures required under Chapter XIV of SOLAS for ships in polar waters.”.

21 **Rule 46.13: SOLAS certificates**

In rule 46.13—

21.1 after subrule (7B), insert the following subrules (7C) and (7D)—

”(7C) The Director, or an authorised person, must issue a maritime document called a Polar Ship Certificate to a SOLAS ship, in accordance with section 41 of the Act, if—

(a) verification that the ship complies with the additional safety measures required under Chapter XIV of SOLAS for ships in polar waters is determined in accordance with rule 46.10B; and

(b) the owner of the ship has made an application in accordance with section 35 of the Act.

(7D) The Polar Ship Certificate referred to in subrule (7C) must be in the form prescribed under Chapter XIV of SOLAS and must not be issued for a period beyond the expiry date of—

(a) for a passenger ship, the existing Passenger Ship Safety Certificate; and
(b) for a non-passenger ship, the existing Cargo Ship Safety Certificate."; and

21.2 in subrule (12), replace "and 46.13(7)" with "46.13(7), and 46.13(7C)"; and

21.3 in subrule (14), replace "or 46.13(7)" with "46.13(7), or 46.13(7C)"; and

21.4 at the end of subrule (15)(h), replace the full-stop "," with ";" and; and

21.5 after subrule (15)(h), insert subrule (15)(i) as follows:

"(i) in the case of a ship in polar waters, a valid Polar Ship Certificate in accordance with Chapter XIV of SOLAS.".

22 Rule 46.14: Certificates for ships of 45 metres or more in length that proceed beyond restricted limits

In rule 46.14—

22.1 below the heading, immediately above subrule (1), insert the following subheading:

"New Zealand Ship Safety Certificate"; and

22.2 immediately above subrule (7), insert the following subheading:

"New Zealand Document of Compliance"; and

22.3 after subrule (9), insert the following subheading and subrules:

"Polar Ship Document of Compliance"

(10) The owner of a ship to which this section applies that is not a SOLAS ship must not operate that ship in polar waters without holding a valid Polar Ship Document of Compliance in respect of the ship.

(11) The Director, or an authorised person, must issue a maritime document called a Polar Ship Document of Compliance in respect of a ship to which this section applies, that is not a SOLAS ship, in accordance with section 41 of the Act, if—

(a) verification that the ship complies with the additional safety measures required under Chapter XIV of SOLAS for ships in polar waters is determined in accordance with rule 46.10B, as if that ship is a SOLAS ship; and

(b) the owner of the ship has made an application in accordance with section 35 of the Act.

(12) The Polar Ship Document of Compliance referred to in subrule (11) must not be issued for a period beyond the expiry date of the New Zealand Ship Safety Certificate for that ship referred to in subrule (2)."

23 Rule 46.27: Port State control

In rule 46.27, after subrule (1)(a)(iii)(dd), insert the following subrule (1)(a)(iii)(ee):

"(ee) if the ship has arrived at the port or offshore terminal from, or is destined for, a voyage in polar waters, a Polar Ship Certificate issued in accordance with Chapter XIV of SOLAS; and".

Summary of submissions

The proposed Maritime and Marine Protection Rules Various Amendments [Changes Related to Conventions] 2017 were consulted between 18 May 2017 and 22 June 2017. One submission was received in relation to the proposed rules, supporting the proposal. The Maritime Rules Various Amendments [Changes Related to Conventions] 2017 is the result of that consultation in respect of those rules proposed relating to maritime rules.