



**Maritime Transport Act 1994**

**Maritime Rules**

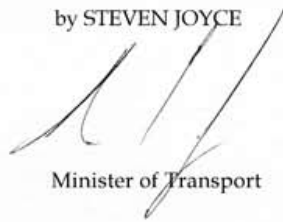
**Maritime (Various Amendments) Rules 2009  
Parts 21 - 80**

Pursuant to sections 386, 387 and 388 of the Maritime Transport Act 1994  
I, Steven Joyce, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

this *27<sup>th</sup>* day of *June* 2009

by STEVEN JOYCE



Minister of Transport

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## **Part Objective**

The objective of the *Maritime (Various Amendments) Rules 2009 – Parts 21-80* is to:

- clarify the intent of particular rules and reflect changes to international conventions to which New Zealand has an obligation to comply
- remove forms currently contained in the maritime rules and incorporates those forms directly from their parent legislation to enable changes in those forms to be adopted more easily into domestic law
- provide definitions for road freight, road livestock and road tank vehicles in Part 24B
- deal with minor administrative errors contained in some rules.

## **Extent of Consultation**

On 8 March 2008, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed marine protection rules. A notice was also published in the *Gazette* on 06 March 2008. The invitation to comment and draft rules were then made available to the public with electronic and hard copies being sent to 225 interested parties. Maritime New Zealand also made the draft available on its website. Comments on the draft rules were requested by 28 April 2008.

No submissions were made on the proposed rules.

## **Rules**

### **1 Title**

These rules are the Maritime (Various Amendments) Rules 2009.

### **2 Commencement**

These rules come into force on the 30<sup>th</sup> of July 2009.

### **3 Principal rules amended**

These rules amend the Maritime Rules.

## **Part 21 (Safe Ship Management Systems)**

### **4 ISM Certificates**

Part 21 is amended as follows:

- (a) For rule 21.7(2)(a) is substituted the following:
  - “(a) must be in the relevant form as shown in the Appendix to the ISM Code; and”.
- (b) For rule 21.7(5)(a) is substituted the following:
  - “(a) must be in the relevant form as shown in the Appendix to the ISM Code; and”.
- (c) For rule 21.7(9)(a) is substituted the following:
  - “(a) must be in the relevant form as shown in the Appendix to the ISM Code; and”.
- (d) For rule 21.7(12)(a) is substituted the following:
  - “(a) must be in the relevant form as shown in the Appendix to the ISM Code; and”.
- (e) Appendices 1, 2, 3 and 4 to Part 21 are revoked.

## Part 22 (Collision Prevention)

### 5 Power driven vessels underway

Part 22 is amended as follows:

- (a) For rule 22.23(3)(b) is substituted the following:
- “(b) The masthead light or all-round white light on a power-driven vessel of less than 12 metres in length may be displaced from the fore and aft centreline of the vessel if—
  - (i) in all the circumstances, a centreline fitting is not practicable; and
  - (ii) the masthead light is offset from the fore and aft centreline to the minimum extent necessary to allow for the safe operation of that vessel.”

## Part 23 (Operating Procedures and Training)

### 6 Distress signals

Part 23 is amended as follows:

- (a) For Appendix 3 to Part 23 is substituted the following:

#### “Appendix 3

1. The following signals, used or exhibited either together or separately, indicate distress and need of assistance:
  - (a) a gun or other explosive signals fired at intervals of about a minute:
  - (b) a continuous sounding with any fog-signalling apparatus:
  - (c) rockets or shells, throwing red stars fired one at a time at short intervals:
  - (d) a signal made by any signalling method consisting of the group ... - - ... (SOS) in the Morse Code:
  - (e) a signal sent by radiotelephony consisting of the spoken word “MAYDAY”:
  - (f) the International Code Signal of distress indicated by N.C.:
  - (g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball:
  - (h) flames on a vessel (as from a burning tar barrel, oil barrel, etc...):
  - (i) a rocket parachute flare or a hand-flare showing a red light:
  - (j) a smoke signal giving off orange-coloured smoke:
  - (k) slowly and repeatedly raising and lowering arms outstretched to each side:

- (l) a distress alert by means of digital selective calling (DSC) transmitted on:
    - (i) VHF channel 70; or
    - (ii) MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz:
  - (m) a ship-to-shore distress alert transmitted by the ship's Recognised Mobile Satellite Service Provider (RMSSP) ship earth station:
  - (n) signals transmitted by emergency position-indicating radio beacons:
  - (o) approved signals transmitted by radio communications systems, including survival craft radar transponders.
2. Attention is drawn to the relevant sections of the International Code of Signals, the International Aeronautical and Maritime Search and Rescue Manual, Volume III and the following signals:
- (a) a piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air):
  - (b) a dye marker.”

