

# Maritime Rules

## Part 40B: Design, Construction and Equipment – SOLAS Ships

MNZ Consolidation

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## General

### 40B.1 Entry into force

Part 40B comes into force on 1 February 2001.

### 40B.2 Definitions

In this Part:

**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 (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 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:

**BNWAS** means Bridge Navigational Watch Alarm System:

**bulk carrier** means a ship that is intended primarily to carry dry cargo in bulk, including such types as ore carriers and combination carriers:

**chemical carrier** means a tanker constructed or adapted, and used, for the carriage in bulk of any liquid product of a flammable nature listed in—

- (a) Chapter 17 of the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code)* adopted by the Maritime Safety Committee of the IMO by resolution MSC.4(48); or
- (b) Chapter VI of the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Assembly of IMO by resolution A.212(VII):

**classification society**, for the purpose of this Part and in respect of New Zealand ships, 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:

**coastal limits** has the same meaning as in Part 20:

**combination carrier** means a ship designed to carry either oil or solid cargoes in bulk:

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

**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:

**Director** means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:



**ECDIS** means Electronic Chart Display and Information System:

**enclosed water limits** has the same meaning as in Part 20:

**existing ship**, in respect of the application of any SOLAS requirement to a ship, means an existing ship as defined by SOLAS for that requirement:

**fire appliances** mean any means of detecting or extinguishing a fire, any clothing or equipment provided to a firefighter, any means of advising personnel of a fire and any plan or instructions provided to assist in the event of fire:

**fire protection** means provision of thermal and structural boundaries, restricted use of combustible materials, containment of fire in the zone of origin, protection of means of escape or access for fire fighting and minimisation of possibility of ignition:

**first survey** means the initial survey, the first annual survey, the first periodical survey, or the first renewal survey whichever is due first after the date specified in the relevant rule:

**fishing ship** means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research:

**foreign ship** means any ship that is not a New Zealand ship:

**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):

**high speed craft**—

- (a) means a ship that is capable of a maximum speed in metres per second, equal to or exceeding:

$$3.7 \nabla^{0.1667} \text{m/s,}$$

where:  $\nabla$  is the displacement, in cubic metres, corresponding to the design waterline; and

- (b) excludes ships, the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect:

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

**IMO** means the International Maritime Organization:

**IMO Resolution A.813(19)** means the resolution adopted by the International Maritime Organization Assembly, titled *General requirements for electromagnetic compatibility (EMC) for all electrical and electronic ship's equipment*:

**IMO Resolution A.817(19)** means the resolution adopted by the International Maritime Organization Assembly, titled *Recommendation on performance standards for electronic chart display and information systems (ECDIS)*:

**IMO Resolution A.861(20)** means the resolution adopted by the International Maritime Organization Assembly, titled *Performance standards for voyage data recorders (VDRs)*:

**IMO Resolution MSC.128(75)** means the resolution adopted by the International Maritime Organization Assembly, titled *Performance standards for a bridge navigational watch alarm system (BNWAS)*:

**IMO Resolution MSC.163(78)** means the resolution adopted by the International Maritime Organization Assembly, titled *Performance standards for simplified voyage data recorders (S-VDRs)*:

**IMO Resolution MSC.232(82)** means the resolution adopted by the International Maritime Organization Assembly, titled *Revised performance standards for electronic chart display and information systems (ECDIS)*:

**IMO Resolution MSC.333(90)** means the resolution adopted by the International Maritime Organization Assembly, titled *Recommendation on performance standards for voyage data recorders (VDRs)*:

**inshore limits** has the same meaning as in Part 20: **international voyage** means—

- (a) in respect of New Zealand ships, a voyage from New Zealand to a port outside New Zealand or the converse, or a voyage between 2 ports outside New Zealand; and
- (b) in respect of foreign ships, a voyage from the flag state to a port outside the flag state or the converse, or a voyage between 2 ports outside the flag state:

**length** means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that is the greater length. In ships designed with a rake of keel, the waterline on which this length is measured must be parallel to the designed waterline:

**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:

**machinery space** means all spaces containing propelling machinery, boilers, oil fuel units, steam, and internal combustion engines, generators and major electrical machinery, oil filling stations, refrigerating, stabilising, ventilation and air conditioning machinery, and similar spaces, and trunks to such spaces:

**Mobile Offshore Drilling Unit** means a ship capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt:

**new ship**, in respect of the application of any SOLAS requirement to a ship, means a ship the keel of which is laid or which is at a similar stage of construction on or after the date of the coming into force of the SOLAS requirement:

**New Zealand ship** means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required to be registered under that Act:

**oil tanker** means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any chemical carrier when it is carrying a cargo or part cargo of oil in bulk:

**operate on the New Zealand coast**, in respect of a ship, means to carry—

- (a) passengers embarked by the ship at any port in New Zealand for carriage to and disembarkation at any port in New Zealand:

