



Ministry of **Transport**  
TE MANATŪ WAKA

## Maritime Transport Act 1994

### Maritime Rules

#### Part 40D: Amendment 2012

Pursuant to section 36 of the Maritime Transport Act 1994, I, Maurice Williamson, Acting Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This **3** day of *July* 2012

By HON MAURICE WILLIAMSON

Acting Minister of Transport



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## **Part objective**

Maritime Rule Part 40D prescribes the requirements for the design, construction and equipment of New Zealand fishing ships registered under the Fisheries Act 1996.

The purpose of the proposed amendments is to implement changes to Part 40D suggested by an industry and Maritime New Zealand working group. The working group proposed a number of amendments based on the findings of an independent contractor who inspected a number of fishing vessels between 6 and 24 metres for compliance with Part 40D. That report made a number of recommendations for changes to Part 40D which were considered by the working group.

The amendment also updates and deletes some references to legislation or standards in the rules, for example, by deleting references to section 57 of the Fisheries Act 1983 which have been repealed.

The authority for making Part 40D is found in sections 36(1)(a), 36(1)(b), 36(1)(c), 36(1)(f), 36(1)(j), 36(1)(k), 36(1)(p), 36(1)(t), 36(1)(v), 36(1)(w) of the Maritime Transport Act 1994.

### *Rules subject to Regulations (Disallowance) Act 1989*

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 1989.

## **Extent of consultation**

On 28 October 2010, a notice was published in the *New Zealand Gazette* inviting comments on the proposed Part 40D amendments. A notice was published in each of the daily newspapers in the four main centres of New Zealand on 30 October 2010. Copies of the proposed amendment and the invitation to comment were sent to interested parties and made publicly available on the MNZ website. Comments on the proposed amendment were requested to be made by 17 December 2010.

Six submissions were received. All submissions were reviewed and amendments made to the draft rules as appropriate.

## **Entry into force**

These rules come into force on 2 August 2012.

**1. Rule 40D.2 Definitions**

Rule 40D.2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**competent person** means a person who in relation to a ship's lifting appliances and loose cargo gear is authorised by—

- (a) the manufacturer of that equipment; or
- (b) a classification society in pursuance of a scheme of classification or certification of such equipment; or
- (c) a testing establishment recognised by—
  - (i) for a New Zealand ship or a foreign ship, the Director; and
  - (ii) for a foreign ship, the Flag State Administration; or
- (d) an international or national inspection agency approved by—
  - (i) for a New Zealand ship or a foreign ship, the Director; or
  - (ii) for a foreign ship, the Flag State Administration; or
- (e) a Flag State Administration,

to carry out any testing, thorough examination and issue of certificates of test required by this Part:”

“**Flag State Administration** means the Government of the State under whose authority a ship is operating, or the Government of the State whose flag the ship is entitled to fly:”

“**National Standard for Commercial Vessels** means the National Standard for Commercial Vessels published by the Australian Transport Council:”

**2. Rule 40D.3 Application and compliance**

Rule 40D.3 is amended by—

- (a) omitting from subrule (1) the expression "40D.3(5)", and substituting the expression "40D.3(4)"; and
- (b) omitting from subrule (1)(a) the words “section 57 of the Fisheries Act 1983 or”; and
- (c) revoking subrule (1)(a)(ii); and
- (d) omitting from subrule (1)(b)(i) and (c)(i) the words “section 57 of the Fisheries Act 1983 or”; and
- (e) revoking subrule (4), and substituting the following subrule:

“(4) This Part does not apply where a permit has been issued under section 91 of the Fisheries Act 1996 to the owner of a ship, and the ship is being used for eel fishing only.”

**3. Rule 40D.8 Survey**

Rule 40D.8 is revoked and the following rule substituted:

“**40D.8 Survey**

- (1) A surveyor must not issue a certificate for the purposes of rules 21.13(2)(a), 21.13(11), or 21.13(19)(a) or, subject to the Director's power to prescribe the extent of survey in those provisions, report a satisfactory survey for the purposes of rule 46.28(1) unless the surveyor is satisfied that the ship—
  - (a) has had its design approved in accordance with rule 40D.7; and
  - (b) complies with the relevant rules in Maritime Rules Parts 20 to 23, 25, 31C, 32, 34, 40D, 41, 42A, 42B, 43, 45, 46, 48, 50, and 91 and Marine Protection Rules Parts 103, 120, 121B, 122, 123A, 123B, 130A, 150, 160, and 170; and
  - (c) is fit for its intended service and intended operating limits.
- (2) The owner and the master of a ship must ensure that after the survey that takes into account those matters prescribed in subrule (1), no changes are made in the

structure, equipment, arrangements, material, or scantlings covered by those matters without the approval of a surveyor.”

