

Secondary Legislation



TE MANATŪ WAKA
MINISTRY OF TRANSPORT

MARITIME TRANSPORT ACT 1994

MARINE PROTECTION RULES AMENDMENTS 2025

Pursuant to sections 386, 387, 388, and 390 of the Maritime Transport Act 1994 I, James Meager, Associate Minister of Transport, having had regard to the criteria for making Marine Protection Rules in section 392 of the Maritime Transport Act 1994, hereby make the following Marine Protection Rules.

Signed at Wellington

This 8th day of October 2025

By Hon JAMES MEAGER

Associate Minister of Transport

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Objective

The objective of the Marine Protection Rules Amendments 2025 is to update Marine Protection Rules Parts 100, 101A, 122, 123A, 123B, 125, 130A, 130B, 140, 142B, 160, 170, and 300 to reflect changes to international maritime conventions that New Zealand is a party to and correct minor and technical errors in the rules.

The authority for making Marine Protection Rules Amendments 2025 is found in sections 386, 387, 388, and 390 of the Maritime Transport Act 1994.

Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.

Extent of consultation

Formal consultation on the Proposed Marine Protection Rules Various Amendments 2024 (from which this Marine Protection Rules Amendments 2025 was developed) began on 22 July 2024 and concluded on 2 September 2024. The public were invited to comment on the draft rules via notification on the Maritime New Zealand website. A notice was also published in the *Gazette*. Copies of the draft rules were made publicly available during the consultation. A summary of consultation is provided at the end of these rules.

Entry into force

The Marine Protection Rules Amendments 2025 comes into force on 1 December 2025.

Part 100: Port Reception Facilities

1 Part objective of Part 100

In the Part objective of Part 100—

- (a) in the 4th paragraph, replace “388(h)” with “388(1)(h)”; and
- (b) replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

Part 101A: Surveys and Inspections – Oil

2 Part objective of Part 101A

In the Part objective of Part 101A, replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

3 Rule 101A.2 Definitions

In rule 101A.2, in the appropriate alphabetical order, insert the following definition:

“**IOPP Exemption Certificate** means a certificate issued by the Director under rule 123A.12E:”.

4 Rule 101A.3 Application and compliance dates

In rule 101A.3, after subrule (2)(b), insert the following subrule (3):

“(3) Part 101A does not apply to a ship in respect of which a valid IOPP Exemption Certificate is held.”.

Part 122: Marine Protection Products – oil

5 Part objective of Part 122

In the Part objective of Part 122, replace the last paragraph with the following:

"Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation."

6 Rule 122.23 Standard deck discharge connection

In rule 122.23, replace "to which rule 122.10 applies" with "to which either rule 122.7 or 122.10 applies, or both,".

Part 123A: Documents – Oil

7 Part objective of Part 123A

In the Part objective of Part 123A, replace the last paragraph and the heading above it with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

8 Rule 123A.2 Definitions

(1) In rule 123A.2, in the appropriate alphabetical order, insert the following definitions:

“**IOPP Certificate** means an International Oil Pollution Prevention Certificate:

IOPP Exemption Certificate means a certificate issued by the Director under rule 123A.12E:

oil fuel means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried:

unmanned non-self-propelled (UNSP) barge means a barge that—

- (a) is not propelled by mechanical means; and
- (b) carries no oil; and
- (c) has no machinery fitted that may use oil or generate oil residue (sludge); and
- (d) has no oil fuel tank, no lubricating oil tank, no oily bilge water holding tank, and no oil residue (sludge) tank; and
- (e) has neither persons nor living animals on board.”.

(2) In rule 123A.2, in the definition of “surveyor”, at the end of paragraph (b), replace the full stop (“.”) with a colon (“:”).

9 Rule 123A.4 Requirement for a New Zealand ship to have an International Oil Pollution Prevention Certificate

(1) In rule 123A.4, in subrule (1), after “Prevention Certificate”, insert “, or IOPP Exemption Certificate, as applicable,”.

(2) In rule 123A.4, in subrule (2), replace the chapeau with the following:

“The owner and the master of a ship for which an International Oil Pollution Prevention Certificate is required to be held must ensure that the Certificate is—”.