- (b) goods loaded on the ship at any port in New Zealand for carriage to and unloading at any port in New Zealand:

**ore carrier** means a sea-going single-deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region, and intended for the carriage of ore cargoes in the centre holds only:

**owner**

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a ship to which paragraph (a) or paragraph (b) of this definition applies, where by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible:
- (d) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

**passenger** means any person carried on a ship, other than—

- (a) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship:
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled:
- (c) a child under the age of 1 year:

**passenger ship** means a ship which carries more than 12 passengers:

**pleasure craft** means a ship that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include—

- (a) a ship that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business:
- (b) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing ship or for the carriage of passengers or cargo for hire or reward:
- (c) a ship that is operated or provided by any club, incorporated society, trust, or business:

**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:

**port** includes place and harbour:

**restricted limits** has the same meaning as in Part 20:

**ro-ro cargo spaces** mean spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which goods (packaged or in

bulk, in or on rail or road cars, vehicles (including road or rail tankers), trailers, containers, pallets, demountable tanks or in or on similar stowage units or other receptacles) can be loaded and unloaded normally in a horizontal direction:

**ro-ro passenger ship** means a passenger ship with ro-ro cargo spaces or special category spaces:

**S-VDR** means simplified VDR:

**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 percent of the estimated mass of all structural material, whichever is less:

**SOLAS** means the International Convention for the Safety of Life at Sea 1974, the Protocols relating to that Convention and the annexes to the Convention and those Protocols:

**special category spaces** means those enclosed spaces above or below the bulkhead deck intended for the carriage of motor vehicles with fuel in their tanks for their own propulsion, into and from which such vehicles can be driven and to which passengers have access.

**special personnel** means all persons who are not passengers or members of the crew or children of under 1 year of age, and who are carried on board a special purpose ship in connection with the special purpose of that ship:

**special purpose ship** means a mechanically self-propelled ship that by reason of its function carries on board special personnel and not more than 12 passengers, that is—

- (a) a ship engaged in research, expeditions and survey; or
- (b) a ship for training of marine personnel; or
- (c) a whale or fish factory ship not engaged in catching; or
- (d) a ship processing other living resources of the sea, not engaged in catching; or
- (e) a ship with design features and modes of operation similar to ships referred to in (a), (b), (c) or (d) which in the opinion of the Director may be considered a special purpose ship:

**surveyor** means a surveyor employed by a classification society:

**tanker** means an oil tanker, chemical carrier or gas carrier:

**territorial sea of New Zealand** means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

**VDR** means voyage data recorder and, where specified in a particular rule, also includes an S-VDR.

#### **40B.3 Application**

- (1) Except where it otherwise provides, Part 40B applies to—
  - (a) any New Zealand passenger ship that undertakes an international voyage; and
  - (b) any New Zealand non-passenger ship of 500 gross tonnage or more that undertakes an international voyage; and
  - (c) any New Zealand ship of 45 metres or more in length that is not engaged in an international voyage and that proceeds outside restricted limits; and
  - (d) any foreign passenger ship that is in a New Zealand port and is engaged in an international voyage, other than a foreign passenger ship that is on demise charter

- to a New Zealand based operator and that operates only within restricted limits on the New Zealand coast; and
- (e) any foreign non-passenger ship of 500 gross tonnage or more that is in a New Zealand port and is engaged in an international voyage, other than a foreign non-passenger ship of 500 gross tonnage or more that is on demise charter to a New Zealand based operator and that operates only within restricted limits on the New Zealand coast; and
  - (f) any foreign ship of 45 metres or more in length that operates on the New Zealand coast beyond restricted limits.
- (2) Rule 40B.23 applies to any non-passenger ship of 300 gross tonnage or more that undertakes an international voyage.
- (3) Part 40B does not apply to—
- (a) except as provided in rule 40B.3(2), non-passenger ships of less than 500 gross tonnage; or
  - (b) fishing ships; or
  - (c) pleasure craft; or
  - (d) ships solely powered manually; or
  - (e) ships solely powered by sail; or
  - (f) ships of the New Zealand Defence Force or a foreign Defence Force, provided they are not operating commercially.
- (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.

#### **40B.4 Application of SOLAS requirements<sup>1</sup>**

The owner of a ship that is required by Part 40B to comply with any requirement prescribed by SOLAS must comply with—

- (a) for any new ship, the requirement as it was at its date of build; and
- (b) for any existing New Zealand ship engaged in an international voyage and any existing foreign ship of 45 metres or more in length that operates on the New Zealand coast beyond restricted limits, the requirement as it was at the ship's date of build plus any subsequent amendments to the SOLAS requirement that apply to existing ships and that are in force; and
- (c) for any existing New Zealand ship of 45 metres or more in length that is not engaged in an international voyage but proceeds from a New Zealand port beyond restricted limits, the requirement at the ship's date of build. Subsequent amendments to the SOLAS requirement at the date of build do not apply to the ship unless the Director—
  - (i) is satisfied that the requirement will promote maritime safety at reasonable cost, taking into account the ship's intended service and the cost of implementing the requirement; and
  - (ii) directs, by notice in the *Gazette*, that the requirement applies to the ship.

