

Secondary Legislation

Part 1A:

Maritime (Design, Construction, and Equipment – Survey and Certification) Rules [year]

DRAFT FOR CONSULTATION

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Subpart A General

Section 1 Preliminary provisions

A1.1 Title

This Part is Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules.

A1.2 Commencement, consequential revocations, and amendments

- (1) This Part comes into force on [commencement date].
- (2) [Relevant existing provisions to be revoked will be specified prior to finalisation of this Part.]

A1.3 Application

- (1) This Part applies to the survey and certification of commercial ships that are New Zealand ships, including survey and certification in relation to—
 - (a) the design and construction of those ships; and
 - (b) the structure, systems, and equipment of those ships; and
 - (c) the issue, reissue, endorsement, and renewal of Certificates of Survey for those ships; and
 - (d) the continuing survey requirements that apply to those ships while they are in service.
- (2) For the purposes of subrule (1), a commercial ship is a ship that—
 - (a) was a New Zealand ship immediately before the commencement date; or
 - (b) becomes a New Zealand ship on or after the commencement date.

Note: A distinction is made between a ship that was a New Zealand ship before the commencement date and a ship that becomes a New Zealand ship on or after that date to enable the transitional and savings provisions in A1.5 and Schedule 1 to apply. This allows the requirements to be applied differently to ships that were already in the domestic commercial fleet (A1.3(2)(a)), or “deemed” to be in the commercial fleet (AMSA and class-certified ships), and to any ships that are brought within the New Zealand survey and certification regime during the transitional period. For consultation purposes, see Appendix 1 of the Survey and Certification Proposal Summary document.

- (3) This Part does not apply to a ship to which any of the following Parts apply:
 - (a) Part 2A: Maritime (Design, Construction, and Equipment – SOLAS Ships) Rules¹:
 - (b) Part 40F: Design, Construction, and Equipment – Hovercraft:
 - (c) Part 40G: Design, Construction, and Equipment – Novel Ships:
 - (d) Part 82: Commercial Jet Boat Operations – River:
 - (e) Part 404: Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels.

¹ Draft Rule Part to be consulted on in 2028.

Note: The survey and certification rules set out in Part 1A do not include the survey rules for Cape Town ships, which are addressed under Part 404. However, work is ongoing to align the survey rules where appropriate.

The survey and certification rules for ships such as ships that operate under a specified limits permit; safe operational plan; or a barge safety certificate will be considered and consulted on as part of Package 4 of this reform project.

A1.4 Survey and certification

A ship to which this Part applies must be surveyed and certified in accordance with this Part.

A1.5 Transitional, savings, and related provisions

- (1) A ship may rely on the transitional provisions set out in Schedule 1 if—
- (a) the ship—
 - (i) is a New Zealand ship immediately before the commencement date; or
 - (ii) becomes a New Zealand ship within 1 year of the commencement date; and
 - (b) its keel was laid, or the ship was at a similar stage of construction, within the period beginning 2 years before the commencement date.

Note: Rule A1.5(1) applies only to ships that are in the process of being built around the commencement date. Ships that were already New Zealand ships immediately before the commencement date are dealt with separately in the Schedule.

A mid-build ship may rely on the transitional, savings, and related provisions in the Schedule only if it meets the conditions in subrule (1).

- (2) A ship may also rely on the transitional provisions set out in Schedule 1 if—
- (a) it meets the requirements of rule A1.6(1) or (2); and
 - (b) it enters service within 10 years after the commencement date.
- (3) To the extent that a ship relies on the transitional provisions set out in Schedule 1, the ship is not required to comply with the corresponding requirements of this Part to which those transitional provisions apply.
- (4) The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

A1.6 Ships certified in Australia or by a recognised classification society

- (1) For the purposes of rule A1.5(2)(a) and rules D2.2(2)(b)(i) and D3.2(1)(b)(i), a ship meets the requirements of this subrule if the ship—
- (a) immediately before entering service, holds a valid Australian Certificate of Survey for a ship categorised as a new domestic commercial vessel under Marine Order 503 (Certificates of survey – national law) 2018; and
 - (b) was constructed under survey in accordance with the requirements applying to that certificate; and
 - (c) is certified for a scope of certification equivalent to the scope proposed for the ship in New Zealand.
- (2) For the purposes of rule A1.5(2)(a) and rules D2.2(2)(b)(i) and D3.2(1)(b)(i), a ship meets the requirements of this subrule if the ship—
- (a) immediately before entering service, holds a valid class certificate confirming that the ship has been certified in accordance with the certification requirements of that recognised classification society; and

- (b) was constructed under survey by that recognised classification society; and
- (c) is classified and surveyed by that recognised classification society for a scope of certification equivalent to the scope proposed for the ship in New Zealand.

Section 2 Interpretation

A2.1 Status and effect of MTIs

- (1) An MTI made for the purposes of this Part may specify requirements for 1 or more of the following matters:
 - (a) technical standards;
 - (b) survey methods;
 - (c) documentation requirements;
 - (d) evidence requirements;
 - (e) other technical or administrative matters necessary to give effect to this Part.
- (2) If there is an inconsistency between this Part and an MTI made for the purposes of this Part, this Part prevails.