10 Rule 123A.8 Requirement for a foreign ship registered in a state party to MARPOL to have an International Oil Pollution Prevention Certificate

(1) In rule 123A.8, in subrule (1)(a), after “Prevention Certificate”, insert “, or IOPP Exemption Certificate, as applicable,”.

(2) In rule 123A.8, in subrule (1)(b), after “Prevention Certificate”, insert “, or IOPP Exemption Certificate, as applicable,”.

(3) In rule 123A.8, in subrule (2), after “Prevention Certificate”, insert “, or IOPP Exemption Certificate, as applicable,”.

11 Rule 123A.11 Requirement for a foreign ship registered in a state not party to MARPOL to carry an oil pollution prevention document equivalent to an International Oil Pollution Prevention Certificate

In rule 123A.11, after subrule (2)(b), insert the following subrule (3):

“(3) To avoid doubt, a valid oil pollution prevention document may include an exemption document for an unmanned non-self-propelled (UNSP) barge, where applicable.”.

12 New rules 123A.12A to 123A.12E

After rule 123A.12, insert the following heading and rules:

“Unmanned non-self-propelled (UNSP) barges

123A.12A Purpose

The purpose of rules 123A.12B to 123A.12E is to set the conditions upon which an unmanned non-self-propelled (UNSP) barge may have an IOPP Exemption Certificate issued in relation to it.

123A.12B Application

Rules 123A.12A to 123A.12E apply to an unmanned non-self-propelled (UNSP) barge to which this Part applies.

123A.12C IOPP Exemption Certificate may substitute for IOPP Certificate

- (1) The owner of an unmanned non-self-propelled (UNSP) barge is not required to hold an IOPP Certificate for the barge provided—
 - (a) there is a valid IOPP Exemption Certificate issued under rule 123A.12E in relation to the barge; and
 - (b) the requirements in subrules (2) and (3) are met.
- (2) The owner and the master must ensure that the IOPP Exemption Certificate is—
 - (a) available on the towing or pushing vessel during towing or pushing operations; and
 - (b) available for inspection by the Director or by an authorised person acting on behalf of a Party State, upon their request.
- (3) The owner and the master must comply with the conditions to which the certificate is subject.
- (4) It is a condition of each IOPP Exemption Certificate issued in respect of a barge that neither persons nor living animals are on board the barge during its voyage.

123A.12D Survey to confirm barge meets certain conditions

Before an IOPP Exemption Certificate can be issued, a survey must confirm, taking into account IMO guidelines titled *Guidelines For Exemption Of Unmanned Non-Self-Propelled (UNSP) Barges From Certain Survey And Certification Requirements Under The MARPOL Convention*, that the barge—

- (a) is not propelled by mechanical means; and
- (b) carries no oil; and
- (c) has no machinery fitted that may use oil or generate oil residue (sludge); and
- (d) has no oil fuel tank, no lubricating oil tank, no oily bilge water holding tank, and no oil residue (sludge) tank; and
- (e) is fit for purpose for use as a barge on a voyage with neither persons nor living animals on board.

123A.12E Application for and issue of an exemption certificate

- (1) The owner of an unmanned non-self-propelled barge must apply to the Director for an IOPP Exemption Certificate—
 - (a) in accordance with section 269 of the Act; and
 - (b) including in the application a survey report by a surveyor confirming the conditions in rule 123A.12D are met.
- (2) Upon an application under subrule (1) and, if satisfied with the survey report provided under subrule (1)(b), the Director must issue an IOPP Exemption Certificate—
 - (a) in accordance with section 270 of the Act; and
 - (b) subject to such conditions as the Director considers appropriate in the circumstances; and
 - (c) subject to the condition in rule 123A.12C(4); and
 - (d) for a period not exceeding 5 years.
- (3) Each IOPP Exemption Certificate issued by the Director must be in the form set out in Appendix IV of Annex I of MARPOL.
- (4) Each IOPP Exemption Certificate is a marine protection document for the purposes of the Act.”.

