

Maritime Transport (Class Exemptions — Non-Metallic Piping (Seawater Pipes)) Notice 2022

Pursuant to section 40AA(1)(b) of the Maritime Transport Act 1994, the Director of Maritime New Zealand, being satisfied of the matters set out in section 40AA(2) of that Act, gives the following notice.

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Notice

1. Title

This notice is the Maritime Transport (Class Exemptions — Non-Metallic Piping (Seawater Pipes)) Notice 2022.

2. Commencement

This notice comes into force on 14 December 2022.

3. Interpretation

(1) In this notice, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

IACS means the International Association of Classification Societies

Length, for the purposes of this notice, has the same meaning as that defined in the applicable Maritime Rule Part for each type of ship, as set out in—

- (a) rule 40A.2, for non-SOLAS passenger ships;
- (b) rule 40C.2, for non-SOLAS non-passenger ships; and
- (c) rule 40E.2, for sailing ships

Rules means the following Maritime Rules Parts—

- (a) *Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships*;

(b) *Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships*; and

(c) *Part 40E: Design, Construction and Equipment – Sailing Ships*

- (2) Any term or expression that is defined in the Act or the rules and used, but not defined, in this notice has the same meaning as in the Act or the rules.

4. Exemption for Inlets, Discharges and Seawater Piping for Non-SOLAS Passenger Ships

(1) The class of ship described in subclause (2) is exempt from the requirements specified in rule 40A.35(6)(a) of the Maritime Rules, *Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships*.

(2) The class is any New Zealand ship that is a non-SOLAS passenger ship, of less than 24 metres in length, constructed of metallic materials.

5. Exemption for Inlets, Discharges and Seawater Piping for Non-SOLAS Non-Passenger Ships

(1) The class of ship described in subclause (2) is exempt from the requirements specified in rule 40C.32(6)(a) of the Maritime Rules, *Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships*.

(2) The class is any New Zealand ship that is a non-SOLAS non-passenger ship, of less than 24 metres in length, constructed of metallic materials.

6. Exemption for Inlets, Discharges and Seawater Piping for Sailing Ships

(1) The class of ship described in subclause (2) is exempt from the requirements specified in rule 40E.32(7)(b), of the Maritime Rules, *Part 40E: Design, Construction and Equipment – Sailing Ships*.

(2) The class is any New Zealand ship that is a sailing ship, of less than 24 metres in length, constructed of metallic materials.

7. Conditions of Exemptions

(1) The exemptions in clauses 4, 5 and 6 are granted subject to the conditions set out in subclauses (2), (3) and (4).

(2) Non-metallic piping arrangements that carry seawater must be approved by the attending Maritime New Zealand Recognised Surveyor.

(3) Non-metallic pipes must be located so as to prevent mechanical damage and contact with any hot surface.

(4) Non-metallic pipes must have been tested and certified either:
(a) in accordance with the requirements of Table 1 below, as appropriate; or
(b) by an organisation recognised or accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ).

Table 1

Location	Requirements for pipes made by plastic material	
Within machinery spaces (Category A)	Option 1	Applicable standards published by an IACS member
	Option 2	<i>IMO Resolution A.753(18)</i> and its amendments, including the fire endurance test
Outside machinery spaces (Category A)	Option 1	Applicable standards published by an IACS member
	Option 2	<i>IMO Resolution A.753(18)</i> and its amendments, excluding the fire endurance test
	Option 3	<i>AS/NZS 3518 Standard: Acrylonitrile butadiene styrene (ABS)</i> compounds, piping and fittings for pressure applications

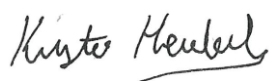
8. Expiry of Exemptions

- (1) The exemption in clause 4 of this notice expires on the sooner of:
 - (a) the date that the exemption in clause 4 is revoked or replaced; or
 - (b) 1 December 2027.

- (2) The exemption in clause 5 of this notice expires on the sooner of:
 - (a) the date that the exemption in clause 5 is revoked or replaced; or
 - (b) 1 December 2027.

- (3) The exemption in clause 6 of this notice expires on the sooner of:
 - (a) the date that the exemption in clause 6 is revoked or replaced; or
 - (b) 1 December 2027.

Dated at Wellington this 7th of December 2022



Kirstie Hewlett
Director
Maritime New Zealand

Statement of Reasons

This notice exempts three separate classes of ship from compliance with certain specified requirements in Maritime Rules Parts 40A, 40C and 40E made under the Maritime Transport Act 1994 (see section 40AA(1)(b) of the MTA).

The exemptions in clauses 4, 5 and 6 of this notice relate to rules 40A.35(6)(a), 40C.32(6)(a), 40E.32(7)(b) respectively. Those rules set minimum requirements for piping used for carrying seawater. The piping must be of marine quality metal unless the ship is of less than 24 metres in length and constructed of non-metallic materials (such as wood or fibreglass).

In respect of the requirements under rules 40A.35(6)(a), 40C.32(6)(a), and 40E.32(7)(b), the exemptions will apply to the classes of ship described in clauses 4(2), 5(2) and 6(2) of this notice. The exemptions permit non-metallic pipes to be used to carry seawater in the specified classes of ships of metallic construction, subject to the conditions set out in clause 7.

Director may grant exemptions from maritime rules

The Director of Maritime New Zealand, being satisfied as to the matters set out in section 40AA of the Act, thinks it appropriate to grant these class exemptions because:

- there have been improvements in technology for non-metallic piping that are not reflected in the rules. Maritime New Zealand is currently reviewing these rules. Provided that the non-metallic piping concerned meets the standards set out in the conditions, it is as effective in meeting desired objectives as the metallic piping required by the rules.

The Director is further satisfied that the exemptions meet the criteria in section 40AA(2) of the Act and conditions are appropriate as:

- **International convention requirements:** the relevant rules requirements in 40A.35(6)(a), 40C.32(6)(a), and 40E.32(7)(b) do not implement any international conventions. Therefore granting the exemptions will not breach New Zealand's obligations under any convention (section 40AA(2)(a)).
- **One of the criteria in section 40AA(2)(b) applies:**
 - *(ii) the manner in which the requirement has been, or is sought to be, fulfilled is as effective as or more effective than actual compliance with the requirement.*
 - the alternative approaches (and conditions) provided for non-metallic piping in these exemptions meet standards published by other regulatory/standardisation bodies, and therefore will be as effective as compliance with the existing rule-based requirements for metallic piping (section 40AA(2)(b)(ii)).
- **Risk of harm to the marine environment and safety:** the alternative approach (and conditions) are considered to be as effective as compliance with the existing rule-based requirements. Accordingly, the risk of harm to the marine environment and safety will not be significantly increased by granting the exemptions (section 40AA(2)(c) and (d)).