**4. Rule 40D.9 Ships of 12 metres or more in length**

(1) Rule 40D.9(2) is revoked and substituted with the following subrule:

- “(2) A new ship of 12 metres or more in length complies with subrule (1)(b) if—
- (a) the ship was constructed under survey and has been certified as being constructed in accordance with hull or full certification standards for the ship's operating limits, by any one of the following classification societies:
    - (i) American Bureau of Shipping;
    - (ii) Bureau Veritas;
    - (iii) Det Norske Veritas;
    - (iv) Germanischer Lloyd;
    - (v) Lloyd's Register of Shipping;
    - (vi) Nippon Kaiji Kyokai; or
  - (b) the ship was constructed under survey, and—
    - (i) has been certified by a marine safety authority of one of the States or Territories of Australia as complying with the design and construction requirements, that applied as at the vessel's date of build, of either the—
      - (aa) Uniform Shipping Laws Code; or—
      - (bb) National Standard for Commercial Vessels; and
    - (ii) the Director considers the operating limits stated in the certificate are equivalent to the ship's operating limits in New Zealand; or
  - (c) the ship—
    - (i) has undergone design approval in accordance with rule 40D.7; and
    - (ii) has undergone a structural survey by a surveyor recognised by the Director for that purpose under rule 46.29; and
    - (iii) is fit for its intended purpose to the satisfaction of a surveyor.”

(2) Rule 40D.9(4) is amended by omitting the words “be of adequate structural strength”, and substituting the words “comply with subrule (1)(b)”.

**5. Rule 40D.11 Watertight bulkheads**

(1) Rule 40D.11(3) is revoked and substituted with the following subrule:

- “(3) The position of the collision bulkhead, required by rule 40D.11(1), measured aft of the foreside of the stem at the design waterline must be—
- (a) to the satisfaction of the surveyor for any existing ships and ships constructed or converted into a fishing ship to which Part 40D applies before 2 August 2012; or
  - (b) between the limits given in Table 1 for ships for which construction commences or which is converted into a fishing ship to which Part 40D applies on or after 2 August 2012.

(2) Table 1 in Rule 40D.11 is amended by omitting Table 1, and substituting the following table:

**Table 1**

Ship Length (L) (metres)	Minimum (metres)	Maximum (metres)
Less than 24	0.05L	0.15L
24–45	0.05L	0.05L + 1.35
45 or more	0.05L	0.08L

**6. Rule 40D.12 Watertight doors**

- (1) Rule 40D.12(1) is amended by omitting the words "unless hinged type doors are used", and substituting the words "or hinged type".
- (2) Rule 40D.12(5) is amended by inserting the word "watertight" after the word "sliding".

**7. Rule 40D.13 Weathertight doors**

Table 2 in rule 40D.13 is amended by omitting the last row, and substituting the following:

less than 12 metres and constructed or converted into a fishing ship to which Part 40D applies before 2 August 2012	150 mm	Nil
less than 12 metres and for which construction commences or which is converted into a fishing ship to which Part 40D applies on or after 2 August 2012	300 mm	Nil

**8. Rule 40D.14 Hatchway openings and covers**

- (a) The heading to rule 40D.14 and the rule are revoked, and substituted with the following:

**"40D.14 Hatchway openings and covers and other deck openings**

- (1) All hatchway openings—
  - (a) must be provided with covers; and
  - (b) if intended to be open during fishing operations, must be arranged near to the ship's centreline, except where other hatch positions are approved by the surveyor.
- (2) On a ship of 24 metres or more in length, metal covers must—
  - (a) be fitted with clamping devices and gaskets sufficient to ensure weathertightness; and
  - (b) have their strength calculated for the following loads:
    - (i) 10.0 kN/m<sup>2</sup> for ships of 24 metres in length; and
    - (ii) 17.0 kN/m<sup>2</sup> for ships of 100 metres or more in length.

For lengths of more than 24 metres and less than 100 metres, the load values must be determined by interpolation.