Part 123B: Documents (Record Books and Manuals)

13 Part objective of Part 123B

In the Part objective of Part 123B—

- (a) in the 2nd paragraph, delete “Specifically, Regulations 13A, 13B, 15, and 20 of”; and
- (b) in the 2nd paragraph, after “Annex I of MARPOL”, replace “are” with “is”; and
- (c) in the 2nd paragraph, at the start of the 2nd sentence, replace “They contain” with “It contains”; and
- (d) replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

14 Rule 123B.2 Definitions

In rule 123B.2, in the appropriate alphabetical order, insert the following definition:

“**electronic record book** means a device or system, approved by the Director under rule 123B.22(2)(c)(i) or by another authority of an Administration referred to in rule 123B.22(2)(c)(ii), used to electronically record the required entries for discharges, transfers, and other operations as required under this Part in lieu of a hard copy record book:”.

15 Rule 123B.5 Entries in Oil Record Book(s)

In rule 123B.5, in subrule (3), after “is complete”, insert “, or sign each completed group of electronic entries, as applicable”.

16 New rule 123B.22

After rule 123B.21, insert the following heading and rule:

“Electronic Record Books

123B.22 Use of electronic record books

- (1) Subject to subrule (2), an oil record book may include an electronic record book.
- (2) A record required to be made in an oil record book may be made in an electronic record book if—
 - (a) the electronic record book forms part of an electronic recording system of the ship; and
 - (b) the system is in accordance with guidelines issued by the IMO titled *Guidelines For The Use Of Electronic Record Books Under MARPOL*; and
 - (c) the system is approved by—
 - (i) for a New Zealand ship or a New Zealand platform, the Director in accordance with the guidelines referred to in subrule (b) before the system is installed on the ship; or
 - (ii) for any other ship, the authority of an Administration entitled to approve the system for the ship in accordance with the guidelines referred to in subrule (b).”.

Part 125: Shipboard Operations: Oil

17 Part objective of Part 125

In the Part objective of Part 125, replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

18 Rule 125.2 Definitions

In rule 125.2, in the appropriate alphabetical order, insert the following definitions:

“**Arctic waters** means those waters which are located north of a line from the latitude 58°00′.0 N and longitude 042°00′.0 W to latitude 64°37′.0 N, longitude 035°27′.0 W and thence by a rhumb line to latitude 67°03′.9 N, longitude 026°33′.4 W and thence by a rhumb line to the latitude 70°49′.56 N and longitude 008°59′.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31′.6 N and 019°01′.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38′.29 N and longitude 043°23′.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37′.1 W and thence to the latitude 58°00′.0 N, longitude 042°00′.0 W:

category A ship has the meaning set out in the Polar Code:

category B ship has the meaning set out in the Polar Code:

Polar Code means the environment-related provisions in the Introduction, and all of Part IIA, of the International Code for Ships Operating in Polar Waters adopted by the International Maritime Organization.”.

19 New rule 125.11

After rule 125.10, insert the following heading and rule:

“125.11 Use and carriage of oils as fuel in Arctic waters

- (1) Subject to subrule (2), this rule 125.11 applies to the following ships:
 - (a) every New Zealand ship:
 - (b) every warship and other ship of the New Zealand Defence Force.
- (2) This rule 125.11 does not apply to any ship referred to in subrule (1) until the following dates:
 - (a) the date this rule comes into force, for a ship not referred to in subrule (2)(b):
 - (b) 1 July 2029, for any of the following ships:
 - (i) a ship with an aggregate oil fuel capacity of 600 m³ and above that is delivered on or after 1 August 2010 (as defined in regulation 1.28.9 of Annex I of MARPOL):
 - (ii) a category A ship or a category B ship with an aggregate oil fuel capacity of less than 600 m³ that is constructed (as defined in paragraph 4.1.1 of Part IIA of the Polar Code) on or after 1 January 2017.
- (3) Except as provided in subrules (4) and (5), the owner and the master of a ship must ensure that the ship does not use as fuel or carry for use as fuel, in Arctic waters, oils,

other than crude oils, having a density at 15°C higher than 900 kg/m³ or a kinematic viscosity at 50°C higher than 180 mm²/s.

- (4) Subrule (3) does not apply to a ship engaged in securing the safety of a ship or in a search and rescue operation, or a ship dedicated to oil spill preparedness and response.
- (5) When prior operations have included the use or carriage of oils specified in subrule (3) as fuel, the cleaning or flushing of tanks or pipelines is not required.”.