A2.2 References to rules and MTIs

- (1) Where a rule in this Part contains a reference to a rule in another Part, that reference includes the Part number as the prefix to the reference.
- (2) A reference in this Part to a rule includes any MTI provided for in the rule.
- (3) A reference in this Part to an MTI is a reference to that MTI as amended or replaced from time to time.
- (4) Where a rule in this Part refers to “an MTI” without specifying the MTI, that reference is to—
 - (a) any MTI applicable to that rule; and
 - (b) an MTI made for the purposes of this Part that applies to that rule.
- (5) An MTI is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

A2.3 Definitions

In this Part, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

approved survey plan means a survey plan that—

- (a) specifies the survey intervals and requirements applicable to the ship; and
- (b) has been approved by the surveyor under rule B1.4(1)(c)

Australian Certificate of Survey means a survey certificate issued under Marine Order 503 (Certificates of survey – national law) 2018

Certificate of Survey means a valid certificate issued by a surveyor in accordance with this Part, certifying that a ship meets the requirements of the applicable Parts

Certificate of Surveyor Recognition has the meaning set out in Part 44: Surveyor Responsibilities and Survey, Certification, and Maintenance for Ships in Maritime Transport Operations

class certificate means a certificate issued by a recognised classification society to a ship as evidence that the ship complies with the rules of that society in relation to its structure, material, equipment, propulsion and other machinery, including electrical installations, and

with requirements regarding review of plans and drawings, surveys, checks and tests for entry into, and maintenance of, class

commercial ship has the meaning set out in section 2(1) of the Act

constructed under survey means that, from the commencement of the building of a ship until the completion of the building of the ship, construction is subject to survey by a surveyor, or a person or organisation authorised to conduct that survey under the relevant certification regime, and is verified against the approved design and any applicable construction requirements

construction report means the report required in accordance with rule B2.3, which includes the information specified in an MTI

crew has the meaning set out in section 2(1) of the Act

design approval report means the report required in accordance with rule B2.3, which includes the information specified in an MTI

Director has the meaning set out in section 2(1) of the Act

endorsement means a surveyor's written statement (made in accordance with this Part and any applicable MTI) that—

- (a) the required survey has been completed; and
- (b) the ship complies with the requirements in rule B2.2(1) as determined by the surveyor; and
- (c) specifies any conditions, including limitations, subject to which the Certificate of Survey is issued or endorsed

enter service, in relation to a commercial ship, means to begin to be operated in service in New Zealand as a commercial ship for the first time; and **enters service, entered service, and entering service** have corresponding meanings

equipment has the same meaning as maritime product in section 2(1) of the Act

equipment report means the report required in accordance with rule B2.3, which includes the information specified in an MTI

initial survey portfolio means the portfolio that is compiled by a surveyor under rule B2.3

like-for-like, in relation to a repair or replacement, means the replacement of equipment or materials with equipment or materials that—

- (a) are substantially the same in design, function, use, and maintenance, whether or not supplied by the same manufacturer; and
- (b) can be installed in, and occupy, the same or a similar footprint as the original equipment or materials without additional alteration or modification of existing finishes or fixtures

major alteration—

- (a) means a material alteration or repair to the design or structure of the ship, its systems or equipment, or its electrical installations, as specified in an MTI; and
- (b) includes the replacement, removal, or addition of non-permanent parts if the alteration or repair is specified in an MTI; and
- (c) does not include direct like-for-like repairs or replacements of parts

major change to a ship's operation means any change to a ship's category, activity, type, or any change to how or where the ship operates, or who or what the ship carries, that is specified in an MTI as increasing the ship's overall operational risk

See Appendix 3 of the MTI for matters that may constitute a major alteration or major change to a ship's operation.

maritime rules has the meaning set out in section 2(1) of the Act

maritime transport operation has the meaning set out in Part 19: Maritime Transport Operator – Certification and Responsibilities

MTI means a maritime transport instrument made by the Director under section 452B of the Act for the purpose of this Part, unless otherwise specified

New Zealand ship has the meaning set out in section 2(1) of the Act

operator has the meaning set out in section 2(1) of the Act

Part means a group of rules made under the Act

recognised classification society means a classification society that has been recognised by the Director in accordance with section 41 of the Act to exercise specific privileges

The recognised classification societies are:

- American Bureau of Shipping
- Bureau Veritas
- Det Norske Veritas (DNV)
- Lloyd's Register
- Nippon Kaiji Kyokai
- Registro Italiano Navale (RINA)

record of determination means documentation of a decision and supporting evidence, in paper or electronic form, confirming that a ship, or a specific aspect of a ship, complies or does not comply with the requirements in rule B2.2(1)

rules has the meaning set out in section 2(1) of the Act

safety equipment has the meaning set out in section 2(1) of the Act

scope of certification in relation to a ship, means the ship's category, activity, type, operating limits, minimum crew, maximum number of passengers on board, maximum number of persons on board, and maximum cargo capacities

ship has the meaning set out in section 2(1) of the Act

For ease of reference:

"ship" means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

- (a) barge, lighter, or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) a submarine or other submersible

ship's design includes the ship's structural integrity, watertightness, weathertightness, means of access and egress, intact stability, reserve of buoyancy, compliance with any damage stability and buoyancy requirements, and the machinery and other installed systems and equipment necessary for the safe working of the ship

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

stability information means the stability information required under Part 3B: Maritime (Design, Construction and Equipment – Stability, Drainage, Freeboard, and Subdivision) Rules²

surveyor means the holder of a valid Certificate of Surveyor Recognition

survey report means the report required in accordance with rule B2.3

valid, in relation to a certificate, means that the certificate—

- (a) has been issued under, or accepted for the purposes of,—
 - (i) the maritime rules or the marine protection rules; or
 - (ii) Marine Order 503 (Certificates of survey – national law) 2018; or
 - (iii) the rules of a recognised classification society; and
- (b) has not expired, lapsed, been suspended, been withdrawn, or been revoked

verify, in relation to construction, means to assess and confirm, through inspection and evaluation of evidence, that construction work has been carried out in accordance with the approved design and applicable requirements specified in Schedule 2; and **verifying** and **verification** have corresponding meanings

voyage has the meaning set out in section 2(1) of the Act

watertight means capable of preventing the passage of water through the structure in any direction under a head of water for which the surrounding structure is designed

weathertight means that in any sea conditions water will not penetrate the ship.