#### **40B.5 References to Administration in SOLAS**

Where Part 40B requires a New Zealand ship to comply with a requirement of SOLAS and that SOLAS requirement refers to a power or function of the Administration, that power or function must be exercised by the Director.

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<sup>1</sup> Rule 40B.4 applies to all rules contained in Part 40B except to the extent any of those rules provide otherwise.

## **Design and construction**

### **40B.6 Compliance with the requirements of a classification society**

- (1) The owner of a New Zealand ship must ensure that the ship is designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society recognised for that purpose by the Director.
- (2) The owner of a foreign ship must ensure that the ship is designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society recognised for that purpose by the Administration of the ship's flag State, or with applicable national standards of that Administration that provide a level of safety that the Director is satisfied is equivalent to that of a classification society.

### **40B.6A Structure of ships**

The owner of a ship must ensure that the ship complies with the applicable requirements of Parts A and A-1 of Chapter II-1 of SOLAS.

## **Subdivision and stability**

### **40B.7 Subdivision and stability**

- (1) The owner of a ship must ensure that the ship complies with—
  - (a) the relevant requirements of the International Code on Intact Stability, 2008; and
  - (b) the relevant requirements relating to intact stability of Part B-1 of Chapter II-1 of SOLAS.
- (2) The owner of a ship, except those ships to which rule 40B.8 applies, must ensure that the ship complies with the applicable subdivision and damage stability requirements of Parts B, B-1, B-2, B-3 and B-4, and the applicable requirements of Part A, of Chapter II-1 of SOLAS.
- (3) At periodical intervals not exceeding 5 years, the owner of a passenger ship must ensure that a surveyor carries out a lightship survey to verify any changes in lightship displacement and longitudinal centre of gravity. The ship must be re-inclined if, since the initial inclining or previous lightship survey, the survey indicates that there is a deviation from the lightship displacement exceeding 2 percent or a deviation of the longitudinal centre of gravity exceeding 1 percent of the ship's length.

### **40B.8 Subdivision and damage stability of non-passenger ships**

The owner of a non-passenger ship of more than 80 metres in length must ensure that the ship complies with the subdivision and damage stability requirements of Parts A, B, B-1, B-2 and B4 of Chapter II-1 of SOLAS.

## **Bilge pumping systems**

### **40B.9 Bilge pumping systems**

The owner of a ship must ensure that the ship has bilge pumping systems that comply with the requirements of regulation 35-1 of Part C of Chapter II-1 of SOLAS.

## **Machinery**

### **40B.10 Machinery installations**

- (1) The owner of a ship must ensure that the ship has machinery installations, including steering gear, that comply with the applicable requirements of Part A and Part C of Chapter II-1 of SOLAS.
- (2) The owner of a ship must ensure that the ship is provided with sufficient spare parts and materials for machinery installations, having regard to the intended service of the ship

and the risk to the safety of the ship from the failure of any part of the machinery installation.

- (3) The owner of a ship must ensure that where approval for alternative design and arrangements for machinery installations are sought, that the application complies with the applicable requirements of Part F of Chapter II-1 of SOLAS.

**40B.11 Additional requirements for periodically unattended machinery spaces**

- (1) The owner of a non-passenger ship with periodically unattended machinery spaces must ensure that the ship complies with the requirements of regulations 46 to 53 inclusive of Part E of Chapter II-1 of SOLAS.
- (2) The owner of a passenger ship must ensure that the ship does not have periodically unattended machinery spaces without the approval of the Director.
- (3) The Director may approve a passenger ship to be operated with periodically unattended machinery spaces if the Director is satisfied that—
  - (a) the requirements of regulations 46 to 53 inclusive of Part E of Chapter II-1 of SOLAS have been satisfied; and
  - (b) any other requirements that the Director considers necessary to achieve an equivalent level of safety to that of normally attended machinery spaces have been met.
- (4) The owner of a ship must ensure that where approval for alternative design and arrangements for periodically unattended machinery spaces are sought, that the application complies with the applicable requirements of Part F of Chapter II-1 of SOLAS.

**Electrical**

**40B.12 Electrical installations**

- (1) The owner of a ship must ensure that the ship has electrical installations that comply with the applicable requirements of Part A and Part D of Chapter II-1 of SOLAS.
- (2) The owner of a ship must ensure that where approval for alternative design and arrangements for electrical installations are sought, that the application complies with the applicable requirements of Part F of Chapter II-1 of SOLAS.