The surveyor may permit reduced loads of not less than 75% of the above values for covers to hatchways situated on the superstructure deck in a position abaft a point located 0.25L from the forward perpendicular. If the cover is subject to a cargo load greater than that given above, this must be used in the calculation. For mild steel covers, the maximum stress calculated from the above loading and multiplied by 4.25 is not to exceed the minimum ultimate strength of the mild steel. Also the deflections must not be greater than 0.0028 times the span. Covers made of other metals must be of equivalent strength to those of mild steel and must have sufficient stiffness to ensure weathertightness under the loads specified above.

- (3) On a ship of less than 24 metres in length, every metal cover must be—
  - (a) fitted and secured weathertight to the satisfaction of the surveyor with hinges, clamping devices, and gaskets if it is—
    - (i) 600 mm x 600 mm or over; or

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- (ii) 600 mm diameter or over and is not a flush hatch; and
  - (b) secured weathertight to the satisfaction of the surveyor if it is—
    - (i) less than 600 mm x 600 mm; or
    - (ii) less than 600 mm in diameter and is not a flush hatch; and
  - (c) of a strength that is satisfactory to the surveyor.
- (4) Non-metal covers—
- (a) must not be used on any ship of 24 metres or more in length; and
  - (b) where fitted on any ship of less than 24 metres in length, must be of adequate strength and secured weathertight to the satisfaction of the surveyor.
- (5) The height above deck of hatchway coamings must be as given in Table 3.

**Table 3**

<b>Ship length</b>	<b>Minimum height of coaming on working deck</b>	<b>Minimum height of coaming on superstructure deck</b>
24 metres or more	600 mm	300 mm
Ships of 12 metres or more in length but less than 24 metres in length for which construction commences or which is converted into a fishing ship to which Part 40D applies on or after 2 August 2012	300 mm	300 mm
12 metres or more but less than 24 metres, and less than 12 metres for ships for which construction commences or which is converted into a fishing ship to which Part 40D applies on or after 2 August 2012	300 mm	150 mm*
Less than 12 metres for existing ships and ships constructed or converted into a fishing ship to which Part 40D applies before 2 August 2012	150 mm	Nil

Where operating experience has shown justification, and on approval by the surveyor, and where the covers are other than wood, the height of coamings may be reduced, or the coamings omitted entirely, provided that the safety of the ship is not thereby impaired. In such cases, the hatchway opening must be kept as small as practicable and the covers permanently attached by hinges or equivalent means. The covers must be capable of being rapidly closed, and battened down or otherwise secured by arrangements that are acceptable to the surveyor.

- (6) If a manhole, flush deck scuttle or hatch in the deck is required to be fitted in relation to a fishing operation, the manhole, flush deck scuttle or hatch must—
- (a) be of the screw, bayonet, or equivalent type; and
  - (b) be capable of being closed watertight; and
  - (c) in the case of a hatch, have a cover that can be permanently attached to an adjacent structure.

- (7) Every opening in the working or superstructure deck must be protected by an enclosed structure fitted with one or more weathertight doors or devices equivalent to weathertight doors, unless the opening is a hatchway, machinery space opening, manhole, or flush deck scuttle.
- (8) Every companionway must be situated—
  - (a) as close as practicable to the centreline of the ship; and
  - (b) to comply with the applicable stability requirements in rules 40D.33 and 40D.34.
- (9) Every hinged cover of a hatchway or other opening must be protected against accidental closure by a positive securing device.
- (10) The owner of a fishing ship must ensure that—
  - (a) every escape hatch must be capable of being opened from each side of its cover; and
  - (b) every hinged escape hatch cover must be protected against accidental closing; and
  - (c) every heavy cover on an escape hatch must be fitted with appropriate counterweights; and
  - (d) the dimensions and location of escape hatches must be to the satisfaction of the surveyor; and
  - (e) if deemed necessary by a surveyor, hand holds or other aids must be fitted to enable effective use of the escape hatch.”

- (b) inserting after the word “covers” in (1)(a) the following footnote:

“Normally hinged covers of hatches on open decks should be arranged with the hinges on the aft side if the hatch is aft of amidships, and on the forward side if the hatch is forward of amidships”

- (c) inserting at the end of subrule 3(c) the following footnote:

“See the Advisory Circular for information about the strength of hatch covers.”

