

Maritime Transport (Class Exemption — Sailing Ship Hull Openings (Portlights Below Weather Deck)) 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 Exemption — Sailing Ship Hull Openings (Portlights Below Weather Deck)) 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
Rules means Maritime Rules *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 Portlights below Weather Deck on New Zealand Sailing Ships

- (1) The class of ship described in subclause (2) is exempt from the requirements specified in rule 40E.21(5) of the Rules.
- (2) The class is New Zealand sailing ships that are post 1 April 2010 ships of less than 24 metres in length.

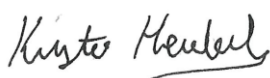
5. Conditions of Exemption in Clause 4

- (1) The exemption in clause 4 is granted subject to the conditions set out in subclauses (2)—(8).
- (2) Portlights fitted below the weather deck must be designed and constructed in accordance with:
 - (a) any applicable standards published by a member of IACS; or
 - (b) *ISO 12216:2020 - Small Craft – Windows, portlights, hatches, deadlights and doors – Strength and water tightness requirements, Second Edition 2020-07* and its updates,having regard to the location, strength, and supporting structure.
- (3) The glazed area of the portlights of a non-opening type fitted below the weather deck must not exceed 0.16m² (or a round area with maximum diameter of 450mm).
- (4) The glazed area of the portlights of an opening type fitted below the weather deck must not exceed 0.07m² (or a round area with maximum diameter of 300mm), unless a larger size is assessed and permitted in accordance with standards prescribed in subclause (2).
- (5) The size and shape of the portlights fitted below the weather deck must be approved by a Recognised Surveyor (Design Approval).
- (6) The securing method of an opening type portlights fitted below the weather deck must be approved by a Recognised Surveyor (Design Approval).
- (7) Each portlight of an opening type fitted below the weather deck must be either:
 - (a) fitted with a deadlight cover that is capable of being closed weathertight; or
 - (b) provided with a blanking plate (at least 50% for each size of these portlights in the ship) that can be efficiently secured in place, in the event of breakage.
- (8) Portlights of an opening type fitted below the weather deck must be secured in a closed position when the ship is in navigation.

6. Expiry of Exemption

- (1) The exemption in clause 4 expires on the sooner of:
 - (a) the date that this exemption 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 a class of ship from compliance with specified requirements in Maritime Rules, *Part 40E Design, Construction and Equipment – Sailing Ships* made under the Maritime Transport Act 1994 (see section 40AA(1)(b) of the MTA).

General provisions relating to the exemption

The exemption in clause 4 of this notice relates to rule 40E.21(5), which sets requirements for portlights' size, shape, and the method by which they must be secured to ensure they do not affect the vessel's hull integrity or watertightness.

In respect of the requirements specified in maritime rule 40E.21(5), the exemption will apply to the class of ship described in clause 4(2) of this notice.

The exemption in clause 4 is subject to the conditions set out in clause 5.

This exemption comes into force on 14 December 2022 and will expire in accordance with the provisions of clause 6.

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 the class exemption in accordance with the specified conditions because:

- Portlights of different sizes and shapes that are secured by alternative methods determined by a Recognised Surveyor, and in accordance with accepted regulatory/standardisation bodies, fulfils the Rules objectives.

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

- **No international convention requirements:** the requirements in the rule are purely domestic requirements that do not implement any international conventions. Therefore granting the exemption 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 is sought to be fulfilled is as effective as actual compliance with the requirement:*
 - Portlights meeting the standards published by accepted regulatory/standardisation bodies is considered to be as effective as compliance with the existing rule-based requirements;
 - Recognised Surveyors (Design Approval) have the appropriate skills to determine if an alternative method of securing a portlight, or an alternative size and shape of portlight is appropriate.
- **Risk of harm to the marine environment:** there are no specific or unique environmental risks related to portlights on the impacted sailing ships. Therefore the granting of the exemption will not significantly increase risk of harm to the marine environment (section 40AA(2)(c)).

- **Risk to safety:** the alternative approaches covered in the conditions of the exemption meet the intent of the rules and provide assurance that portlights won't impact the hull integrity or water tightness of the ship. Therefore granting the exemption will not significantly increase risk to safety (section 40AA(2)(d)).