## **Part 24B (Carriage of Cargoes – Stowing and Securing)**

### **7 Definitions**

Part 24B is amended as follows:

- (a) Rule 24B.2 is amended by substituting for the word “means” in the definition “**cargo and cargoes**” the word “mean”
- (b) Rule 24B.2 is amended by inserting the following definitions in the appropriate place:

“**road freight vehicle**” means a vehicle designed for the primary purpose of freighting goods by road, but does not include—

- (a) a vehicle having a gross vehicle mass of 3.5 tonnes or less; or
- (b) a caravan, motor home or other similar type vehicle; or
- (c) a road tank vehicle; or
- (d) a road livestock vehicle.

“**road livestock vehicle**” means a vehicle designed for the primary purpose of transporting livestock by road, but does not include —

- (a) a vehicle having a gross vehicle mass of 3.5 tonnes or less; or
- (b) a horse float; or
- (c) a vehicle the purpose of which is the transport of domestic animals.”

“**road tank vehicle**” means a vehicle the design of which incorporates a tank, or tanks, for which the primary purpose is the transport or delivery of gases, liquids or powders in bulk by road, but does not include —

- (a) a fire appliance; or
  - (b) a vehicle having a gross vehicle mass of 3.5 tonnes or less; or
  - (c) a vehicle incorporating a tank, or tanks, that is ancillary to the primary purpose of that vehicle.
- (b) Rule 24B.10(2) is amended by deleting the words “having a gross mass of 3.5 tonnes or more,”.
- (c) Rule 24B.10(3) is amended by deleting the words “having a gross mass of 3.5 tonnes or more,”.

## **Part 32 (Ships Personnel – Qualifications)**

### **8 Headings**

Part 32 is amended as follows:

- (a) **32.19A New Zealand Chief Mate (Yacht)** heading is amended to read “**32.19B New Zealand Chief Mate (Yacht)**”:
- (b) **32.19B New Zealand Master (Yacht less than 500 gross tonnage)** heading is amended to read “**32.19C New Zealand Master (Yacht less than 500 gross tonnage)**”:
- (c) **32.19C New Zealand Master (Yacht)** heading is amended to read “**32.19D New Zealand Master (Yacht)**”.

## **Part 40A (Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships)**

### **9 Certificate of Compliance for Commercial Boats used for Recreational Diving**

Part 40A is amended as follows:

- (a) Clause 18.2(3) of Appendix 8 is revoked.
- (b) Annex 1 to Appendix 8 is revoked.

## **Part 40C (Design, Construction and Equipment – Non-Passenger Ships that are not SOLAS Ships)**

### **10 Weathertight integrity**

Part 40C is amended as follows:

- (a) Rule 40C.19(1)(b) is amended by substituting for the word “are” the word “is”.
- (b) Clause 3.3 of Appendix 3 to Part 40C is amended by changing the words “Appendix 4.3”, in the application provision, to read “Appendix 3.3”.

## **Part 40D (Design, Construction and Equipment – Fishing Ships)**

### **11 Certificate of compliance for commercial fishing boat of not more than 6 metres length)**

Part 40D is amended as follows:

- (a) Clause 5.11(3) of Appendix 5 is revoked.
- (b) Annex 1 to Appendix 5 is revoked.

## **Part 40F (Design, Construction and Equipment – Hovercraft)**

### **12 Rule 40F.8(2) Re-order**

Part 40F is amended as follows:

- (a) Rule 40F.8(2) is amended by re-ordering each paragraph after the first occurrence of (f) to read “(g) to (p)” respectively.

### **13 Permit to operate High-Speed Craft**

Part 40F is amended as follows:

- (a) For rule 40F.16(1)(b) is substituted the following:
  - “(b) a Permit to Operate a High-Speed Craft certifying compliance with the requirements of sub-rule (2).”
- (b) Appendix 2 to Part 40F is revoked.