**Fire protection**

**40B.13 Passenger ships**

The owner of a passenger ship must ensure that the ship has fire protection that complies with all applicable requirements of Chapter II-2 of SOLAS.

**40B.14 Non-passenger ships other than tankers**

The owner of a non-passenger ship other than a tanker must ensure that the ship has fire protection that complies with all applicable requirements of Chapter II-2 of SOLAS.

**40B.15 Tankers**

The owner of a tanker must ensure that the tanker has fire protection that complies with all applicable requirements of Chapter II-2 of SOLAS.

## Bulk carriers

### 40B.16 Additional safety measures for bulk carriers

The owner of a bulk carrier must ensure that, in addition to complying with the relevant requirements of rules 40B.7 to 40B.12 inclusive and 40B.14, the ship also complies with the requirements of Chapter XII of SOLAS.

## Fire appliances

### 40B.17 Passenger ships

The owner of a passenger ship must ensure that the ship has fire appliances that comply with all applicable requirements of Chapter II-2 of SOLAS.

### 40B.18 Non-passenger ships other than tankers

The owner of a non-passenger ship other than a tanker must ensure that the ship has fire appliances that complies with all applicable requirements of Chapter II-2 of SOLAS.

### 40B.19 Tankers

The owner of a tanker must ensure that the tanker has fire appliances that comply with all applicable requirements of Chapter II-2 of SOLAS.

## Life-saving appliances and arrangements

### 40B.20 Ship requirements

The owner of a ship must ensure that the ship is provided with life saving appliances and arrangements specified by the applicable requirements of Chapter III of SOLAS.

### 40B.21 Lifesaving appliances

- (1) The owner of a ship, the keel of which was laid or which was at a similar age of construction on or after 1 July 1998, must ensure that the ship has life-saving appliances and arrangements that comply with the applicable performance standards of the *International Life-Saving Appliance (LSA) Code* adopted by the Maritime Safety Committee of the IMO by resolution MSC.48(66).
- (2) The owner of a ship, the keel of which was laid, or which was at a similar stage of construction before 1 July 1998 must ensure that—
  - (a) the ship has lifesaving appliances and arrangements that comply with the applicable performance standards of Chapter III of SOLAS, in force prior to 1 July 1998; and
  - (b) subject to rule 40B.4(c), when life-saving appliances and arrangements are—
    - (i) replaced; or
    - (ii) the ship undergoes repairs, alterations or modifications which involve replacement of, or any addition to, its existing life-saving appliances or arrangements,the replacements or additions comply, wherever reasonable and practical, with the performance standards of the *International Life-Saving Appliance (LSA) Code* adopted by the Maritime Safety Committee of IMO by resolution MSC 48(66).However if a survival craft other than an inflatable liferaft is replaced without replacing its launching appliance, or vice versa, the survival craft or launching appliance may be of the same type as that replaced.
- (3) The owner of a ship to which subrule (2) applies must -
  - (a) ensure that not later than the first dry-docking after 1 January 2016, but not later than 1 July 2019, lifeboat on-load release mechanisms not complying with



paragraphs 4.4.7.6.4 and 4.4.7.6.6 of the International Life-Saving Appliance Code (LSA Code) are replaced with equipment that complies with the LSA Code; and

- (b) when evaluating whether life-boat on-load release mechanisms must be replaced, refer to the *Guidelines for Evaluation and Replacement of Lifeboat Release and Retrieval Systems* (MSC.1/Circ.1392).

**40B.22 Life jackets on passenger ships**

The owner of a passenger ship must ensure that lifejackets provided on the ship which are intended for use by a member of the crew are marked indelibly on the inside and the outside, both back and front, in letters not less than 75 mm high and in a colour contrasting with the colour of the lifejacket, with the word 'CREW'.

**Radiocommunications**

**40B.23 Ship requirements**

- (1) The owner of a ship must ensure that the ship complies with—
  - (a) regulations 1, 2 and 4 of Part A of Chapter IV of SOLAS; and
  - (b) regulations 6, 7, 13 and 18 of Part C of Chapter IV of SOLAS; and
  - (c) regulation 10 or 11 of Part C of Chapter IV of SOLAS, whichever is appropriate.
- (2) The owner of a ship must ensure that all radiocommunication equipment required to be provided by rule 40B.23(1) complies with the performance standards prescribed for that equipment in Part 43 of the maritime rules.