Subpart B Responsibilities

Section 1 Responsibilities of operators

B1.1 Survey and certification of ship

- (1) An operator must not permit a ship to operate unless the operator—
 - (a) ensures that all surveys required under this Part for the ship to enter service, and continue to operate, are undertaken; and
 - (b) ensures that the ship undergoes a non-scheduled survey before returning to service if its Certificate of Survey is no longer valid under rule C2.1; and

Rule C2.1 sets the situations where a Certificate of Survey is no longer valid.

- (c) provides the surveyor with documented evidence that any issues identified during a survey that required correction have been addressed within the time limit specified by the surveyor.
- (2) If a ship has undergone, is undergoing, or is proposed to undergo, a major alteration or a major change to the ship's operation, the operator must ensure that—
 - (a) the alteration or change is assessed by a surveyor in accordance with rule C1.2; and
 - (b) any design approval, verification of construction, stability assessment, or remedial measures determined by the surveyor under rule C1.2(3) are completed before the Certificate of Survey is issued, reissued, or endorsed.

² Draft Rule Part consulted on in 2025.

B1.2 Information to be made available to the surveyor

- (1) At the time of a survey, the operator must inform the surveyor, either verbally or in writing, of the ship's intended service and operating limits in relation to matters included within the scope of certification—
 - (a) before a ship enters service; or
 - (b) whenever there is a change to the scope of certification.
- (2) The operator must provide any information, documentation, or access reasonably required by the surveyor for the purposes of conducting the survey.
- (3) When an aspect of a survey is conducted remotely under rule C1.3, the operator must provide confirmation in writing—
 - (a) of the ship's identity; and
 - (b) that the information provided is accurate and complete.

See clause 5.1(4) and (5) of the MTI.

B1.3 Compliance with conditions after survey

An operator must ensure that the ship and its structure, systems, and equipment remain sound and serviceable and fit for its intended service and operating limits, and are maintained and operated in accordance with—

- (a) the applicable requirements specified in Schedule 2; and
- (b) any conditions imposed on the Certificate of Survey.

Schedule 2 will contain a list of legislative requirements including rules that may be applicable to ships surveyed under this Part.

B1.4 Survey plan

- (1) An operator must ensure that a survey plan is prepared and implemented for each ship in a maritime transport operation, and that the survey plan—
 - (a) is in a form acceptable to the Director; and
 - (b) describes the survey requirements for the ship that are consistent with Subpart D; and
 - (c) is approved by a surveyor.
- (2) An operator must—
 - (a) amend the approved survey plan if required to do so by a surveyor; and
 - (b) obtain prior written approval from a surveyor for any other amendments to the approved survey plan.
- (3) An operator must make the approved survey plan available for inspection by the Director, or by a surveyor engaged by the operator, upon request.

Section 2 Responsibilities of surveyors

B2.1 Survey and certification of ships

- (1) A surveyor must hold a valid Certificate of Surveyor Recognition applicable to the type of ship and survey before—
 - (a) conducting the survey; or
 - (b) issuing, reissuing, or endorsing a Certificate of Survey.
- (2) A surveyor must undertake their responsibilities in accordance with any requirements and conditions imposed by the Director under Section 3 of this Subpart and Subpart A of Part

44: Surveyor Responsibilities and Survey, Certification, and Maintenance for Ships in Maritime Transport Operations.

B2.2 Determinations of compliance and non-compliance

- (1) A surveyor must only determine that a ship complies for the purposes of this Part if satisfied, on reasonable grounds, that—
 - (a) in the case of a design approval survey, the ship's design complies with rule D2.2; and
 - (b) in the case of a construction survey, the ship's construction complies with rule D3.2; and
 - (c) in the case of all surveys under Subpart D, other than a design approval survey, the ship and its structure, systems, and equipment are sound and serviceable at the time of the survey; and
 - (d) in the case of all surveys under Subpart D, the ship and its structure, systems, and equipment—
 - (i) are fit for their intended service and operating limits; and
 - (ii) comply with the requirements specified in Schedule 2.
- (2) In making a determination under subrule (1), a surveyor must take into account all information relevant to that determination, including—
 - (a) information obtained from the survey, information provided by the operator under rule B1.2, and any relevant documentation or information as specified in an MTI; and
 - (b) any additional information about the ship that is issued by a manufacturer, modifier, repairer, or by any other relevant person of whom the surveyor is aware; and
 - (c) any major alteration, or any major change to the ship's operation, that has occurred, is underway, or is proposed, and any information or documentation relevant to assessing its effect on the ship's compliance.
- (3) The surveyor must make reasonable efforts, proportionate to the nature and complexity of the survey, to obtain the information described in subrule (2)(b).

See Appendix 3 of the MTI for matters that may constitute a major alteration or a major change to a ship's operation, and Appendices 4 to 7 for survey-specific matters relevant to the determination under this rule.