Part 130A: Shipboard Marine Oil Spill Contingency Plans

20 Part objective of Part 130A

In the Part objective of Part 130A—

- (a) in the 2nd paragraph, replace “Regulation 26” with “Regulation 37”; and
- (b) in the penultimate paragraph, insert a comma (“,”) after “386”; and
- (c) replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

21 Rule 130A.2 Definitions

In rule 130A.2, in the definition of “Shipboard oil pollution emergency plan”, replace “Regulation 26” with “Regulation 37”.

22 Rule 130A.23 Requirement to carry approved shipboard oil pollution emergency plan or equivalent

In rule 130A.23, in subrule (b), replace “Regulation 26” with “Regulation 37”.

Part 130B: Oil Transfer Site Marine Oil Spill Contingency Plans

23 Part objective of Part 130B

In the Part objective of Part 130B, replace the last paragraph and the heading above it with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

24 Rule 130B.2 Definitions

(1) In rule 130B.2—

- (a) at the end of the definition of “**territorial sea or territorial sea of New Zealand**”, replace the semicolon (“;”) with a full stop (“.”); and
- (b) at the end of every other definition, replace the semicolon (“;”) with a colon (“:”).

(2) In rule 130B.2, in the appropriate alphabetical order, insert the following definition:

“**Director** means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Act.”.

25 Part 130B Schedule

In the Schedule of Part 130B, in clause 2(1)(f), delete “of Maritime Safety”.

Part 140: Discharge of Noxious Liquid Substances in Bulk

26 Part 140 Title

Amend the title of Part 140 by inserting “Carried” after “Substances”.

27 Part objective of Part 140

In the Part objective of Part 140, replace the last paragraph and the heading above it with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

28 Rule 140.2 Definitions

In rule 140.2, in the appropriate alphabetical order, insert the following definition:

“**persistent floater**, for the purpose of rule 140.6(3A), means a slick forming substance with all the following properties:

- (a) density is \leq sea water (1025 kg/m³ at 20°C):
- (b) vapour pressure is \leq 0.3 kPa:
- (c) solubility is \leq 0.1% (for liquids) \leq 10% (for solids):
- (d) kinematic viscosity is $>$ 10 cSt at 20°C:
- (e) either the viscosity is equal to or greater than 50 mPa·s at 20°C or the melting point is equal to or greater than 0°C (as identified by '16.2.7' in column 'o' of chapter 17 of the IBC Code), or both.”.

29 Rule 140.6 Category Y and Z substances

In rule 140.6, after subrule (3), insert the following subrule:

“(3A) Regardless of subrules (1) and (2), the owner and the master of the ship must comply with regulation 13.7.1.4 of Annex II of MARPOL, if—

- (a) the ship is in an area described in regulation 13.9 of Annex II of MARPOL; and
- (b) a category Y substance that is a persistent floater is unloaded from the ship.”.

Part 142B: Documents (Record Books and Manuals) – Noxious Liquid Substances

30 Part objective of Part 142B

In the Part objective of Part 142B, replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

31 Rule 142B.2 Definitions

In rule 142B.2, in the appropriate alphabetical order, insert the following definition:

“**electronic record book** means a device or system, approved by the Director under rule 142B.12(2)(c)(i) or by another authority of an Administration referred to in rule 142B.12(2)(c)(ii), used to electronically record the required entries for discharges, transfers, and other operations as required under this Part in lieu of a hard copy record book.”.

32 Rule 142B.5 Entries in Cargo Record Book

In rule 142B.5, in subrule (3), after “is complete”, insert “, or sign each completed group of electronic entries, as applicable”.

33 New rule 142B.12

After rule 142B.11, insert the following heading and rule:

“Electronic Record Books

142B.12 Use of electronic record books

- (1) Subject to subrule (2), a cargo record book may include an electronic record book.
- (2) A record required to be made in a cargo record book may be made in an electronic record book if—
 - (a) the electronic record book forms part of an electronic recording system of the ship; and
 - (b) the system is in accordance with guidelines issued by the IMO titled *Guidelines For The Use Of Electronic Record Books Under MARPOL*; and
 - (c) the system is approved by—
 - (i) for a New Zealand ship or a New Zealand platform, the Director in accordance with the guidelines referred to in subrule (b) before the system is installed on the ship; or
 - (ii) for any other ship, the authority of an Administration entitled to approve the system for the ship in accordance with the guidelines referred to in subrule (b).”.