**9. Rule 40D.15 Machinery space openings**

Rule 40D.15 is amended by omitting from subrule (2) the words “to protect them from the elements likely to be experienced in service”, and substituting the words “that is secured weathertight”.

**10. Rule 40D.16 Other deck openings**

Rule 40D.16 is revoked.

**11. Rule 40D.17 Ventilators**

Rule 40D.17 is amended by—

- (a) inserting before subrule (1) the following subrule:

“(A1) A ventilator opening must not be located below the working deck or in the side of the hull.”

- (b) revoking subrule (3); and

- (c) inserting the words “for existing ships and ships constructed or converted into a fishing ship to which Part 40D applies before 2 August 2012” after “less than 24 metres” in the third row of the first column of Table 5; and

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(d) adding the following row to Table 5:

less than 24 metres for which construction commences or which is converted into a fishing ship to which Part 40D applies on or after 2 August 2012	As high as practicable	On or above the level of the ship's bulwark, if fitted
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(e) inserting after subrule (5) the following subrule:

“(6) Every ship must have a means of closing off the air to every engine room vent.”

(f) inserting at the end of subrule (6) the following footnote:

“See the Advisory Circular for acceptable means of closing off the air to engine room vents.”

**12. Rule 40D.20 Portlights and windows**

Rule 40D.20(4)(a) is amended by inserting after the word “surveyor;” the following footnote:

“See ISO 12216:2002 Small Craft – Windows, portlights, hatches, deadlights and doors or NZS 5238:1986 Specification for ships' windows and rule 40D.69 (Navigating bridge visibility).”

**13. Rule 40D.21 Inlets, discharges and sea water piping**

Rule 40D.21 is amended by—

- (a) omitting from subrule (5) the word “ductile”;
- (b) omitting from subrule (6)(a) the words “that is constructed of non-metallic materials;”;
- (c) omitting from subrule (7)(d) the words “for reinforced synthetic rubber piping;”;
- (d) adding the following subrules:

“(8) Flammable material must not be used for inlet, discharge, or sea water piping in engine room spaces.

“(9) In a ship of less than 24 metres in length, non-metallic inlet and discharge valves attached to the shell and below the waterline must be protected against potential impact damage.

“(10) Engine exhaust outlets that penetrate the hull below the deck must be provided with an efficient means to prevent backflooding into the hull through the exhaust system.

“(11) The materials used in the piping system and their connection to the ship must be metallurgically compatible.”

(e) inserting in subrule (8) the following footnote after the word “material”:

“See the Advisory Circular for examples of such flammable material.”

**14. Rule 40D.22 Bulwarks and guardrails**

Rule 40D.22 is amended by inserting—

- (a) at the end of subrule (1) the words “except as provided in subrule (1A)”;
- (b) after subrule (1) the following subrule:

“(1A) If a bulwark or guardrail will impede the safe navigation of the ship, other means of protecting the safety of the crew may be used.”

(c) at the end of subrule (1A) the following footnote:

“See the Advisory Circular for examples of other means of protecting the crew.”

(d) the following subrule:

“(7) Every fishing ship, other than a stern trawler, that has an opening between bulwarks must be provided with adequate protection for the crew from falling overboard, to the satisfaction of the surveyor.”

**15. Rule 40D.23 Water freeing arrangements**

Rule 40D.23 is amended by omitting the letter "k" from the fourth line of subrule (1)(a), and substituting the letter "K".

**16. Rule 40D.27 Fuel systems**

Rule 40D.27 is amended by—

(a) inserting after subrule (4) the following subrule:

“(4A) Gauges made of glass or plastic to the satisfaction of the surveyor and protected with a metal case may be used to ascertain the amount of fuel oil contained in a fuel tank, provided that automatic closing valves are fitted.”

(b) omitting the first sentence of subrule (5), and substituting the following:

"A shut-off valve or cock must be fitted directly onto each oil fuel tank outlet line where it attaches to the fuel tank."