**Compliance with IMO codes**

**40B.24 High speed craft**

- (1) High speed craft—
  - (a) for which the date of build was on or after 1 January 1996; and
  - (b) that do not proceed beyond coastal limits,

are not required to comply with rules 40B.7 to 40B.23 inclusive, provided they comply with the *International Code of Safety for High Speed Craft* adopted by the Maritime Safety Committee of IMO by resolution MSC.36(63).
- (2) High speed craft—
  - (a) for which the date of build was before 1 January 1996 but on or after 1 January 1980; and
  - (b) that do not proceed beyond coastal limits,

are not required to comply with rules 40B.7 to 40B.23 inclusive, provided they comply with the *Code of Safety for Dynamically Supported Craft* adopted by the Assembly of IMO by resolution A.373(X), as amended by *Amendments to the Code of Safety for Dynamically Supported Craft* adopted by the Maritime Safety Committee of IMO by resolution MSC.37(63).
- (3) High speed craft—
  - (a) for which the date of build was on or after 1 January 2016; and
  - (b) that do not proceed beyond coastal limits;—

are not required to comply with rules 40B.7 to 40B.23 inclusive, provided they comply with the *International Code of Safety for High Speed Craft* adopted by the Maritime Safety Committee of IMO by resolution MSC.97(73).

**40B.25 Chemical carriers**

The owner of a chemical carrier must ensure that the ship complies with the design, construction and equipment requirements of—

- (a) the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code)* adopted by the Maritime Safety Committee of IMO by resolution MSC.4(48), if the ship's date of build was on or after 1 July 1986; or
- (b) the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code)* adopted by the Maritime Safety Committee of IMO by resolution MSC.9(53), if the ship's date of build was before 1 July 1986.

**40B.26 Gas carriers**

The owner of a gas carrier must ensure that the ship complies with the design, construction and equipment requirements of—

- (a) the *International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code)* adopted by the Maritime Safety Committee of IMO by resolution MSC.5(48), if the ship's date of build was on or after 1 July 1986; or
- (b) 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), if the ship's date of build was on or after 31 December 1976 but before 1 July 1986; or
- (c) the *Code for Existing Ships Carrying Liquefied Gases in Bulk* adopted by the Assembly of IMO by resolution A.328(IX), if the ship's date of build was before 31 December 1976.

**40B.27 Mobile offshore drilling units**

- (1) The owner of a mobile offshore drilling unit, the keel of which was laid or which was at a similar stage of construction on or after the 1st of May 1991, must ensure that the unit complies with the design, construction and equipment requirements of the Code for the Construction and Equipment of Mobile Offshore Drilling Units adopted by the Assembly of IMO by resolution A.649(16).
- (2) The owner of a mobile offshore drilling unit, the keel of which is laid or which is at a similar stage of construction on or after 1 January 2016, must ensure that the unit complies with the design, construction and equipment requirements of the Code for the Construction and Equipment of Mobile Offshore Drilling Units adopted by the Assembly of IMO by resolution A.1023(26).

**40B.28 Special purpose ships**

- (1) The owner of a special purpose ship certified prior to the 1st of January 2016 must ensure that the ship complies with the design, construction and equipment requirements of the Code of Safety for Special Purpose Ships adopted by the Assembly of IMO by resolution A.534(13).
- (2) The owner of a special purpose ship certified on or after the 1st of January 2016 must ensure that the ship complies with the design, construction and equipment requirements of the Code of Safety for Special Purpose Ships adopted by the Maritime Safety Committee of IMO by resolution MSC.266(84).

**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<sup>2</sup>; 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.

### **Passenger ships**

#### **40B.29 Passenger numbers**

- (1) The owner of a new New Zealand passenger ship, or a foreign passenger ship of 45 metres or more in length that operates on the New Zealand coast, must ensure that, before its entry into service, the ship is measured in accordance with rule 40B.29(2) to

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<sup>2</sup> Refer Imo circular MSC.1/Circ. 1562 for information

- (5) by a surveyor to determine the maximum number of passengers that the ship may carry.
- (2) For ships which proceed beyond the offshore limit, the maximum number of passengers that the ship may carry must be determined in accordance with the following requirements—
- (a) one fixed berth must be fitted for each passenger carried; and
  - (b) the total enclosed spaces (including sleeping rooms, saloons, and recreation rooms) allocated for the exclusive use of passengers must not be less than 3.34 square metres per passenger; and
  - (c) passengers must not be carried on more than one deck below the waterline, and passenger berths must not be accommodated within 12.5 percent of the length of the ship from the foreside of the stem; and
  - (d) the surveyor must be satisfied that each sleeping room has a reasonable amount of floor space having regard to the number of passengers berthed in the room; and
  - (e) there must not be more than two tiers of berths in any sleeping room.
- (3) For ships which do not proceed beyond the offshore limit, the maximum number of persons on board must be determined by calculating the sum of persons allowed in all enclosed spaces. The number of passengers allowed in enclosed spaces must be determined as follows—
- (a) in cabins and other compartments fitted with fixed berths or settees convertible to sleeping berths, by the number of berths. There must be at least 2 cubic metres of space for each passenger in the cabin or compartment, and the berths must not be in more than 2 tiers:
  - (b) in spaces used exclusively for dining, by the number of seats provided. The space must not be included unless it is open at all times when passengers are on board:
  - (c) in public spaces, by dividing the clear deck area in square metres by 0.836, provided that seats (fixed or portable) are provided for all passengers not provided with a berth.
- (4) Where the number of passengers determined in accordance with this rule is greater than any number permitted for compliance with—
- (a) the subdivision and stability requirements of rule 40B.7; or
  - (b) compliance with the freeboard requirements of Part 47; or
  - (c) the means of escape required by Regulation 13 of Part D of Chapter II-2 of SOLAS;—

the Passenger Ship Safety Certificate issued under rule 46.13 or the New Zealand Ship Safety Certificate issued under rule 46.14 for the ship or enclosed spaces must specify the least number of passengers that meets all of the requirements.