## **Part 40G (Design, Construction and Equipment – Novel Ships)**

### **14 Certificate of fitness**

Part 40G is amended as follows:

- (a) For rule 40G.6(4) is substituted the following:
  - “(4) A certificate of fitness must be in the form approved by the Director, except that the surveyor may add additional information to the certificate if that information is kept to a minimum and does not detract from or conflict with the required content.”
- (b) Appendix 3 to Part 40G is revoked.

## **Part 46 (Surveys, Certification and Maintenance)**

### **15 Safety Certificates**

Part 46 is amended as follows:

- (a) Rule 46.13(1) is amended by substituting for the words “in the form shown in Appendix 1”, the words:

“in the appropriate form as shown in the Appendix to Part 1 of SOLAS”
- (b) Rule 46.13(2) is amended by substituting for the words “in the form shown in Appendix 2”, the words:

“in the appropriate form as shown in the Appendix to Part 1 of SOLAS”
- (c) Rule 46.13(3) is amended by substituting for the words “in the form shown in Appendix 3”, the words:

“in the appropriate form as shown in the Appendix to Part 1 of SOLAS”
- (d) Rule 46.13(5) is amended by substituting for the words “in the form shown in Appendix 4”, the words:

“in the appropriate form as shown in the Appendix to Part 1 of SOLAS”
- (e) Rule 46.13(6) is amended by substituting for the words “in the relevant form shown in Appendices 1, 2, and 3 respectively”, the words:

“in the relevant form as shown in the Appendix to Part 1 of SOLAS”
- (f) Rule 46.14(2) is amended by revoking the words “in the form shown in Appendix 5”.
- (g) Rule 46.14(4) is amended by revoking the words “in the form shown in Appendix 5”.

- (h) For rule 46.24(2) is substituted the following:
  - “(2) The New Zealand Barge Safety Certificate must be issued for a period not exceeding 5 years.”
- (i) Appendices 1, 2, 3, 4, 5, and 6 to Part 46 are revoked.

## **Part 47 (Load Lines)**

### **16 New Zealand Load Line Certificate / New Zealand Load Line Exemption Certificate**

Part 47 is amended as follows:

- (a) Rule 47.7 is amended by substituting in respect of the definitions of “**New Zealand Load Line Certificate**” and “**New Zealand Load Line Exemption Certificate**” the following:
  - “**New Zealand Load Line Certificate** means a New Zealand Load Line Certificate that has been issued in accordance with rule 47.54(3)(a).”
  - “**New Zealand Load Line Exemption Certificate** means a New Zealand Load Line Exemption Certificate that has been issued in accordance with rule 47.54(3)(b).”
- (b) Rule 47.54(3) is amended by revoking the words “in the form prescribed in Appendix 4”.
- (c) Rule 47.62 is amended by revoking the words, “in the form shown in Appendix 4:” from the definition of “**New Zealand Load Line Certificate**”.
- (d) Rule 47.67(1) is amended by revoking the words “in the form prescribed in Appendix 4”.
- (e) Rule 47.70 is amended by revoking the words, “in the form shown in Appendix 4:” from the definition of **New Zealand Load Line Certificate**.
- (f) Rule 47.75(1) is amended by revoking the words “in the form prescribed in Appendix 4”.
- (g) Appendix 4 to Part 47 is revoked.
- (h) The title of Appendix 6 to Part 47 is amended to read “Appendix 1 Corrections to Freeboard”.
- (i) “Appendix 6” is amended to read “Appendix 1”, wherever that term occurs in Part 47.

## **Part 48 (Tonnage Measurement)**

### **17 International Tonnage Certificate (1969)**

Part 48 is amended as follows:

- (a) Rule 48.12(1) is amended by substituting for the words “in the form shown in Appendix 1”, the words:  
  
“in the form as shown in Annex II of Tonnage Convention.”
- (b) Appendix 2 to Part 48 is revoked.

## **Part 80 (Marine Craft used for Adventure Tourism)**

### **18 Certificates of Compliance**

Part 80 is amended as follows:

- (a) The definition of Certificate of compliance in Rules 80.4 and 80.7 is amended by substituting for paragraph (b) the following:  
  
“(b) in the relevant form approved by the Director.”
- (b) Annex 1 to Appendix 1 and Annex 3 to Appendix 2 are revoked.

## **Consequential Amendments**

### **19 Part 24C**

Rule 24C.2 is amended by substituting for paragraph (f) in the definition of “Owner” the following:

- “(f) for the purposes of the documents referred to in rule 21.7, means the company to which the document relates:”