**17. Rule 40D.28 Bilge pumping arrangements**

Rule 40D.28 is revoked and the following rule substituted:

**“40D.28 Bilge pumping arrangements**

- (1) Except as provided for in subrules (2) and (3), every ship must have a bilge pumping system that, under all practical conditions and regardless of whether the ship is upright or listed, is capable of efficiently pumping and draining any watertight compartment, other than a permanent oil or water tank, to a standard that is satisfactory to a surveyor.
- (2) With the approval of the surveyor, each watertight compartment of less than 7% of the total under deck volume may be drained into an adjacent compartment by means of a self-closing valve or cock that must be—
  - (a) fitted outside the compartment being drained; and
  - (b) operable from a readily accessible position.
- (3) Every ship of less than 12 metres in length having one or more watertight compartments filled with a buoyancy material approved by a surveyor is not required to have bilge pumping arrangements from those compartments.
- (4) If the ship is 24 metres or more in length, the bilge system must be provided with a bilge distribution box located in an accessible position and the valves in that bilge distribution box must be of a non-return type.
- (5) In a ship where fish handling or processing may cause quantities of water to accumulate in enclosed spaces, adequate drainage must be provided.”

**18. New rules 40D.28A to 40D.28C**

The following rules are inserted after rule 40D.28:

**“40D.28A Bilge pumps**

- (1) In ships of less than 24 metres in length, the surveyor may permit at least one fixed heavy duty electrically driven submersible pump to be fitted in an individual watertight compartment instead of a piped suction.

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- (2) If such a pump is fitted, the surveyor must be satisfied that the following standards are met:
  - (a) the pump's capacity in an individual watertight compartment must be at least eight metres<sup>3</sup>/hour, unless more than one such pump is fitted in the compartment, in which case the combined capacity of the pumps must be at least eight metres<sup>3</sup>/hour; and
  - (b) the compartment must have at least one other means of bilge suction that is not a heavy duty electrically driven submersible bilge pump, if the compartment is the main machinery space; and
  - (c) the pump must be fitted with a float switch that—
    - (i) automatically operates the audible alarm required by rule 40D.28C(1); and
    - (ii) is protected from being jammed by bilge debris; and
  - (d) the pump must be accessible for inspection, removal, or maintenance without the removal of permanent ship structure; and
  - (e) the pump must comply with the International Standard *ISO 8849:1990 Small Craft – Electrically operated bilge pumps* or an equivalent standard, if it is rated for 12V, 24V or 32V DC; and
  - (f) the ship must have two sources of electrical supply which are capable of running the pump in any one compartment for 12 hours; and
  - (g) the compartment must be provided with emergency bilge pumping arrangements, such as a portable submersible self-priming pump of eight metres<sup>3</sup>/hour that is stowed with its hoses in a readily accessible location, unless—
    - (i) more than one pump is fitted in the compartment; or
    - (ii) the compartment is the main machinery space; or
    - (iii) the ship is less than 12 metres in length; and
  - (h) the discharge piping arrangements must be provided with at least two automatic non-return devices fitted between the watertight compartment and the overboard discharge, and, in particular, one of the devices—
    - (i) must be an automatic valve situated at or near the shell; and
    - (ii) may be a pipe-work loop taken up to the highest practical point below the weather tight deck.

### 40D.28B Bilge piping

- (1) Bilge and ballast pumping systems must be arranged so as to prevent water passing from the sea or from water ballast spaces into holds or machinery spaces, or from one watertight compartment to another.
- (2) The bilge connection to a pump that draws from the sea or from water ballast spaces must be fitted with a non-return valve, or a cock that cannot be opened simultaneously, to either—
  - (a) the bilges and the sea; or
  - (b) the bilges and the water ballast spaces.
- (3) All manually operated bilge valves must be readily accessible.
- (4) A strum box or strainer must be provided if the surveyor considers it necessary to protect the bilge suction line from obstruction.
- (5) Strum box or strainer holes must not be greater than 10 mm in diameter and the aggregate area of the holes must be at least twice the area of the suction pipe.
- (6) Bilge pipes must not be led through oil fuel, ballast or double bottom tanks, unless these pipes are of heavy gauge metal construction.

**40D.28C Bilge alarm**

- (1) A ship that has inboard propulsion machinery and through hull fittings, not including an open or partially decked ship, must be fitted with a bilge level device that is connected to an audible alarm located near the steering position.
- (2) The power supply for the audible alarm must be available at all times persons are on board the ship.
- (3) A ship fitted with an automatic submersible bilge pump in accordance with rule 40D.28A(1) must have a visual alarm at the steering position to indicate the pump is running.'