- (5) The following enclosed spaces must not be measured for the purposes of rules 40B.29(2) and 40B.29(3)—
- (a) interior passageways of less than 450 mm width; and
  - (b) space occupied by tables and permanent fittings in public spaces; and
  - (c) toilets and washrooms; and
  - (d) spaces where the presence of passengers would interfere with the navigation and working of the ship; and
  - (e) public spaces with a clear headroom of less than 1.9 metres.
- (6) The owner and master of a ship must not allow on board the ship more than the maximum number of passengers specified on the record of equipment attached to the Passenger Ship Safety Certificate issued under rule 46.13 or the New Zealand Ship Safety Certificate issued under rule 46.14 for the limits in which the ship is operating or intending to operate.

**40B.30 Passenger accommodation**

The owner of a New Zealand ship, or a foreign ship of 45 metres or more in length that operates on the New Zealand coast, must ensure that—

- (a) passenger spaces do not communicate directly with cargo spaces, store rooms, paint rooms or spaces used for the storage of flammable materials, and are separated from such spaces by gas-tight bulkheads; and
- (b) all passenger accommodation is ventilated, lighted and heated to the satisfaction of a surveyor, and where circumstances permit, natural lighting is provided; and
- (c) steel or metal decks forming the floors or crowns of enclosed spaces in which passengers are accommodated are sheathed with wood or a composition approved by a surveyor; and
- (d) the following minimum number of water-closets (wc) are provided on the ship—

Up to 50 passengers	2 wc
51 to 100 passengers	3 wc
For every additional 100 passengers carried	1 wc
For a part of 100 passengers exceeding the highest complete multiple of 100 carried; and	1 wc
- (e) a urinal or extra wc is provided for every 100 passengers and every part of 100 passengers exceeding the highest complete multiple of 100 carried; and
- (f) one washbasin is provided in each location containing a wc or urinal for every 2 wc in the location, with a minimum of one washbasin for each location.

**40B.31 Guard rails**

- (1) The owner of a New Zealand ship, or a foreign passenger ship of 45 metres or more in length that operates on the New Zealand coast, must ensure that—
  - (a) bulwarks or fixed guard rails are fitted near the edge of every exposed deck to which passengers have access; and
  - (b) guard rails are fitted around every unprotected deck opening that may be accessed by passengers.
- (2) The owner of a ship must ensure that the guard rails are at least 1000 mm high and the openings between rails do not exceed 230 mm unless all or part of the space below the upper rail course is fitted with strong wire mesh or its equivalent.

**anchors and cables**

**40B.32 Anchors and cables**

- (1) The owner of a New Zealand ship must ensure that the ship is provided with anchors and cables that comply with and are maintained in accordance with the requirements of a classification society which is recognised for the purpose of rule 40B.6 by the Director.
- (2) The owner of a foreign ship must ensure that the ship is provided with anchors and cables that comply with and are maintained in accordance with the requirements of a classification society which is recognised by the Administration of the ship's flag State.

**Navigation and special measures to enhance maritime safety**

**40B.33 Automatic identification system**

- (1) The owner of a ship must ensure that an automatic identification system is fitted on board the ship in accordance with the requirements of regulation 19 of Chapter V of SOLAS
- (2) The master of a ship must ensure that an automatic identification system is in operation at all times.

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- (3) The master of a ship is not in breach of clause (2) if the failure to comply is due to reasons beyond the master's control.
- (4) The automatic identification system must be tested annually in accordance with regulation 18.9 of Chapter V of SOLAS.

### **Special measures to enhance navigation safety**

#### **40B.34 Ship identification number**

- (a) The owner of a ship must ensure that the ship is permanently marked with the ship's identification number in accordance with regulation 3 of Chapter XI-1 of SOLAS.
- (b) The owner of a ship must obtain a unique identification number in accordance with regulation 3-1 of Chapter XI-1 of SOLAS.

#### **40B.35 Continuous synopsis records**

- (1) The owner of a ship must ensure that the ship carries a continuous synopsis record in accordance with regulation 5 of Chapter XI-1 of SOLAS.
- (2) The master of a ship must ensure a continuous synopsis record is maintained in accordance with regulation 5 of Chapter XI-1 of SOLAS.

