



Ministry of **Transport**
TE MANATŪ WAKA

Maritime Transport Act 1994

Maritime Rules

PARTS 20, 31, 32, 34 AND 35: CONSEQUENTIAL AMENDMENTS

Pursuant to section 36 of of the Maritime Transport Act 1994, and having had regard to the criteria specified in section 39(2) of that Act, I, Gerry Brownlee, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This 27th day of January 2014

By Hon GERRY BROWNLEE

Minister of Transport

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Rule objective

The objective of these consequential amendments is to amend the maritime rules affected by new Parts 20, 31, 32, 34 and 35 which all enter into force on 31 March 2014.

Maritime rules are subject to the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Legislation Act.

Entry into force

These rules enter into force on 1 April 2014.

Part 21: Safe Ship Management Systems

1 Rule 21.2: Definitions

In rule 21.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20.”
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20.”
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20.”
- (d) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20.”

Part 22: Collision Prevention

2 Rule 22.2: Definitions

In rule 22.2 replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20.”

Part 23: Operational Procedures and Training

3 Rule 23.2: Definitions

In rule 23.2

- (a) replace the definition of **restricted coastal limits** with:
“**restricted coastal limits** has the same meaning as in Part 20.”
- (b) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20.”
- (c) replace the definition of **unlimited area** with:
“**unlimited area** has the same meaning as in Part 20.”

4 Rule 23.9: Emergency training and drills

In rule 23.9(10) replace “31A” with “31”.

5 Rule 23.10, Training and on-board instruction, footnote 9

In footnote 9 to rule 23.10 replace “Parts 31 A, B and C” with “Part 31”

6 Rule 23.22, Training and on-board instruction, footnote 14

In footnote 14 to rule 23.22, replace “Parts 31A,B, and C of the Maritime Rules (Minimum Personnel and Watchkeeping)” with “Part 31 (Crewing and Watchkeeping)”.

7 Appendix 1 of Part 23

In clause (1)(b) of Appendix 1 replace “31A” with “31”.

Part 24A: Carriage of Cargoes – Dangerous Goods

8 Rule 24A.2: Definitions

In rule 24A.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20.”
- (b) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20.”
- (c) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20.”
- (d) replace the definition of **unlimited area** with:
“**unlimited area** has the same meaning as in Part 20.”

Part 24B: Carriage of Cargoes – Specific Cargoes

9 Rule 24B.2: Definitions

In rule 24B.2—

- (a) replace the definition of “**enclosed water limits**” with:
“**enclosed water limits** has the same meaning as in Part 20.”.
- (b) replace the definition of “**inshore limits**” with:
“**inshore limits** has the same meaning as in Part 20.”.
- (c) replace the definition of “**restricted limits**” with:
“**restricted limits** has the same meaning as in Part 20.”.

Part 24E: Carriage of Cargoes – Offshore Containers

10 Rule 24E.2

In rule 24E.2 replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20.”.

Part 25: Nautical Charts and Publications

11 Rule 25.2: Definitions

In rule 25.2—

- (a) replace the definition of **enclosed area** with:
“**enclosed area** means within enclosed water limits as defined in Part 20.”.
- (b) replace the definition of **unlimited area** with:
“**unlimited area** has the same meaning as in Part 20.”; and
- (c) insert the following definition in the appropriate alphabetical order:
“**inshore fishing area** means within the inshore fishing limits defined in Part 20”.

12 Rule 25.6: Inshore and enclosed areas

- (1) Replace the heading to rule 25.6 with the following:
“**Inshore, inshore fishing and enclosed areas**”.
- (2) In rule 25.6(1) replace “inshore and enclosed areas” with “inshore, inshore fishing, and enclosed areas.”

Part 40A: Design, Construction and Equipment – Non-SOLAS Passenger Ships

13 Rule 40A.2: Definitions

In rule 40A.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20.”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20.”.
- (c) in the definition of **enclosed water limits ship** replace “20.5” with “20.20”.
- (d) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20.”.
- (e) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20.”.
- (f) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20”.
- (g) in the definition of **restricted limits ship** replace “20.5” with “20.20”.

