

DISALLOWABLE INSTRUMENT



Maritime Transport Act 1994

Marine Protection Rules

Marine Protection Rules Various IMO-related Amendments 2015

Pursuant to sections 386, 387, and 388 of the Maritime Transport Act 1994 I, Craig Foss, 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 *11th* day of *February* 2015

By Hon CRAIG FOSS



Associate Minister of Transport

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Rule objective

The objective of the Marine Protection Rules Various IMO-related Amendments 2015 is to ensure that the Marine Protection Rules reflect changes to conventions to which New Zealand is a party. As a result changes are being made to Parts 101A, 101B, 121A, 123A, 141, and 142A. The relevant conventions are the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention for Safe Containers (CSC).

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

In November and December 2014, Maritime New Zealand consulted, via its website, with the public on drafts of 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 20 November 2014. The deadline for making a submission was 19 December 2014. One submission was received, the details of which are recorded at the end of this rule.

Entry into force

These rules enter into force on 1 April 2015.

Part 101A: Surveys and Inspections – Oil

1 Rule 101A Definitions

- (a) In rule 101A.2, delete the definition of “authorised organisation”.
- (b) In rule 101A.2, after the definition of “put in service”, insert—

“**recognised organisation** means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization's Code for Recognized Organizations (RO Code), governing the undertaking of particular survey and certification functions by that organisation's employees under the Maritime Transport Act 1994 and the rules.”.
- (c) In rule 101A.2, in the definition of “surveyor”, replace “an authorised” with “a recognised”.

2 Rule 101A.6 Condition after survey

- (a) In the heading in rule 101A.6, replace “Condition” with “Conditions”.
- (b) In rule 101A.6(5)(a), replace “authorised” with “recognised”.
- (c) In rule 101A.6(6), replace “authorised” with “recognised”.

3 Rule 101A.7 Enhanced surveys for oil tankers

- (a) In rule 101A.7(1), replace “rule 121A.10” with “rule 121A.10A or 121A.10B”.
- (b) Replace rule 101A.7(2) with—

“(2) The owner of any oil tanker to which this rule applies must ensure that the oil tanker is subject to an enhanced programme of inspections during renewal, intermediate and annual surveys, the scope and frequency of which must comply with the International Maritime Organization's International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) as amended by that organisation from time to time.”.
- (c) Replace rule 101A.7(4)(b) with—

“(b) the file and condition evaluation report are prepared in a standard format as contained in the International Maritime Organization's International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) as amended by that organisation from time to time.”.

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

4 Rule 101B Definitions

- (a) In rule 101B.2, delete the definition of “authorised organisation”.
- (b) In rule 101B.2, after the definition of “put in service”, insert—

“**recognised organisation** means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization's Code for Recognized Organizations (RO Code), governing the undertaking of particular survey and certification functions by that organisation's employees under the Maritime Transport Act 1994 and the rules.”.
- (c) In rule 101B.2, in the definition of “surveyor”, replace “an authorised” with “a recognised”.

5 Rule 101B.6 Conditions after survey

- (a) In rule 101B.6(5)(a), replace “authorised” with “recognised”.
- (b) In rule 101B.6(6), replace “authorised” with “recognised”.

Part 121A – Ship Design and Construction – Oil Tankers

6 Rule 121A.2 Definitions

In rule 121A.2, after the definition of “crude oil tanker or carrier”, insert—

“**date of build** means the date on which the keel is laid or on which the ship is at a similar stage of construction or on which a ship undergoes modifications of a major character:”.

7 Rule 121A.17 Subdivision and stability

In rule 121A.17 insert, after rule 121A.17(7), rules 121A.17(8) and (9)—

- “(8) All oil tankers shall be fitted with a stability instrument, capable of verifying compliance with intact and damage stability requirements that is approved by the Director as follows, having regard to the performance standards and guidelines developed by the IMO:
- (a) oil tankers with a date of build before 1 January 2016 shall comply with this subrule (8) at the first scheduled renewal survey of the ship after 1 January 2016 or, if there is no scheduled renewal survey of the ship within 5 years from that date, not later than 1 January 2021:
 - (b) notwithstanding the requirements of subrule (a), a stability instrument fitted on an oil tanker with a date of build before 1 January 2016 need not be replaced provided it is capable of verifying compliance with intact and damage stability requirements, to the satisfaction of the Director:
 - (c) for oil tankers undertaking an international voyage, the Director shall issue a document of approval for the stability instrument.
- (9) The Director may waive the requirements of 121A.17(8) for the following oil tankers if loaded in accordance with the conditions approved by the Director taking into account the guidelines developed by the IMO:
- (a) oil tankers that are on a dedicated service, with a limited number of permutations of loading such that all anticipated conditions have been approved in the stability information provided to the master in accordance with rule 121A.17(7):
 - (b) oil tankers where stability verification is made remotely by a means approved by the Director:
 - (c) oil tankers that are loaded within an approved range of loading conditions:
 - (d) oil tankers with a date of build before 1 January 2016 provided with approved limiting KG/GM curves covering all applicable intact and damage stability requirements.”.

Part 123A: Documents – Oil

8 Rule 123A.2 Definitions

- (a) In rule 123A.2, delete the definition of “authorised organisation”.
- (b) In rule 123A.2, in the definition of “authorised person”, replace “an authorised” with “a recognised”.
- (c) In rule 123A.2, after the definition of “Part”, insert—

“**recognised organisation** means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization's Code for Recognized Organizations (RO Code), governing the undertaking of particular survey and certification functions by that organisation's employees under the Maritime Transport Act 1994 and the rules:”.
- (d) In rule 123A.2, in the definition of “surveyor”, replace “an authorised” with “a recognised”.

Part 141: Ship design, Construction, Equipment and Operation – Noxious Liquid Substances in Bulk

9 Rule 141.5 Ships other than chemical tankers

In the footnote numbered “1”, referred in rule 141.5(2)(b), delete “Assembly resolution A.673(16)”.

10 Rule 141.8 Ships other than chemical tankers

In the footnote numbered “2”, referred in rule 141.8(2)(b), delete “Assembly resolution A.673(16)”.

Part 142A: Documents (Certificates) – noxious liquid substances

11 Rule 142A.2 Definitions

- (a) In rule 142A.2, delete the definition of “authorised organisation”.
- (b) In rule 142A.2, in the definition of “authorised person”, replace “an authorised” with “a recognised”.
- (c) In rule 142A.2, after the definition of “Part”, insert—
“**recognised organisation** means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization's Code for Recognized Organizations (RO Code), governing the undertaking of particular survey and certification functions by that organisation's employees under the Maritime Transport Act 1994 and the rules:”.
- (d) In rule 142A.2, in the definition of “surveyor”, replace “an authorised” with “a recognised”.

Summary of Submissions

This Rule was consulted during November and December 2014. One written submission was made on the draft rules. The submission was from the New Zealand Company of Master Mariners and fully supported the proposed amendments.