#### **40B.36 Ship security alert system**

The owner of a ship must ensure that the ship is fitted with a ship security alert system in accordance with regulation 6 of Chapter XI-2 of SOLAS.

#### **40B.37 Portable testing instruments**

From 1 July 2016, the owner of a ship must ensure that it carries a portable testing instrument or instruments complying with Regulation 7 of Chapter XI-1 of SOLAS.

### **Navigation equipment**

#### **40B.38 Application**

- (1) Rules 40B.39 to 40B.52 inclusive apply to a New Zealand ship that is required by rule 40B.3 to comply with this Part.
- (2) Rule 40B.53 applies to a foreign ship that is required by rule 40B.3(1)(d), (e), or (f) to comply with this Part.

#### **40B.39 Bridge design, systems, equipment, and procedures**

The owner of a ship must ensure that the bridge design, the design and arrangement of navigational systems and equipment, and bridge procedures comply with regulation 15 of Chapter V of SOLAS.

#### **40B.40 Maintenance of equipment**

- (1) The owner and master of a ship to which rules 40B.33 and 40B.45 to 40B.50 apply must ensure that the equipment—
  - (a) is in good working order and condition; and
  - (b) is fit in all respects for its intended use; and
  - (c) meets the applicable performance standards of Chapter V of SOLAS.
- (2) The owner and master of a ship to which rules 40B.33 and 40B.45 to 40B.50 apply must ensure that the ship is provided with—
  - (a) special tools and other items necessary for the maintenance of the equipment; and

- (b) spare parts likely to be required during any intended voyage; and
  - (c) adequate information and instructions on the use and maintenance of all such equipment are provided on the ship in printed form in English.
- (3) Compliance with subrules (1) and (2) is not required where there is a defect in the equipment and either—
- (a) maintenance is being carried out; or
  - (b) maintenance is not practicable given the location of the ship—
- provided that suitable arrangements are made by the master to take the inoperative equipment into account in planning and executing a safe voyage to a port where repairs can take place.
- (4) The owner and master of a ship must ensure that the navigational equipment and systems are installed, tested, and maintained so as to minimise the risk of malfunction.

**40B.41 Electromagnetic compatibility**

- (1) The owner and master of a ship constructed on or after 1 January 2017 must ensure that all electrical and electronic equipment on the bridge or in the vicinity of the bridge is tested for electromagnetic compatibility, in accordance with IMO Resolution A.813(19).
- (2) The owner of a ship must ensure that electrical and electronic equipment is installed so that electromagnetic interference does not affect the proper function of navigational systems and equipment.
- (3) The owner and master of a ship must ensure that portable electrical and electronic equipment is not operated on the bridge if it may affect the proper function of navigational systems and equipment.

**40B.42 Navigation bridge visibility**

- (1) The owner of a ship of 55m or more in length constructed on or after 1 January 2017 must ensure that the ship complies with the navigation bridge visibility requirements of regulation 22 of Chapter V of SOLAS.
- (2) The owner of a ship of 55m or more in length constructed before 1 January 2017 must ensure where practicable that the ship complies with the navigation bridge visibility requirements of regulation 22 of Chapter V of SOLAS where this does not require structural alteration or additional equipment.

**40B.43 Integrated bridge systems**

Integrated bridge systems must comply with regulation 19.6 of Chapter V of SOLAS.

**40B.44 Reserved**

**40B.45 Electronic Chart Display and Information System (ECDIS)**

- (1) The owner of any of the following type of ship must ensure that the ship is fitted with an ECDIS as follows:
  - (a) passenger ships of 500 gross tonnage or more constructed on or after 1 January 2017:
  - (b) passenger ships of 500 gross tonnage or more constructed before 1 January 2017 but on or after 25 May 1980, not later than the first survey on or after 1 January 2017:
  - (c) tankers of 3,000 gross tonnage or more constructed on or after 1 January 2017:

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- (d) tankers of 3,000 gross tonnage or more constructed before 1 January 2017 but on or after 25 May 1980, not later than the first survey on or after 1 January 2017:
  - (e) cargo ships other than tankers of 3,000 gross tonnage or more constructed on or after 1 January 2017:
  - (f) cargo ships other than tankers of 3,000 gross tonnage or more and less than 10,000 gross tonnage constructed before 1 January 2017 but on or after 1 July 2014, not later than the first survey on or after 1 January 2017:
  - (g) cargo ships other than tankers of 50,000 gross tonnage or more, constructed before 1 January 2017 but on or after 25 May 1980, not later than the first survey on or after 1 January 2017:
  - (h) cargo ships other than tankers of 20,000 gross tonnage or more but less than 50,000 gross tonnage constructed before 1 January 2017 but on or after 25 May 1980, not later than 1 July 2017:
  - (i) cargo ships other than tankers of 10,000 gross tonnage or more but less than 20,000 gross tonnage constructed before 1 January 2017 but on or after 25 May 1980, not later than the first survey on or after 1 July 2018.
- (2) The owner of a ship must ensure that the ECDIS complies with the performance standards set in—
- (a) IMO Resolution A.817(19); or
  - (b) IMO Resolution MSC.232(82).
- (3) Subrules (1) and (2) do not apply to a ship that will be permanently taken out of service before the implementation date specified in regulations 19.2.10.5 to 19.2.10.9 of Chapter V of SOLAS.