**19. Rule 40D.29 Refrigeration systems for the preservation of the catch**

Rule 40D.29 is amended as follows:

- (a) by inserting in subrule (3) the words "on a ship of 24 metres or more in length" after the words "refrigeration system";
- (b) by inserting after subrule (4) the following subrule:

- "(5) Where any refrigerant harmful to persons is used in a refrigerant system on a ship of less than 24 metres in length, the operator must ensure that—
- (a) a breathing apparatus; or
  - (b) an emergency escape breathing device,

of a type approved by the Director is located in a position not likely to become inaccessible in the event of contamination by leaking refrigerant, if there is a risk that a person may become trapped in a space containing refrigeration equipment."

**20. Rule 40D.30 General**

Rule 40D.30 is revoked and the following rule substituted:

**"40D.30 General**

A ship must be fitted with a permanently installed electrical system that—

- (a) is not hazardous to crew; and
- (b) is convenient to operate; and
- (c) provides a high degree of reliability; and
- (d) minimises the risk of fire."

**21. Rule 40D.30A Design**

Rule 40D.30A(1) is amended by omitting the words "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—", and substituting the following:

"Before a ship is built, or undergoes major alteration or major modification of its electrical system, the owner must ensure that—".

**22. Rule 40D.30B Workmanship and materials**

Rule 40D.30B is amended as follows:

- (a) by revoking the heading, and substituting the words "**Installation and materials**"; and
- (b) by revoking rule 40D.30B(2), and substituting the following:

- "(2) The owner must ensure that all electrical equipment is marked or identified in accordance with the relevant electrical systems standard referred to in rule 40D.30C.

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- (3) The owner must ensure that any markings on electrical equipment are consistent with the terminology used in the owner's manual supplied in accordance with rule 40D.30E.
- (4) A surveyor must be satisfied that the location of the electrical equipment, switchboards, and conductors will not expose them to water, oil, heat, or other environmental conditions."

### **23. Rule 40D.30C Electrical systems**

- (a) Rule 40D.30C is amended by omitting subrules (1)(a), (b), and (c) and substituting the following rules:
  - "(a) AS/NZS 3004.2:2008 *Electrical installations – Marinas and Recreational Boats*;  
or
  - (b) if the electrical system operates on three phase alternating current, the relevant IEC 60092 standard – *Electrical installation in ships*."
- (b) Rule 40D.30C is amended by omitting "; or" from subrule (2)(b) and substituting ".".
- (c) Rule 40D.30C is amended by deleting subrule (2)(c).

### **24. Rule 40D.30D Marking and documentation**

Rule 40D.30D is revoked.

### **25. Rule 40D.30E Documentation**

The following rules are inserted:

#### **"40D.30E Documentation**

- (1) The owner and master of a ship of more than 12 metres in length for which construction commences or which is converted into a fishing ship to which Part 40D applies on or after 2 August 2012, must ensure a manual containing the information set out in subrules (2) and (3) is kept on board the ship and readily accessible at all times.
- (2) The manual must include the following information:
  - (a) diagrams identifying the electrical circuits of the ship with the locations of electrical devices in the ship and identification of conductors by colour or other means;
  - (b) the location and a description of the functions of electrical controls, dials, switches, fuses, and circuit-breakers installed on the panel-board;
  - (c) instructions for operating and maintaining the electrical system.
- (3) The manual must include the following warning instructions:
  - (a) never work on the electrical installation while the electrical system is energized;  
and
  - (b) never modify the craft's electrical systems or relevant drawings; and
  - (c) never use the electrical system if the shore power reverse polarity indicator is activated; and
  - (d) never alter or modify the rated current amperage of overcurrent protective devices; and
  - (e) never install or replace electrical appliances or devices with components exceeding the rated current amperage of the circuit; and
  - (f) never leave the craft unattended with the electrical system energized except battery chargers, automatic bilge-pumps, fire protection and alarm circuits."

### **26. Rule 40D.31 Batteries**

Rule 40D.31 is revoked and the following rule substituted:

**“40D.31 Batteries**

- (1) When the sole means of starting the propulsion engine is by battery, there must be an alternative battery available of equal voltage and capacity that can be directly connected on its own to the starter motor via a change-over switch.
- (2) Each battery bank must have a means of charging.
- (3) Every ship battery must be—
  - (a) stowed in an acid proof box; and
  - (b) adequately covered to prevent damage; and
  - (c) adequately ventilated to prevent the accumulation of gas.”