B2.3 Record of determination

- (1) At the conclusion of a survey, a surveyor must prepare, as applicable, 1 or more of the following reports recording the determination under rule B2.2(1):
 - (a) a design approval report, a construction report, or an equipment report:
 - (b) a survey report for an initial survey, an intermediate survey, a renewal survey, a non-scheduled survey, or an out-of-water survey.
- See Appendix 1 of the MTI for the details required in the different reports.
- (2) As part of the initial survey, a surveyor must compile an initial survey portfolio in accordance with rule D4.2(3).
 - (3) A report prepared under subrule (1) must—
 - (a) be in a form approved by the Director and include the information specified in an MTI; and

- (b) include a written statement from the person who completed the report confirming whether or not the ship, or the relevant aspect of the ship, complies with the requirements in rule B2.2(1).
- (4) A surveyor must provide to the Director and the operator, as soon as practicable after completion, a copy of—
 - (a) the initial survey portfolio; and
 - (b) any report prepared as a result of action required under rule C1.2(3) to (7); and
 - (c) any report prepared under subrule (1).

B2.4 Surveyor action regarding Certificate of Survey and survey report

If a ship complies

- (1) If a surveyor determines under rule B2.2(1) that a ship complies and has completed a survey report, the surveyor must take 1 of the following actions:
 - (a) issue or reissue a Certificate of Survey in accordance with this Part that—
 - (i) is valid for a period not exceeding 5 years; and
 - (ii) is subject to such conditions, including limitations, as the surveyor considers appropriate; and
 - (iii) specifies the scope of certification:
 - (b) endorse the existing Certificate of Survey in accordance with the requirements in an MTI.

[See Appendix 2 of the MTI.](#)

If a ship does not comply

- (2) If a surveyor determines that a ship does not comply with rule B2.2(1), and the non-compliance is not remedied to the surveyor's satisfaction, the surveyor must take the following actions:
 - (a) record the non-compliance and any required remedial work in the survey report;
 - (b) decline to issue, reissue, or endorse the Certificate of Survey.
- (3) The surveyor must specify in the survey report the details of any measures required of the operator in relation to the ship, which may include—
 - (a) full or partial design approval in accordance with rule D2.2; and
 - (b) verification of construction in accordance with rule D3.2; and
 - (c) reassessment of a ship's stability in accordance with Part 3B: Maritime (Design, Construction, and Equipment – Stability, Drainage, Freeboard, and Subdivision) Rules; and
 - (d) remedial measures related to the ship, its structure, systems, or equipment required to ensure compliance with the applicable requirements specified in Schedule 2.
- (4) For the purposes of this Part, and without limiting any requirement to obtain a permit or approval under Part 20 or any other maritime rule, a surveyor may determine that a ship that does not hold a valid Certificate of Survey may undertake a voyage without passengers or cargo if the surveyor is satisfied, on reasonable grounds, that—

[If a ship is making a single voyage outside of its assigned operating limits in New Zealand waters, the operator must apply for a single voyage permit under Part 20.](#)

- (a) the voyage is necessary for the purpose of remedying the non-compliance or conducting sea or dockside trials; and

- (b) the voyage can be undertaken without significantly increasing the risk to safety or the marine environment.
- (5) A determination made under subrule (4) must—
 - (a) be subject to any conditions, including limitations, that the surveyor considers appropriate; and
 - (b) be for a specified time limit not exceeding 90 days; and
 - (c) be recorded in the survey report.

Certificate of Survey

- (6) A surveyor must ensure that a Certificate of Survey issued, reissued, or endorsed under subrule (1) includes—
 - (a) the required information, as specified in an MTI; and
 - (b) any additional conditions imposed by the surveyor under subrule (1)(a)(ii); and
 - (c) the surveyor's signature.

Paragraph (b) would allow minor deficiencies, not directly related to the ship being fit for purpose, to be recorded together with a time limit for rectification.

- (7) A Certificate of Survey is not a maritime document.

See Appendix 2 of the MTI.

B2.5 Other documentation

A surveyor undertaking a survey under Subpart D must be satisfied that the following documentation has been developed, applied, or completed, as appropriate:

- (a) as required by Part 19: Maritime Transport Operator – Certification and Responsibilities and in accordance with the requirements in an MTI:
 - (i) a maintenance plan:
 - (ii) a safety equipment list and spare parts list:
- (b) an approved survey plan:
- (c) any other documentation required by Schedule 2 and specified in an MTI.

Section 3 Functions and powers of the Director

B3.1 Requirements and conditions

- (1) The Director may impose requirements as to the performance of survey and certification activities specified in this Part and in an MTI.
- (2) Without limiting subrule (1), the requirements imposed in relation to individual ships may apply to the following:
 - (a) inspection of a ship and associated documentation:
 - (b) determination of whether or not a ship, or a specific aspect of a ship, complies with the requirements in Schedule 2:
 - (c) recording of information about the ship inspected:
 - (d) human and other resources used in carrying out survey and certification activities, including personnel, facilities, equipment, and technical information:
 - (e) any other matters relevant to survey and certification activities.

B3.2 Approvals

The Director may approve alternative survey arrangements to those prescribed in rule D5.2(1)(a) if the Director is satisfied that it is appropriate having regard to the ship's scope of certification.

