

Secondary Legislation



MARITIME TRANSPORT (LIFE SAVING APPLIANCES) INSTRUMENT

MTI-404.190-1

This maritime transport instrument is—

- (a) made by the Director of Maritime New Zealand under section 452B of the Maritime Transport Act 1994 (the Act), after being satisfied that appropriate consultation has been carried out in accordance with section 452C of the Act; and
- (b) referred to in rule 404.131 of Part 404: Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels (Part 404).

Maritime New Zealand Annotated Version
17 March 2023

This Maritime Transport Instrument is not yet in force. Several things must happen before it is in force.

The Cape Town Agreement must reach the threshold number of States and vessels. When it has, then the Agreement will enter into force after a transition period of 1 year.

This maritime transport instrument comes into force on the same date that Part 404 comes into force. The entry into force of Rule Part 404 will be at the same time as the Agreement comes into force and be notified in the NZ Gazette soon after the Agreement has reached its threshold.

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This document is the current annotated version of Maritime Transport Instrument MTI 404.190-1 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official Maritime Transport Instrument that has been signed into law by the Director of Maritime New Zealand. Copies of the official Maritime Transport Instrument and amendments as signed by the Director of Maritime New Zealand may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of MTI 404.190-1

Entry into Force

This maritime transport instrument comes into force on the same date that Part 404 comes into force.

Part 404 comes into force on a date applied, either wholly or in part, by notice in the Gazette under section 451(3) of the Maritime Transport Act 1994.

The Part 404 Rules (Part 404) will implement the requirements of the Cape Town Agreement of 2012 (the Agreement) into New Zealand domestic law.

The Agreement will enter into force 12 months after at least 22 States, with a total number of 3,600 fishing vessels of 24 metres in length and over operating on the high seas have acceded. As at this date the entry into force criteria have yet to be met.

Amendment	Effective date
No amendment	Not applicable

Summary of amendments

No amendments

All signed rules can be found on our website:

<https://www.maritimenz.govt.nz/Rules/>

Section 1 Preliminary provisions

1.1 Title

This maritime transport instrument is the *Maritime Transport (Life saving appliances) Instrument* (also referred to as MTI-404.190-1).

1.2 Commencement

This maritime transport instrument comes into force on the same date that Part 404 comes into force.

1.3 What this maritime transport instrument does

This maritime transport instrument (MTI-404.190-1) sets out further requirements in relation to the standards for life saving appliances on vessels of less than 45 metres in length.

1.4 Conflicts

- (1) If there is a conflict between a provision in this maritime transport instrument and a corresponding provision of a maritime rule, the provision of the maritime rule applies.
- (2) If there is a conflict between a provision in this maritime transport instrument and a corresponding provision of material incorporated by reference in this maritime transport instrument, the provision of this maritime transport instrument applies.

Section 2 Definitions

2.1 Definitions

All terms used in this maritime transport instrument and defined in Part 404 but not defined in this maritime transport instrument have the same meaning as set out in Part 404.

Section 3 Application

3.1 Application of maritime transport instrument MTI-404.190-1

This maritime transport instrument applies as follows:

- (1) Section 5 applies to vessels to which rule 404.190(2)(a) applies:
- (2) Section 6 applies to vessels to which rule 404.190(1)(b) or 404.190(2)(a) applies:
- (3) Section 7 applies to vessels to which rule 404.190(1)(c) or 404.190(2)(b) applies.

Section 4 Incorporation by reference

4.1 Materials incorporated by reference in this instrument

n/a

Section 5 Life saving appliances for vessels of less than 45 metres in length

Compliance with the standards set out below is required.

The requirements for vessels less than 45 m in length are not covered in CT and are left to the Administration. The requirements below mirror Appendix 1.1 of Part 40D

5.1 Standards

Item	Standard
<p>Survival craft (comprising lifeboats, rescue boats and liferafts)</p>	<p>Every vessel must be provided with survival craft that have sufficient aggregate capacity to accommodate on each side of the vessel the total number of persons on board.</p> <p>Survival craft must be—</p> <ul style="list-style-type: none"> (a) lifeboats complying with rules 42A.6 and 42A.7; or (b) liferafts complying with rules 42A.8 and 42A.9; or (c) a combination of such lifeboats and liferafts. <p>Every liferaft must be provided with float free arrangements that provide for the liferaft to be released automatically in the event of the vessel sinking. Any hydrostatic release unit used in float-free arrangements must comply with the requirements of rule 42A.8.</p> <p>Every vessel must be provided with a rescue boat complying with rule 42A.14, unless the vessel is provided with a lifeboat that fulfils the requirements for a rescue boat and is capable of being recovered after a rescue operation.</p> <p>The number of lifeboats or rescue boats that are carried on a vessel must be sufficient to ensure that when the total number of persons on board abandon vessel not more than 9 liferafts need be marshalled by each lifeboat or rescue boat.</p> <p>Each lifeboat or rescue boat must be provided with a launching appliance that complies with rule 42A.28(2).</p>
<p>Lifebuoys</p>	<p>Sufficient lifebuoys complying with rule 42A.16 must be strategically placed around the vessel on each side so that the distance between lifebuoys is minimised. The lifebuoys must be accessible for immediate use at all times.</p> <p>Every vessel must be provided with at least 4 lifebuoys, except that when carrying less than 8 persons, only one such lifebuoy per 2 persons need be carried, provided there is a minimum of 2 such lifebuoys on board.</p> <p>At least half of the number of lifebuoys referred to above must be provided with self-igniting lights.</p> <p>Except where only 2 lifebuoys are required to be carried, at least 2 of the lifebuoys provided with self-igniting lights must be provided with self-activating smoke signals. Where practicable, these must be capable of quick release from the navigating bridge.</p>

	At least one lifebuoy on each side of the vessel must be fitted with a buoyant lifeline. Such lifebuoys are not to have a self-igniting light.
Lifejackets	Every vessel must be provided with one lifejacket that complies with rule 42A.18 and that has a buoyancy of at least 150 Newtons, for each person on board.
Flares	Every vessel must be provided with 6 rocket parachute flares, and 2 buoyant smoke signals. Rocket parachute flares and buoyant smoke signals must comply with rule 42A.22 and rule 42A.24 respectively.
Line throwing appliance	Every vessel of 30 metres or more in length must be provided with one line throwing appliance complying with rule 42A.30.
Immersion suits and anti-exposure suits	Every vessel that proceeds south of latitude 48° South must be provided with— <ul style="list-style-type: none"> a) one immersion suit complying with rule 42A.25 for each person assigned to crew the rescue boat; and b) one anti-exposure suit complying with rule 42A.26 for every person that does not have an immersion suit. <p>Every vessel that proceeds south of latitude 60° South must be provided with an immersion suit for every person onboard who may be required to enter the water to board any of the survival craft provided.</p>

Section 6 Performance standards for life saving appliances for vessels of 45 metres in length or more

6.1 Performance standards

The vessel's life saving appliances must comply with the performance standards specified in Part 42A.

Section 7 Maintenance, inspection, and servicing of life saving appliances for all vessels

7.1 Maintenance, inspection, and servicing of life saving appliances

The vessel's life saving appliances must be—

- (a) well maintained; and
- (b) inspected; and
- (c) serviced—

in accordance with the applicable requirements of Part 42A.