34 Part 142B Appendix

In the Appendix of Part 142B, beneath the heading “Introduction”, in the 2nd sentence of the 3rd paragraph, after “Each completed page”, insert “, or completed group of electronic entries, as applicable,”.

Part 160: Prevention of Pollution by Sewage from Ships in the Antarctic Treaty Area

35 Part objective of Part 160

In the Part objective of Part 160, replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

36 160.2 Definitions

In rule 160.2—

(a) in the definition of “**International Sewage Pollution Prevention Document of Compliance**”—

- (i) replace “the Appendix to” with “Appendix 1 of”; and
- (ii) replace “160.5” with “160.6”; and
- (iii) replace “160.6” with “160.7”; and

(b) in the appropriate alphabetical order, insert the following definitions:

“**ISPP Document of Compliance** means an International Sewage Pollution Prevention Document of Compliance:

ISPP Exemption Certificate, in respect of a foreign ship, means an International Sewage Pollution Prevention Exemption Certificate issued by or on behalf of the State the ship is registered in:

ISPP Exemption Document of Compliance means a document of compliance issued by the Director under rule 160.18:

unmanned non-self-propelled (UNSP) barge means a barge that—

- (a) is not propelled by mechanical means; and
- (b) has neither persons nor living animals on board; and
- (c) is not used for holding sewage during transport; and
- (d) has no arrangements that could produce sewage.”; and

(c) at the end of the definition of “**surveyor**”, replace the full stop (“.”) with a colon (“:”).

37 Rule 160.6 Requirement of a New Zealand Ship to have an International Sewage Pollution Prevention Document of Compliance

(1) In rule 160.6, in subrule (1), after “of Compliance”, insert “, or ISPP Exemption Document of Compliance, as applicable,”.

(2) In rule 160.6, replace the chapeau of subrule (2) with the following:

“The owner and the master of a ship for which an International Sewage Pollution Prevention Document of Compliance is required to be held, must ensure that the International Sewage Pollution Prevention Document of Compliance is—”.

38 Rule 160.7 Issue and duration of an International Sewage Pollution Prevention Document of Compliance for a New Zealand ship

In rule 160.7, in subrule (2)(a), replace “the Appendix” with “Appendix 1”.

39 Rule 160.12 Foreign Ships registered in a state party to Annex IV of MARPOL

In rule 160.12—

- (a) in subrule (1)(a), after “(1973)”, insert “, or ISPP Exemption Certificate, as applicable,”; and
- (b) in subrule (1)(b), after “(1973)”, insert “, or ISPP Exemption Certificate, as applicable,”; and
- (c) in subrule (2), after “(1973)”, insert “, or ISPP Exemption Certificate, as applicable,”.

40 Rule 160.13 Foreign ships registered in a state not party to Annex IV of MARPOL

In rule 160.13—

- (a) in subrule (1)(a), after “(1973)”, insert “, or ISPP Exemption Certificate, as applicable,”; and
- (b) in subrule (1)(b), after “(1973)”, insert “, or ISPP Exemption Certificate, as applicable,”; and
- (c) in subrule (2), after “(1973)”, insert “, or ISPP Exemption Certificate, as applicable,”.

41 New Section 3 and rules 160.14 to 160.18

After rule 160.13, insert the following section heading and rules:

“Section 3 - Unmanned non-self-propelled (UNSP) barges

160.14 Purpose

The purpose of this section is to set the conditions upon which an unmanned non-self-propelled (UNSP) barge may have an ISPP Exemption Document of Compliance issued in relation to it.

160.15 Application

This section applies to an unmanned non-self-propelled (UNSP) barge to which this Part applies.