Subpart C Survey requirements

Section 1 Key elements of the survey process

C1.1 Overview of survey requirements

- (1) A ship must not enter service unless—
 - (a) the ship's design has been approved in accordance with Section 2 of Subpart D; and
 - (b) the ship's construction has been verified in accordance with Section 3 of Subpart D; and
 - (c) the ship has undergone an initial survey in accordance with Section 4 of Subpart D; and
 - (d) a Certificate of Survey has been issued in accordance with Subpart B.
- (2) A ship in service must, to continue to operate,—
 - (a) undergo intermediate, renewal, and out-of-water surveys in accordance with Sections 5, 6, and 8 of Subpart D; and
 - (b) undergo a non-scheduled survey, if required, in accordance with Section 7 of Subpart D; and
 - (c) comply with any conditions, limitations, or endorsements on its Certificate of Survey.
- (3) A ship must not undertake a voyage if its Certificate of Survey is no longer valid under rule C2.1, except as permitted by rule B2.4(4).
- (4) Table 1 sets out an illustrative overview of the survey requirements, including the outputs of the different surveys.

Table 1 Types of survey

Survey or approval	Event that triggers a survey or approval	Purpose and output (if requirements are met)
Design approval survey [Section 2 of Subpart D]	When a ship enters service. If required by a surveyor as a result of the ship having undergone or undergoing a major alteration or major change to its operation.	Approval of a ship's design. Confirmation, in accordance with B2.2(1), that the ship's design has been approved in accordance with D2.2, is fit for its intended service and operating limits, and complies with the requirements specified in Schedule 2. Output – Design approval report
Construction survey [Section 3 of Subpart D]	When a ship enters service. If required by a surveyor as a result of the ship having undergone or undergoing a major alteration or major change to its operation.	Verification of construction. Confirmation, in accordance with B2.2(1), that a ship's construction has been verified in accordance with D3.2, is sound and serviceable, fit for its intended service and operating limits, and complies with the requirements specified in Schedule 2. Output – construction report³
Initial survey [Section 4 of Subpart D]	When a ship enters service.	Confirmation, in accordance with B2.2(1), that a ship is sound and serviceable, fit for its intended service and operating limits, and complies with the requirements specified in Schedule 2. Output – Initial survey portfolio, survey report, and issue of Certificate of Survey
Intermediate survey [Section 5 of Subpart D]	At intervals, specified in the MTI between the issuing and reissuing of the Certificate of Survey.	Confirmation, in accordance with B2.2(1), that a ship is sound and serviceable, fit for its intended service and operating limits, and complies with the requirements specified in Schedule 2. This includes a surveyor assessing the degree and nature of the risks associated with any major alterations or major changes to the ship's operation. Output – Survey report and endorsed or reissued Certificate of Survey
Renewal survey [Section 6 of Subpart D]	At 5-yearly intervals or any lesser period specified on the approved survey plan.	Confirmation, in accordance with B2.2(1), that a ship is sound and serviceable, fit for its intended service and operating limits, and complies with the requirements specified in Schedule 2. This includes a surveyor assessing the degree and nature of the risks associated with any major alterations or major changes to the ship's operation. Output – Survey report and reissued Certificate of Survey
Non-scheduled survey [Section 7 of Subpart D]	To return to service if its Certificate of Survey is no longer valid for 1 or more of the reasons specified in rule C2.1. At the request of an operator proposing to undertake a major alteration or major change to the ship's operation.	Confirmation, in accordance with B2.2(1), that a ship is sound and serviceable, fit for its intended service and operating limits, and complies with the requirements specified in Schedule 2. This includes a surveyor assessing the degree and nature of the risks associated with any major alterations or major changes to the ship's operation. Specific actions required are dependent on reasons the Certificate of Survey is no longer valid. Output – Survey report and endorsed or reissued Certificate of Survey
Out-of-water survey [Section 8 of Subpart D]	At least every 5 years or more frequently if required by the surveyor in order to be able to adequately assess risk.	Confirmation, in accordance with B2.2(1), that the exterior of a ship's keel and hull, and propulsion and steering systems are sound and serviceable, fit for its intended service and operating limits, and comply with the requirements specified in Schedule 2. This includes assessing the degree and nature of any major alterations or major changes to the ship's operation. Output – Survey report and endorsed or reissued Certificate of Survey

³ If a ship is required to have its construction verified as a result of a major alteration or a major change to its operation, the elements of a construction report can be included as part of the survey report instead of as a separate construction report.

C1.2 Effect of major alterations and major changes to a ship's operation

- (1) An operator must ensure that a major alteration, or a major change to a ship's operation, that has occurred, is underway, or is proposed is assessed by a surveyor in accordance with this Part.
- (2) When conducting an intermediate survey, renewal survey, non-scheduled survey, or out-of-water survey, a surveyor must assess whether a major alteration, or a major change to a ship's operation has occurred, or is underway.
- (3) In response to a matter described in subrule (1) or (2), the surveyor must—
 - (a) assess the degree and nature of the risk associated with the major alteration or major change to the ship's operation; and
 - (b) determine what action is required to ensure the ship continues to comply with the requirements specified in Schedule 2.
- (4) The action determined under subrule (3)(b) may include 1 or more of the following:
 - (a) full or partial approval of the ship's design:
 - (b) verification of construction:
 - (c) a new or revised stability assessment, in accordance with Part 3B: Maritime (Design, Construction, and Equipment – Stability, Drainage, Freeboard, and Subdivision) Rules:
 - (d) remedial measures related to the ship or its operation to ensure compliance.

[See Appendix 3 of the MTI.](#)

- (5) Subject to subrule (7), if remedial measures under subrule (4) are required, the surveyor must be satisfied, on reasonable grounds, that—
 - (a) for a major alteration, the aspects of the ship directly or indirectly affected by the alteration comply with the requirements applicable to a ship described in rule A1.3(2)(b), and all other aspects of the ship continue to comply with the requirements that applied immediately before the alteration; and
 - (b) for a major change to the ship's operation, any requirements that become applicable because of that change are complied with and are consistent with the requirements applicable to a ship described in rule A1.3(2)(b), and all other aspects of the ship continue to comply with the requirements that applied immediately before the change.