14 Rule 40A.6: Conditions under which restricted limit ships are permitted to make voyages in the coastal limits

Replace rule 40A.6 with the following rule:

40A.6 Conditions under which restricted limit ships or coastal limit ships are permitted to make voyages in the coastal or offshore limits

The owner and the master of a ship that has been assigned restricted or coastal limits under rule 20.20 and is making a single voyage in coastal or offshore limits (as applicable) as permitted under rule 20.43 must ensure that—

- (a) the ship is provided with at least the following safety equipment:
 - (i) a liferaft that complies with rules 42A.11 and 42A.12 and that is able to carry the number of persons carried on the ship;
 - (ii) one lifejacket that has a buoyancy of 100N and complies with rule 42A.19, for each person carried on the ship;
 - (iii) 4 rocket parachute flares and 2 buoyant smoke floats that comply with the requirements of rules 42A.22 and 42A.24 respectively;
 - (iv) a 406 MHz EPIRB that complies with the requirements of rule 43.18A or 43.19;
 - (v) a VHF radio that complies with Part 43;
 - (vi) in the case of a ship making a single voyage in coastal limits, if proceeding outside the VHF coverage area, a radio installation that a surveyor is satisfied will enable radio communication in the intended area of operation; and
 - (vii) in the case of a ship making a single voyage in offshore limits, if proceeding outside the VHF coverage area, a radio installation that meets the requirements of rule 43.14; and
- (b) the ship is provided with up to date charts and nautical publications relevant to the areas covered by the proposed voyage; and
- (c) the crew of the ship meet the minimum crewing and qualification requirements of Part 31 of the maritime rules, as applicable, for a ship that proceeds into coastal or offshore limits, as applicable; and
- (d) the voyage is only made under favourable weather conditions with a favourable weather forecast.

15 Appendix 8 of Part 40A:

In clause 17.2(d) of Appendix 8 of Part 40A replace “31B” with “31”.

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

16 Rule 40B.2: Definitions

In rule 40B.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20.”
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20.”
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20.”
- (d) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20.”

Part 40C: Design, Construction and Equipment – Non-SOLAS Non- Passenger Ships

17 Rule 40C.2: Definitions

In rule 40C.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20.”
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20.”

- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20:”.
- (e) replace the definition of **restricted coastal limits** with:
“**restricted coastal limits** has the same meaning as in Part 20”.
- (f) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20”.

18 Rule 40C.6: Conditions under which restricted limit ships are permitted to make voyages in the coastal limit

Replace rule 40C.6 with—

“40C.6 Condition under which restricted limit or coastal limit ships are permitted to make voyages in coastal or offshore limits

The owner and master of a ship that has been assigned restricted limits or coastal limits under rule 20.20 and is making a single voyage in the coastal limits or offshore limits (as applicable) as permitted under rule 20.43 must ensure that—

- “(a) the ship is provided with at least the following safety equipment:
 - “(i) a liferaft that complies with rule 42A.11 and 42A.12 and is able to carry the number of persons carried on the ship; and
 - “(ii) one lifejacket that has a buoyancy of 100N complies with rule 42A.19 for each person carried on the ship; and
 - “(iii) 4 rocket parachute flares that comply with rule 42A.22 and 2 buoyant smoke floats that comply with rule 42A.24; and
 - “(iv) A 406 MHz EPIRB that complies with the requirements of rule 43.18A or 43.19; and
 - “(v) A VHF radio that complies with rule 43.12; and
 - “(vi) in the case of a ship making a single voyage within coastal limits, if proceeding outside the VHF coverage area, a radio installation enabling radio communication to the satisfaction of a surveyor; and
 - (vii) in the case of a ship making a single voyage in offshore limits, if proceeding outside the VHF coverage area, a radio installation that meets the requirements of rule 43.14; and
- “(b) the ship is provided with up to date charts and nautical publications relevant to the areas covered by the proposed voyage; and
- “(c) the crew of the ship meet the minimum crewing and qualification requirements of Part 31, whichever applies, of the maritime rules for a ship that proceeds into coastal or offshore limits, as applicable; and
- “(d) the voyage is made only under favourable weather conditions with a favourable weather forecast.”

Part 40D: Design, Construction and Equipment – Fishing Ships

19 Rule 40D.2: Definitions

In rule 40D.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20:”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20:”.
- (c) insert the following definition in the appropriate alphabetical order:
“**inshore fishing limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **inshore limits** with:

- “**inshore limits** has the same meaning as in Part 20:”.
- (e) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20:”.
- (f) replace the definition of **restricted coastal limits** with:
“**restricted coastal limits** has the same meaning as in Part 20:”.
- (g) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20:”.
- (h) replace the definition of **unlimited area** with:
“**unlimited area** has the same meaning as in Part 20:”.