### **40B.46 Bridge Navigational Watch Alarm System (BNWAS)**

- (1) The owner of the following ships must ensure that the ship is fitted with a BNWAS:
- (a) ships constructed on or after 1 January 2017:
  - (b) ships constructed before 1 January 2017 but on or after 25 May 1980, not later than the first survey on or after 1 January 2017.
- (2) The owner of a ship must ensure that the BNWAS complies with the performance standards set in IMO Resolution MSC.128(75).
- (3) The master of a ship must ensure that the BNWAS is in operation at all times when the ship is underway.

### **40B.47 Heading or Track Control System**

The owner of the following ships of 10,000 tons gross tonnage or more must ensure that the ship is fitted with a heading or track control system or other means to automatically control and keep to a heading and/or straight track:

- (a) ships constructed on or after 1 January 2017:
- (b) ships constructed before 1 January 2017 but on or after 1 July 2002, not later than the first survey on or after 1 January 2017.

### **40B.48 Automatic tracking aid**

- (1) The owner of a ship constructed on or after 1 July 2002 must ensure that the ship is fitted with an automatic tracking aid to plot automatically the range and bearing of other targets to determine collision risk not later than 1 January 2017.



- (2) The owner of a ship of 3,000 tons gross tonnage or more constructed on or after 1 July 2002 must ensure that the ship is fitted with a second automatic tracking aid to plot automatically the range and bearing of other targets to determine collision risk, which is functionally independent of the equipment required by subrule (1) not later than 1 January 2017.

**40B.49 Long-range Identification and Tracking System**

- (1) The owner of a ship constructed before 1 January 2017 but on or after 25 May 1980 must ensure that it is fitted with a system to automatically transmit long-range identification and tracking information in accordance with regulation 19-1 of Chapter V of SOLAS not later than the first survey of the radio installation on or after 1 January 2017.
- (2) The owner of a ship constructed on after 1 January 2017 must ensure that it is fitted with a system to automatically transmit long-range identification and tracking information in accordance with regulation 19-1 of Chapter V of SOLAS.

**40B.50 Voyage Data Recorder (VDR)**

- (1) The owner of any of the following type of ship must ensure the ship is fitted with a VDR:
  - (a) Passenger ships constructed on or after 1 January 2017;
  - (b) Passenger ships constructed before 1 January 2017 but on or after 25 May 1980, not later than the first survey on or after 1 January 2017;
  - (c) Non-passenger ships of 3,000 gross tonnage or more constructed on or after 1 January 2017;
  - (d) Non-passenger ships of 3,000 gross tonnage or more constructed on or after 1 July 2002, not later than the first survey on or after 1 January 2017.
- (2) The owner of a non-passenger ship of 3,000 gross tonnage or more constructed before 1 July 2002 but on or after 25 May 1980 must ensure the ship is fitted with a VDR, which may be an S-VDR, not later than the first survey on or after 1 January 2017.
- (3) A ship referred to in subrule (1) or (2) constructed before 1 July 2002, except a ro-ro passenger ship, does not need to be fitted with a VDR where it can be demonstrated to the Director's satisfaction that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.
- (4) VDRs and S-VDRs must comply with the performance standards in the following resolutions of the IMO—
  - (a) where a VDR is installed, IMO Resolution MSC.333(90); or
  - (b) where a VDR was installed before 1 July 2014, IMO Resolution A.861(20); or
  - (c) where a S-VDR is installed IMO Resolution MSC.163(78).
- (5) The owner and the master of a ship fitted with a VDR must ensure that—
  - (a) the VDR is tested annually in accordance with regulation 18.8 of Chapter V of SOLAS by a testing facility approved for that purpose by the Director; and
  - (b) a copy of the certificate of compliance issued by the testing facility stating the date the VDR is found to be compliant and the performance standard applicable to the VDR must be carried on board at all times.

**40B.51 Type approval**

The owner and master of a ship must ensure that the equipment required by rules 40B.33 and 40B.45 to 40B.50 is of a type approved by the Director.

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**40B.52      Alternative modes of operation**

Where the navigational equipment and systems offer alternative modes of operation the owner and master must ensure that the equipment indicates the actual mode of use.

**40B.53      Foreign ships**

The owner of a foreign ship must ensure that the ship complies with the design, equipment, maintenance and operational requirements of SOLAS Chapter V regulations 15, 16, 17, 18, 19, 19-1 and 22