160.16 ISPP Exemption Document of Compliance may substitute for ISPP Document of Compliance

- (1) The owner of an unmanned non-self-propelled (UNSP) barge is not required to hold an ISPP Document of Compliance for the barge provided—
 - (a) there is a valid ISPP Exemption Document of Compliance issued under rule 160.18 in relation to the barge; and
 - (b) the requirements in subrules (2) and (3) are met.
- (2) The owner and the master must ensure that the ISPP Exemption Document of Compliance is—
 - (a) available on the towing or pushing vessel during towing or pushing operations; and
 - (b) available for inspection by the Director or by an authorised person acting on behalf of a Party State, upon their request.
- (3) The owner and the master must comply with the conditions to which the certificate is subject.
- (4) It is a condition of each ISPP Exemption Document of Compliance issued in respect of an unmanned non-self-propelled (UNSP) barge that neither persons nor living animals are on board the barge during its voyage.

160.17 Survey to confirm barge meets certain conditions

Before an ISPP Exemption Document of Compliance can be issued, a survey must confirm, taking into account IMO guidelines titled *Guidelines For Exemption Of*

Unmanned Non-Self-Propelled (UNSP) Barges From Certain Survey And Certification Requirements Under The MARPOL Convention, that the barge—

- (a) is not propelled by mechanical means; and
- (b) is fit for purpose for use as a barge on a voyage with neither persons nor living animals on board; and
- (c) is not used for holding sewage during transport; and
- (d) has no arrangements that could produce sewage.

160.18 Application for and issue of an exemption certificate

- (1) The owner of an unmanned non-self-propelled barge must apply to the Director for an ISPP Exemption Document of Compliance—
 - (a) in accordance with section 269 of the Act; and
 - (b) including in the application a survey report by a surveyor confirming the conditions in rule 160.17 are met.
- (2) Upon an application under subrule (1) and, if satisfied with the survey report provided under subrule (1)(b), the Director must issue an ISPP Exemption Document of Compliance—
 - (a) in accordance with section 270 of the Act; and
 - (b) subject to such conditions as the Director considers appropriate in the circumstances; and
 - (c) subject to the condition in rule 160.16(4); and
 - (d) for a period not exceeding 5 years.
- (3) Each ISPP Exemption Document of Compliance issued by the Director must be in the form set out in Appendix 2 of this Part.
- (4) Each ISPP Exemption Document of Compliance is a marine protection document for the purposes of the Act.”.

42 Part 160 Appendix

Amend the title of the Appendix of Part 160 by inserting “ 1 ” after “Appendix”.

43 Part 160 New Appendix 2

After the end of Appendix 1, insert the following Appendix 2:

“APPENDIX 2

FORM FOR UNSP BARGES INTERNATIONAL SEWAGE POLLUTION PREVENTION EXEMPTION DOCUMENT OF COMPLIANCE FOR UNMANNED NON-SELF-PROPELLED (UNSP) BARGES

Issued under rule 160.18(2), under delegation, by

.....
full designation of surveyor or organisation authorised by the Director

Name of ship	Distinctive number or letter	Port of registry	Gross tonnage	Number of persons that the ship is certified to carry

THIS IS TO CERTIFY:

- 1 That the unmanned non-self-propelled (UNSP) barge has been surveyed in accordance with rule 160.17; and
- 2 That the survey shows that the unmanned non-self-propelled (UNSP) barge:
 - 2.1 is not propelled by mechanical means; and
 - 2.2 is fit for purpose for use as a barge on a voyage with neither persons nor living animals on board; and
 - 2.3 is not used for holding sewage during transport; and
 - 2.4 has no arrangements that could produce sewage.

This document of compliance is valid until (dd/mm/yyyy).....
 subject to the exemption conditions being maintained.

Completion date of the survey on which this document of compliance is based (dd/mm/yyyy).....

Issued at
(place of issue of certificate)

.....
(date of issue) (dd/mm/yyyy): (signature of duly authorised official issuing the document of compliance)

(seal or stamp of the authority, as appropriate)".

Part 170: Prevention of Pollution from Garbage from Ships

44 Part objective of Part 170

In the Part objective of Part 170, replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

45 Rule 170.1 Definitions

In rule 170.1, in the appropriate alphabetical order, insert the following definition:

“**electronic record book** means a device or system, approved by the Director under rule 170.25A(2)(c)(i) or by another authority of an Administration referred to in rule 170.25A(2)(c)(ii), used to electronically record the required entries for discharges, transfers, and other operations as required under this Part in lieu of a hard copy record book:”.