20 Rule 40D.6: Restricted limit ships making voyages in the coastal limit

Replace rule 40D.6 with:

“40D.6 Restricted limit or coastal limit ships making voyages in the coastal or offshore limits

“The owner and master of any ship that has been assigned restricted or coastal limits under rule 20.20 and is making a single voyage into coastal or offshore limits (as applicable) as permitted under rule 20.43 must ensure that—

“(a) the ship is provided with at least the following safety equipment:

- “(i) a liferaft that complies with rule 42A.5 and which is able to carry the number of persons carried on the ship; and
- “(ii) one lifejacket that has a buoyancy of 100N and complies with rule 42A.12 for each person carried on the ship; and
- “(iii) 4 rocket parachute flares that comply with rule 42A.15 and 2 buoyant smoke floats that comply with rule 42A.15; and
- “(iv) a 406 MHz EPIRB that complies with the requirements of rule 43.18A or 43.19; and
- “(v) a VHF radio that complies with rule 43.12; and
- “(vi) in the case of a ship making a single voyage in offshore limits, if proceeding outside the VHF coverage area, a radio installation that meets the requirements of rule 43.14; and

“(b) the ship is provided with up to date charts and nautical publications relevant to the areas covered by the proposed voyage; and

“(c) the crew of the ship meet the minimum crewing and qualification requirements of Part 31 of the maritime rules for a ship that proceeds into coastal or offshore limits, as applicable; and

“(d) the voyage is made under favourable weather conditions with a favourable weather forecast.

21 Appendix 1 of Part 40D

- (1) The heading to Clause 1.4 of Appendix 1 of Part 40D is replaced with:
“**Inshore limit ships and inshore fishing limit ships**”.
- (2) Clause 1.4 of the Appendix 1 of Part 40D is amended by replacing “inshore limits, including coastal limit ships that do not proceed beyond the limit of the territorial sea” with “inshore fishing limits”.

Part 40E: Design, Construction and Equipment – Sailing Ships

22 Rule 40E.2: Definitions

In rule 40E.2—

- (a) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20”
- (b) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (c) in the definition of **inshore limits ship** replace “20.5” with “20.20(1)”.
- (d) replace the definition of **offshore limits** with:

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- “**offshore limits** has the same meaning as in Part 20:”.
- (e) replace the definition of **restricted coastal limits** with:
“**restricted coastal limits** has the same meaning as in Part 20:”.
- (f) replace the definition of “**restricted limits**” with
“**restricted limits** has the same meaning as in Part 20:”.
- (g) in the definition of **restricted limits ship** replace “20.5” with “20.20(1)”.

23 Rule 40E.71: Conditions under which restricted limit ships are permitted to make voyages in the coastal limit

Replace rule 40.71 with:

40E.71 Conditions under which restricted limit or coastal limit ships are permitted to make voyages in the coastal or offshore limits

- (1) This rule applies to any ship that—
 - (a) has been assigned restricted or coastal limits under rule 20.20; and
 - (b) is making a single voyage into coastal or offshore limits (as applicable), as permitted under rule 20.43.
- (2) The owner and the master must ensure that the ship is provided with—
 - (a) up-to-date charts and nautical publications relevant to the areas covered by the proposed voyage;
 - (b) the following minimum safety equipment—
 - (i) a liferaft that meets the requirements of Part 42A.11 and 42A.12 and has sufficient capacity for the number of persons carried on the ship; and
 - (ii) one lifejacket that has a buoyancy of 100N and complies with rule 42A.19 for each person carried on the ship; and
 - (iii) 4 rocket parachute flares that meet the requirements of Part 42A.22; and
 - (iv) 2 buoyant smoke floats that meet the requirements of Part 42A.24; and
 - (v) an EPIRB operating on 406 MHz that meets the requirements of rule 43.18A or 43.19; and
 - (vi) a VHF radio that meets the requirements of Part 43; and
 - (vii) in the case of a ship making a single voyage in offshore limits, if proceeding outside the VHF coverage area, a radio installation that meets the requirements of 43.14; and
- (3) The owner and the master must ensure that—
 - (a) the crew of the ship meet the minimum crewing and qualification requirements of the maritime rules for a coastal limit or offshore limits ship (as applicable); and
 - (b) the voyage is made only under anticipated favourable weather conditions with a favourable weather forecast; and
 - (c) no passengers are carried on the voyage.

Part 40F: Design, Construction and Equipment – Hovercraft

24 Rule 40F.2: Definitions

In rule 40F.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20:”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20:”.
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20:”.

25 Rule 40F.8: Safe operational plans

In footnote 1 to rule 40F.8 replace “31B” with “31”.

Part 42A: Safety Equipment – Lifesaving Appliance Performance Standards

26 Rule 42A.2: Definitions

In rule 42A.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20:”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20:”.
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20:”.
- (e) replace the definition of **restricted coastal limits** with:
“**restricted coastal limits** has the same meaning as in Part 20:”.
- (f) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20:”.