[Note: For the purposes of subrule \(5\), an aspect of a ship that is within the scope of this Part and directly or indirectly affected by a major alteration or a major change to a ship's operation must comply with the requirements that apply to a ship entering the fleet after commencement of the rules. The affected aspect cannot rely on Schedule 1 transitional or savings provisions in relation to those requirements.](#)

- (6) If the action determined under subrule (3)(b) includes full or partial reassessment and approval of the ship's design, a surveyor recognised to approve a ship's design must act in accordance with rule D2.2.
- (7) A ship described in rule A1.3(2)(a) is not required, solely because of a major alteration or major change to the ship's operation, to comply with the requirements in Part 3I: Maritime (Design, Construction, and Equipment – Accommodation, Access, Escape, and Personal Safety) Rules⁴ relating to access for disabled passengers and passengers requiring special assistance.

⁴ Draft Rule part being consulted on with this draft Rule Part.

Note: Subrule (7) reflects the policy position that New Zealand ships in the fleet before the commencement of the rules are not required to be retrofitted to meet the new Part 3I access requirements for disabled passengers and other passengers requiring special assistance solely because of a major alteration or major change to operation.

- (8) A ship must not continue to operate if a major alteration or major change to the ship's operation has occurred or is underway and the requirements of this rule have not been complied with.

C1.3 Aspects of a survey may be conducted remotely in certain circumstances

- (1) Subject to any limitations specified in an MTI, any aspect of an intermediate survey, renewal survey, or non-scheduled survey may be conducted remotely, as an alternative to a survey conducted by a surveyor on site, provided that—
- (a) the requirements and conditions specified in an MTI are complied with; and
 - (b) the surveyor is satisfied, on reasonable grounds, that the results of any aspects of a survey conducted remotely provide the same level of assurance as would be obtained from an on-site survey.

See clause 5.1(4) and (5) of the MTI.

- (2) Aspects of a survey that involve administrative tasks or documentary checks, such as inspecting certificates, record books, operating manuals, and other instructions, may be undertaken remotely.

C1.4 Issue and endorsement of Certificate of Survey

A Certificate of Survey is issued or endorsed in accordance with Subpart B in respect of a ship that has been surveyed in accordance with Subpart D.

Section 2 Validity of Certificate of Survey

C2.1 When Certificate of Survey is no longer valid

- (1) A Certificate of Survey is no longer valid if 1 or more of the following applies:
- (a) the Certificate of Survey has expired;
 - (b) the ship has undergone a major alteration that has not been approved by a surveyor, as specified in an MTI;
 - (c) there has been a major change to the ship's operation that has not been approved by a surveyor, as specified in an MTI;
 - (d) an intermediate survey has not been completed in accordance with Section 5 of Subpart D;
 - (e) an out-of-water survey has not been completed in accordance with Section 8 of Subpart D;
 - (f) any non-compliance determined under rule B2.2(1) has not been remedied to the satisfaction of a surveyor;
 - (g) the approved survey plan or the maintenance plan is not being applied in accordance with this Part.
- (2) A ship whose Certificate of Survey is no longer valid must not return to service unless it has undergone a non-scheduled survey under Section 7 of Subpart D.

Subpart D Types of survey

Sections in the MTI correspond with sections in this Subpart D. References to specific clauses in the MTI are included in boxes under specific enabling clauses.

Section 1 General requirements for surveys

D1.1 Conduct of survey and record of determination

- (1) A ship must undergo the surveys specified in this Subpart and an MTI for the purposes described in rule C1.1 and for the following:
 - (a) certification to enter service;
 - (b) certification to continue operating;
 - (c) certification to return to service.
- (2) Each survey must be conducted in accordance with—
 - (a) this Subpart; and
 - (b) any applicable requirements specified in an MTI.
- (3) A surveyor must determine whether a ship complies with the applicable requirements of this Part on the basis set out in rule B2.2.

Section 2 Design approval survey

D2.1 Application of design approval survey

A ship, or any aspect of a ship, must have its design approved if—

- (a) the ship is to undergo an initial survey to be certified to enter service; or
- (b) a surveyor determines under rule C1.2(4)(a) that the design must be approved or reassessed as a result of a major alteration or major change to the ship's operation.

D2.2 Determining compliance – design approval

Conduct of design approval survey

- (1) A design approval survey must be conducted by a surveyor recognised to perform that function.
- (2) When conducting a design approval survey, the surveyor must—
 - (a) assess whether the ship's design is appropriate for its intended service and operating limits; and
 - (b) consider the matters specified in an MTI that are appropriate to the ship's size, complexity, and intended service and operating limits including—
 - (i) any reliance on equivalent design approvals or certifications as evidence of compliance; and
 - (ii) any aspects of the ship's design that are critical to continued compliance and must be considered at future surveys; and
 - (c) take into account the information referred to in rule B2.2(2).

Record of determination

- (3) A surveyor must not make a record of determination under rule B2.3(1) that a ship's design complies unless satisfied, on reasonable grounds, that—
 - (a) the design provides sufficient structural integrity, strength, and arrangements for the ship's intended service and operating limits; and
 - (b) the design provides for the safe operation of the ship; and
 - (c) the design complies with the applicable requirements in Schedule 2.
- (4) The surveyor must complete a design approval report in accordance with rule B2.3.