46 Rule 170.20 Garbage Record Books

In rule 170.20, in subrule (3), after “completed page”, insert “, or completed group of electronic entries, as applicable,”.

47 Rule 170.25 Garbage Record Books

In rule 170.25, in subrule (5), after “completed page”, insert “, or completed group of electronic entries, as applicable,”.

48 New rule 170.25A

After rule 170.25, insert the following heading and rule:

“Electronic Record Books

170.25A Use of electronic record books

- (1) Subject to subrule (2), a garbage record book may include an electronic record book.
- (2) A record required to be made in a garbage record book may be made in an electronic record book if—
 - (a) the electronic record book forms part of an electronic recording system of the ship; and
 - (b) the system is in accordance with guidelines issued by the IMO titled *Guidelines For The Use Of Electronic Record Books Under MARPOL*; and
 - (c) the system is approved by—
 - (i) for a New Zealand ship or a New Zealand platform, the Director in accordance with the guidelines referred to in subrule (b) before the system is installed on the ship; or
 - (ii) for any other ship, the authority of an Administration entitled to approve the system for the ship in accordance with the guidelines referred to in subrule (b).”.

Part 300: Ballast

49 Part objective of Part 300

In the Part objective of Part 300, replace the last paragraph with the following:

“Marine Protection Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

50 Rule 300.2 Definitions

In rule 300.2, in subrule (1), in the appropriate alphabetical order, insert the following definition:

“**BWMS Code** means the *Code for Approval of Ballast Water Management Systems* adopted by the IMO.”.

51 Rule 300.44 Issue or endorsement of IBWM certificates and duration – foreign ships

In rule 300.44, in subrule (1)(b)(ii), replace “annual, intermediate, or additional survey” with “annual or intermediate survey”.

52 Rule 300.45 Issue, renewal, and endorsement of IBWM certificates – NZ ships

In rule 300.45, in subrule (4), replace “annual, intermediate, or additional survey” with “annual or intermediate survey”.

53 Rule 300.46 Duration and conditions of IBWM certificates – NZ ships

In rule 300.46, in the chapeau of subrule (5),—

- (a) after “annual”, insert “or intermediate”; and
- (b) after “in rule 300.61(1)(b)”, insert “or rule 300.61(1)(c), as applicable,”.

54 Rule 300.62 Requirements for surveys

(1) In rule 300.62, in subrule (1)—

- (a) in the chapeau of subrule (1), delete “consider whether”; and
- (b) in subrule (a), before “the ship’s ballast”, insert “consider whether”; and
- (c) at the end of subrule (a), insert “and”; and
- (d) in subrule (b), before “any structure”, insert “consider whether”; and
- (e) at the end of subrule (b), replace “Subpart E.” with “Subpart E; and”; and
- (f) after subrule (b), insert the following subrule (c):

“(c) confirm a commissioning test has been conducted to validate the installation of any ballast water management system in accordance with paragraph 1.1 of regulation E-1 of the Annex to the Convention.”.

(2) In rule 300.62, in subrule (4)—

- (a) at the end of subrule (b), replace the full stop (“.”) with “; and”; and
- (b) after subrule (b), insert the following subrule (c):

“(c) when an additional survey is undertaken for the installation of any ballast water management system, confirm a commissioning test has been conducted to validate the installation of the ballast water management system in accordance with paragraph 1.5 of regulation E-1 of the Annex to the Convention.”.

55 Rule 300.101 Director to approve ballast water management system

In rule 300.101, in subrule (2), after “adopted by the IMO,” insert “and the BWMS Code, as applicable,”.

Consultation details

The summary of public consultation below does not form part of the rules, but provides details of the consultation undertaken in making the rules.

Summary of public consultation

Formal consultation on the Proposed Marine Protection Rules Various Amendments 2024 (from which this Marine Protection Rules Amendments 2025 was developed) began on 22 July 2024 and concluded on 2 September 2024.

The public were invited to comment on the draft rules via notification on the Maritime New Zealand website. Copies of the draft rules were made publicly available during the consultation.

By the close of the consultation period, no submissions were received.