Part 42B: Safety Equipment – Fire Appliance Performance Standards

27 Rule 42B.2: Definitions

In rule 42B.2 replace the definition of **restricted limits** with “**restricted limits** has the same meaning as in Part 20:”.

Part 43: Radio

28 Rule 43.2: Definitions

In rule 43.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20:”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20:”.
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20:”.
- (e) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20:”.
- (f) delete the definition of **STCW-95** and insert in its place:
“**STCW** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended”

29 Rule 43.5: Radio personnel

- (1) In rule 43.5(5):
 - (a) replace “STCW-95” with STCW.
 - (b) in paragraph (a) replace “rule 32.29” with “rules 32.12 and 32.114 of Part 32”.
 - (c) in paragraph (b) replace “rule 32.28” with “rules 32.12 and 32.116 of Part 32”
- (2) In rule 43.5(6)(a) replace “STCW-95” with “STCW”.

Part 45: Navigational Equipment

30 Rule 45.2: Definitions

In rule 45.2:

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20:”.

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- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20:”.
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20:”.
- (e) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20:”.
- (f) replace the definition of “**unlimited area**” with:
“**unlimited area** has the same meaning as in Part 20:”.

31 Rule 45.22: Definitions

In rule 45.22(1)(c) replace “restricted limits” with “inshore fishing limits”.

32 Rule 45.35: Recognition as a compass adjuster

In rule 45.35:

- (a) replace sub-subparagraphs (a)(i)(aa) and (bb) with:
 - “(aa) certificate as Master issued in accordance with rule 32.106 of Part 32; or
 - (bb) certificate as Chief mate issued in accordance with rule 32.104 of Part 32.
- (b) delete sub-subparagraphs (a)(i)(cc) to (ee).
- (c) in subparagraph (iii) replace “43.35(1)(a)(i)(aa), (bb), or (cc)” with “43.35(1)(aa) or (bb)”.

33 Appendix to Part 45

In the Appendix to Part 45, clause (a)(2)(b) replace “Master of a Foreign –Going Ship Certificate” in both places where it appears with “certificate as Master issued in accordance with rule 32.106 of Part 32”

Part 46: Maintenance and Surveys

34 Rule 46.2: Definitions

In rule 46.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20:”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20:”.
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20:”.

Part 47: Load Lines

35 Rule 47.2: Definitions

In rule 47.2 replace the definition of **coastal limits** with “**coastal limits** has the same meaning as in Part 20:”.

Part 50: Medical Stores

36 Rule 50.2: Definitions

In rule 50.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20:”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20:”.
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20:”.
- (d) replace the definition of **offshore limits** with:
“**offshore limits** has the same meaning as in Part 20:”.

- (e) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20”.
- (f) replace the definition of **unlimited area** with:
“**unlimited area** has the same meaning as in Part 20”.

Part 51: Crew Accommodation

37 Rule 51.2: Definitions

In rule 51.2—

- (a) replace the definition of **coastal limits** with:
“**coastal limits** has the same meaning as in Part 20”.
- (b) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20”.
- (c) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20”.
- (d) replace the definition of **restricted coastal limits**:
“**restricted coastal limits** has the same meaning as in Part 20”.
- (e) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20”.
- (f) replace the definition of **unlimited area** with:
“**unlimited area** has the same meaning as in Part 20”.

Part 73: Logbooks

38 Rule 73.2: Definitions

In rule 73.2—

- (a) replace the definition of **enclosed water limits** with:
“**enclosed water limits** has the same meaning as in Part 20”.
- (b) replace the definition of **inshore limits** with:
“**inshore limits** has the same meaning as in Part 20”.
- (c) replace the definition of **restricted limits** with:
“**restricted limits** has the same meaning as in Part 20”.

Part 90: Pilotage

39 Rule 90.41: Application for pilot licence

In rule 90.41 replace subparagraph (b)(i) with:

- “(i) hold a certificate as Master issued in accordance with rule 32.106 of Part 32; or”

40 Rule 90.112: Conduct of examinations for issue of pilot licence

In rule 90.112—

- (a) replace “Parts 35.5 to 35.9 inclusive” with “Parts 35.50 to 35.54 of Part 35; and
- (b) replace footnote 36 with—
“36: These rules relate to assessment and examination procedures and include: procedural requirements for examinations (35.51), examination results (35.53), extra sea service or training (35.54) and conduct of examinations (35.52).

41 Rule 90.113: Conduct of examinations for issue of a PEC

In rule 90.113 replace “Parts 35.5 to 35.9” with “rules 35.51 to 35.54 of Part 35”.