**27. Rule 40D.32C Tests and trials**

Rule 40D.32C is revoked and the following rule substituted:

**“40D.32C Inspections and tests of electrical systems**

A ship’s electrical system must be inspected and tested to the satisfaction of the surveyor in accordance with the requirements of one of the standards referred to in rule 40D.30C before the system is put into service—

- (a) for the first time; and
- (b) following any major alteration, major modification, or repair.”

**28. Rule 40D.34 Ships of less than 24 metres in length**

Rule 40D.34 is amended by revoking subrule (5)(b), and substituting the following subrule:

“(b) kept by the owner on board the ship and be readily available at all times; and”

**29. Rule 40D.35 Freeboard**

(1) Rule 40D.35 is revoked and the following rule substituted:

**“40D.35 Freeboard**

- (1) The surveyor must be satisfied that the bow height of any ship to which rules 40D.33 and 40D.34 apply is sufficient to prevent the excessive shipping of water, taking into account—
  - (a) the seasonal weather conditions; and
  - (b) the sea states in which the ship will operate; and
  - (c) the type of ship; and
  - (d) the mode of operation.
- (2) For any ship to which rules 40D.33 and 40D.34 apply, the following must be approved by the surveyor in accordance with subrule (3):
  - (a) a minimum permissible operating freeboard; and
  - (b) a maximum permissible trim, if applicable.
- (3) A minimum permissible operating freeboard and, if used, a maximum permissible trim, must be—
  - (a) such that in the associated operating condition, the stability criteria of rule 40D.33(4) are satisfied in the case of any ship to which rule 40D.33 applies and the stability criteria of rule 40D.34(4) are satisfied in the case of any ship to which rule 40D.34 applies, and the scantling draught is not exceeded; and
  - (b) clearly noted in the stability information required by rules 40D.33(5) and 40D.34(5); and
  - (c) posted up in the wheelhouse, in a prominent position, clearly visible to the master and crew of the ship.

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- (4) Every ship—
  - (a) for which a minimum permissible operating freeboard is approved by a surveyor, must be marked with a freeboard line amidships, port, and starboard; and
  - (b) where a maximum permissible trim by the stern is also approved by the surveyor, must be marked with a freeboard line on the transom or stern of the ship to indicate the maximum permissible submergence of the transom or stern at that position.
- (5) Every freeboard line required under subrule (4)(a) and (b)—
  - (a) must be 300 mm long by 30 mm deep permanently marked and painted light on dark backgrounds or dark on light backgrounds; and
  - (b) at its upper edge, must coincide with the maximum permissible operating draught.
- (6) For any non-decked ship or partially decked ship to which rule 40D.34(9) applies, the freeboard, when loaded with 250M kg, must be—
  - (a) at least 0.5 metres for a ship permitted to operate in the inshore limit; and
  - (b) 0.35 metres for a ship permitted to operate in enclosed waters.
- (7) For any ship fitted with a cockpit and to which rule 40D.34(11) applies, the freeboard measured from the designed waterline for the maximum load to the lowest point of the cockpit sole must be at least 0.2 metres.”

- (2) The following footnote is inserted in subrule (6) after the expression "250M kg":

“Where “M” is defined in rule 40D.34(10)(a).”

### **30. Rule 40D.66 Deck openings**

Rule 40D.66 is revoked.

### **31. Rule 40D.67 Winches and other lifting equipment**

- (1) Rule 40D.67(12) is revoked and the following subrule substituted:

“(12)The owner of a ship must ensure that no lifting appliance or its associated working gear is used in loading or unloading the ship unless—

- (a) it is tested by a competent person before it is brought into service or after it has undergone any substantial repairs; and
- (b) the proof load for such a test is 25% in excess of the safe working load of the lifting appliance; and
- (c) the lifting appliance is clearly and permanently marked with its safe working load for each operating condition; and
- (d) the safe working load is marked on each lifting appliance, to the satisfaction of a competent person, having regard to the design, strength, material of construction, and the proposed use of the lifting appliance.

”

### **32. Rule 40D.75: Existing ships**

Rule 40D.75 is amended by adding the following subrule:

- “(3) The owner of an existing ship must ensure that any new anchor or cable that is provided to the ship complies with rules 40D.70 to 40D.72.”