Section 3 Construction survey

D3.1 Application of construction survey

A ship, or any aspect of a ship, must have its construction verified if—

- (a) the ship is required to undergo an initial survey to be certified to enter service; or
- (b) a surveyor determines under rule C1.2(4)(b) that construction must be verified as a result of a major alteration or major change to the ship's operation.

D3.2 Determining compliance – verification of construction

Conduct of construction survey

- (1) When conducting a construction survey, the surveyor must—
 - (a) assess whether the ship's construction is appropriate for its intended service and operating limits; and
 - (b) consider the matters specified in an MTI that are appropriate to the ship's size, complexity, and intended service and operating limits including—
 - (i) any reliance on equivalent design approvals or certifications as evidence of compliance; and
 - (ii) any aspects of the ship's construction that are critical to continued compliance and must be considered at future surveys; and
 - (c) take into account the information referred to in rule B2.2(2).

Record of determination - construction report

- (2) A surveyor must not make a record of determination under rule B2.3(1) that a ship complies unless satisfied, on reasonable grounds, that—
 - (a) the ship complies with rule B2.2(1)(c) and (d); and
 - (b) the ship has been constructed in accordance with its approved design.
- (3) Subject to subrule (4), the surveyor must complete a construction report in accordance with rule B2.3.
- (4) If a ship is required to have its construction verified under rule D3.1(b) as a result of a major alteration or major change to its operation, the elements of a construction report may be included in the survey report instead of in a separate construction report.

Section 4 Initial survey

D4.1 Application of initial survey

A ship must undergo an initial survey to be certified to enter service.

D4.2 Determining compliance – initial survey

Conduct of initial survey

- (1) An initial survey must be conducted in conjunction with an out-of-water survey unless—
 - (a) the ship was constructed under survey by a surveyor within the previous 5 years, or in accordance with rule A1.6(1) or (2); or
 - (b) a surveyor is satisfied, on reasonable grounds, that an out-of-water survey has been conducted on the ship within the previous 5 years.
- (2) When conducting an initial survey, a surveyor must—
 - (a) inspect the ship and its structure, systems, and equipment;
 - (b) consider the matters specified in an MTI, appropriate to the size, complexity, and intended service and operating limits of the ship; and
 - (c) take into account the information and documentation referred to in rules B2.2(2) and B2.5.
- (3) A surveyor must compile an initial survey portfolio, which must include the following:
 - (a) a design approval report that includes a record of the ship's design approval;
 - (b) a construction report that includes a record of the verification of the ship's construction;
 - (c) an equipment report, based on a physical inspection of the ship;
 - (d) the stability information required in Part 3B: Maritime (Design, Construction, and Equipment – Stability, Drainage, Freeboard, and Subdivision) Rules;
 - (e) a copy of the survey plan for the ship required by rule B1.4.

Record of determination and surveyor action regarding Certificate of Survey

- (4) A surveyor must not make a record of determination under rule B2.3(1) that a ship complies unless the surveyor is satisfied, on reasonable grounds, that the ship complies with rule B2.2(1).

[See Appendix 6 of the MTI.](#)

- (5) The surveyor must complete an initial survey portfolio and a survey report, as records of determination, in accordance with rule B2.3 and take appropriate action under rule B2.4(1) or (2).

Section 5 Intermediate survey

D5.1 Application of intermediate survey

- (1) A ship must undergo an intermediate survey, at the specified intervals, to continue to operate.
- (2) An intermediate survey must be undertaken in accordance with this Section, and the requirements of an MTI.

D5.2 Determining compliance – intermediate survey

Frequency of intermediate survey

- (1) An intermediate survey must be completed at the intervals specified in the approved survey plan and in accordance with—
 - (a) the survey frequency requirements specified in an MTI; or
 - (b) any alternative survey arrangements approved by the Director under rule B3.2.

Note that the MTI provides for the following frequencies for intermediate survey:

- (a) within a period of 24 months and 36 months after issue of the Certificate of Survey
- (b) in accordance with any alternative survey arrangements for a ship under D5.2.

Conduct of an intermediate survey

- (2) An intermediate survey—
 - (a) must be completed within a period not exceeding 6 months; and
 - (b) may be conducted, as appropriate, either in water or out of water in accordance with rule D8.1.
- (3) When conducting an intermediate survey, a surveyor must—
 - (a) inspect the ship and its structure, systems, and equipment; and
 - (b) consider the matters specified in an MTI, appropriate to the size, complexity, and intended service and operating limits of the ship; and
 - (c) take into account the information and documentation referred to in rules B2.2(2) and B2.5.

Record of determination and surveyor action regarding Certificate of Survey

- (4) A surveyor must not make a record of determination under rule B2.3(1) that a ship complies unless satisfied, on reasonable grounds, that—
 - (a) the ship complies with rule B2.2(1)(c) and (d); and
 - (b) any major alteration to the ship, or any major change to the ship's operation, has been assessed and any actions required under rule C1.2(3) to (7) have been taken.

See Section 5, Table 1.5 in Appendix 1, and Appendix 6 of the MTI.

- (5) A surveyor must complete a survey report in accordance with rule B2.3 and take appropriate action under rule B2.4(1) or (2).

Section 6 Renewal survey

D6.1 Application of renewal survey

- (1) A ship must undergo a renewal survey, prior to the expiry of the Certificate of Survey, to continue to operate.
- (2) A renewal survey must be undertaken in accordance with this Section, and the requirements of an MTI.

D6.2 Determining compliance – renewal survey

Frequency of renewal survey

- (1) A renewal survey must be completed in accordance with the survey intervals specified in the approved survey plan and at least once every 5 years.