### **33. Rule 40D.83 Ships of 6 metres or less in length that do not proceed beyond enclosed water limits or more than 2 miles from the New Zealand coast**

- (1) Rule 40D.83 is amended by—
  - (a) omitting from subrule (1) the word “This”, and substituting the words “Except as provided in subrule (4), this”;
  - (b) omitting from subrule (1)(a) the words “section 57 of the Fisheries Act 1983 or”;

**34. Appendix 2, Clause 2.2 Ships of 45 metres or more in length but less than 60 metres in length and ships of 24 metres or more in length but less than 45 metres in length that proceed beyond the coastal limit**

Clause 2.2 of Appendix 2 is amended by omitting the heading, and substituting the following heading:

**“2.2 Ships of 45 metres or more in length but less than 60 metres in length that operate in any operating limits; Ships of 24 metres or more in length but less than 45 metres in length that proceed beyond the coastal limit”**

**35. Appendix 2, Clause 2.3 Ships of less than 24 metres in length and ships of 24 metres or more in length but less than 45 metres in length that do not proceed beyond coastal limits**

Clause 2.3 of Appendix 2 is amended as follows:

(a) by omitting the heading, and substituting the following heading:

**“2.3 Ships of less than 24 metres in length that operate in any operating limits; Ships of 24 metres or more in length but less than 45 metres in length that do not proceed beyond coastal limits”**

(b) in the second row of the second column of the table by inserting in subparagraph (c) of the fourth paragraph the words “complying with rule 42B.62.” after “one fire bucket”

**36. Appendix 5: Code of Practice for boats of 6 metres or less in length that do not proceed beyond enclosed water limits or more than 2 miles from the shore**

Appendix 5 is amended by inserting the following clause:

**“5.9A Magnetic compasses – fishing ships of 6 metres or less in length that do not proceed beyond restricted limits**

The master of a fishing ship of 6 metres or less in length that does not proceed beyond restricted limits must ensure that the ship is provided with a magnetic compass in accordance with rule 45.23.”

**37. Appendix 5, Clause 5.2 Design and construction**

Clause 5.2 of Appendix 5 is amended by omitting the reference to the footnote from the end of subclause 1(c).

**38. Appendix 5, Clause 5.6 Fuel Tanks**

Clause 5.6 of Appendix 5 is amended by—

(a) omitting from subclause (1)(a) the words “by the outboard engine manufacturer”, and substituting the words “in compliance with AS/NZS 2906:2001 Fuel containers—Portable-plastic and metal”;

(b) revoking subclause 2, and substituting the following:

“2. Where a separate fixed-in place petrol tank and associated fuel pipes and fittings are installed—

(a) they must be constructed, tested, and installed to the satisfaction of the authorised person and in accordance with the requirements of subrules 40D.27(4) to (9); and

(b) if the accumulation of hydrocarbon vapours is possible and a source of ignition may be present,—

(i) a safe detector of hydrocarbon gas must be fitted under or adjacent to the tank; and

(ii) there must be adequately ventilated space around the tank; and

(c) the authorised person must be satisfied upon inspection that there are no leaks.”

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(c) by adding the following subclause:

“3. The hoses and fittings on fuel tanks must be constructed, tested, and installed to the satisfaction of an authorised person.”

### **39. Appendix 5, Clause 5.7 Electrical arrangements**

(1) Clause 5.7 of Appendix 5 is amended by omitting the reference to the footnote from the end of the first sentence in subclause 3.

(2) Clause 5.7 of Appendix 5 is amended by adding the following subclause:

“4. Batteries must be provided with an isolation switch.”

### **40. Appendix 5, Clause 5.8, Safety equipment**

Clause 5.8 of Appendix 5 is amended by—

- (a) omitting from subclause 1(c) the words "either rule 42A.12 or 42A.13 or 42A.14", and substituting the expression "rule 42A.19 or 42A.20":
- (b) omitting from subclause 1(d) the words “a distress sheet and flare kit, unless there is carried—”, and substituting the words, “two means of communicating with persons on shore which may include, but are not limited to, a distress sheet, mobile phone, parachute flares, or buoyant smoke flares, as approved by an authorised person, unless there is carried—”:
- (c) by omitting from subclause 2(a)(i) the expression "42A.12", and substituting the expression "42A.19":
- (d) by omitting from subclause 2(a)(ii) the expression "42A.13", and substituting the expression "42A.20":
- (e) by omitting from subclause 2(a)(iii) the words "a wetsuit that complies with rule 42A.14,", and substituting the words "a full body wetsuit".