Conduct of renewal survey

- (2) A renewal survey—
- (a) must be completed within a period not exceeding 6 months; and
 - (b) must be completed before the expiry date of the Certificate of Survey for the certificate to remain valid; and
 - (c) may be conducted, as appropriate, either in water or out of water in accordance with rule D8.1.
- (3) If a renewal survey is completed within the 3 months before the expiry date of the Certificate of Survey, the anniversary date on the certificate may be retained but in any other case a new anniversary date is set by reference to the date on which the survey was completed.
- (4) A surveyor must conduct a renewal survey in accordance with the same requirements as apply to an intermediate survey under rule D5.2(3).

See Section 6, Table 1.5 in Appendix 1, and Appendix 6 of the MTI.

Record of determination and surveyor action regarding Certificate of Survey

- (5) A surveyor must complete a survey report in accordance with rule B2.3 and take appropriate action under rule B2.4(1) or (2).

Section 7 Non-scheduled survey

D7.1 Application of non-scheduled survey

- (1) A ship must undergo a non-scheduled survey before returning to service if its Certificate of Survey is no longer valid for 1 or more of the reasons specified in rule C2.1(1).
- (2) A ship may undergo a non-scheduled survey at the request of the operator, including if a major alteration or major change to the ship's operation is proposed and the timing of the proposed alteration or change does not align with the survey schedule for an intermediate or renewal survey.

See Section 7 and Appendix 6 of the MTI.

D7.2 Determining compliance – non-scheduled survey

Conduct of non-scheduled survey

- (1) Except as provided in subrule (3), a surveyor must conduct a non-scheduled survey in accordance with the same requirements that apply to an intermediate survey under rules D5.2(3) and (4).

Record of determination and surveyor action regarding Certificate of Survey

- (2) A surveyor conducting a non-scheduled survey of a ship whose Certificate of Survey is no longer valid because of 1 or more of the matters specified in rule C2.1(1)(a) to (f) must not make a record of determination under rule B2.3(1) that the ship complies unless satisfied, on reasonable grounds, that—
- (a) if the Certificate of Survey has expired, the requirements for a renewal survey under Section 6 of this Subpart are complied with; or
 - (b) if the ship has undergone a major alteration, or there has been a major change to the ship's operation, that has not been approved by a surveyor, the ship complies with the requirements for an intermediate survey under Section 5 of this Subpart and any actions required by the surveyor under rule C1.2(3) to (7) have been taken; or
 - (c) if an intermediate survey has not been completed, the ship complies with the requirements for an intermediate survey under Section 5 of this Subpart; or

- (d) if an out-of-water survey has not been completed, the ship complies with the requirements for an out-of-water survey under Section 8 of this Subpart; or
 - (e) if any non-compliance determined under rule B2.2(1) has not been remedied to the satisfaction of a surveyor, the ship complies with the requirements for an intermediate survey, as applicable to the non-compliances, under Section 5 of this Subpart.
- (3) A surveyor conducting a non-scheduled survey of a ship whose Certificate of Survey is no longer valid because of the matter specified in rule C2.1(1)(g) must not make a record of determination under rule B2.3(1) that the ship complies unless satisfied, on reasonable grounds, that the approved survey plan and the maintenance plan are being applied in accordance with this Part.
- (4) A surveyor conducting a non-scheduled survey at an operator's request, for reasons other than those specified in subrules (2) and (3), must not make a record of determination under rule B2.3(1) that the ship complies unless satisfied, on reasonable grounds, that the ship complies with the requirements for an intermediate survey, as applicable to the matters raised by the operator, under Section 5 of this Subpart.
- (5) A surveyor must complete a survey report in accordance with rule B2.3 and take the appropriate action under rule B2.4(1) or (2).

Section 8 Out-of-water survey

D8.1 Application of out-of-water survey

- (1) A ship must undergo an out-of-water survey, at the specified intervals, to continue to operate.
- (2) An out-of-water survey must be undertaken in accordance with this Section, and the requirements of an MTI.

D8.2 Determining compliance – out-of-water survey

Frequency of out-of-water survey

- (1) An out-of-water survey must be completed at least once every 5 years.

Conduct of out-of-water survey

- (2) An out-of-water survey may be conducted in conjunction with an intermediate survey, renewal survey, or non-scheduled survey.
- (3) Additional out-of-water surveys may be required if a surveyor considers that inspection of the submerged portion of the ship is necessary in order to be satisfied on reasonable grounds that the requirements under subrule (4) are complied with.
- (4) A surveyor must conduct the out-of-water survey in accordance with the same requirements as are applicable to an intermediate survey under rule D5.2(3), in relation to the ship's—
- (a) keel and hull; and
 - (b) propulsion and steering systems.

Record of determination and surveyor action regarding Certificate of Survey

- (5) A surveyor must complete a survey report in accordance with rule B2.3 and take appropriate action under rule B2.4(1) or (2).
- (6) A survey report completed as part of an out-of-water survey may be incorporated into the report completed for an intermediate survey, a renewal survey, or a non-scheduled survey conducted under rules D5.2, D6.2, or D7.2.

Schedule 1: Transitional, savings, and related provisions

For consultation purposes, the proposed transitional, savings, and related provisions for ships described in rules A1.3(2)(a) and A1.5 are set out in Appendix 1 of the Survey and Certification Proposal Summary document.

Schedule 2: Applicable legislation

[To be added: Acts, regulations, revoked 40-series rules, new DCE maritime transport rules, current 40-series rules, and other maritime and marine protection rules (Part 22, Parts 50–53, and Parts in the 100 series) that may be applicable to ships certified under this Part.]