

# Maritime Transport (Class Exemption — Self-Closing Doors to Machinery Spaces) Notice 2022

Pursuant to section 40AA(1)(b) of the Maritime Transport Act 1994, the Director of Maritime New Zealand, being satisfied of the matters set out in section 40AA(2) of that Act, gives the following notice.

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## Notice

### 1. Title

This notice is the Maritime Transport (Class Exemption — Self-Closing Doors to Machinery Spaces) Notice 2022.

### 2. Commencement

This notice comes into force on 9 December 2022.

### 3. Interpretation

(1) In this notice, unless the context otherwise requires,—

**Act** means the Maritime Transport Act 1994

**Length**, for the purposes of this notice, has the same meaning as that defined in the applicable Maritime Rule Part for each type of ship, as set out in—

- (a) rule 40A.2, for non-SOLAS passenger ships;
- (b) rule 40C.2, for non-SOLAS non-passenger ships; and
- (c) rule 40D.2, for fishing ships

**Rules** means the following Maritime Rule Parts—

- (a) *Part 40A: Design, Construction and Equipment – Passenger ships which are not SOLAS ships;*

(b) *Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships*; and

(c) *Part 40D: Design, Construction and Equipment – Fishing Ships*

- (2) Any term or expression that is defined in the Act or the rules and used, but not defined, in this notice has the same meaning as in the Act or the rules.

#### **4. Exemption for Self-Closing Doors to Machinery Spaces for Non-SOLAS Passenger Ships**

- (1) The class of ship described in subclause (2) is exempt from the requirement specified in rule 40A.52(1) of the Maritime Rules, *Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS ships*, that doors to machinery spaces of Category A must be self-closing.

- (2) The class is any non-SOLAS passenger ship, of less than 45 metres in length, that does not proceed beyond offshore limits.

#### **5. Exemption for Self-Closing Doors to Machinery Spaces for Non-SOLAS Non-Passenger Ships**

- (1) The class of ship described in subclause (2) is exempt from the requirement specified in rule 40C.48(a) of the Maritime Rules, *Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships*, that doors to machinery spaces of Category A must be self-closing.

- (2) The class is any non-SOLAS non-passenger ship, of less than 45 metres in length, that does not undertake an international voyage.

#### **6. Exemption for Self-Closing Doors to Machinery Spaces for Fishing Ships**

- (1) The class of ship described in subclause (2) is exempt from the requirement specified in rule 40D.52(5) of *Part 40D: Design, Construction and Equipment – Fishing Ships*, that doors to machinery spaces of Category A must be self-closing.

- (2) The class is any post-27 May 2004 fishing ship, of 24 metres or more in length but less than 45 metres in length, that proceeds beyond coastal limits but does not proceed beyond offshore limits.

#### **7. Conditions of exemptions in clauses 4, 5 and 6**

- (1) The exemptions in clauses 4, 5 and 6 are granted subject to the conditions set out in subclauses (2)–(7).

- (2) Signs must be in place requiring that doors to machinery spaces of Category A remain closed when not in use.

- (3) The doors to machinery spaces of Category A must be readily accessible at all times.

- (4) Alarms or indicators must be provided to alert the master and crew that the normal access or escape doors to machinery spaces of Category A (including main entrance/exit to the engine room) are open or closed.
- (5) The alarms or indicators must remain operational at all times.
- (6) The maintenance of the alarms or indicators must be included in the maintenance plan and/or schedule of the ship.
- (7) The applicable procedure or instrument relevant to keeping the doors closed when not in use is incorporated into the ship's operational procedures.

## **8. Expiry of exemptions**

- (1) The exemption in clause 4 expires on the sooner of:
  - (a) the date that the exemption in clause 4 is revoked or replaced; or
  - (b) 1 December 2027.
- (2) The exemption in clause 5 expires on the sooner of:
  - (a) the date that the exemption in clause 5 is revoked or replaced; or
  - (b) 1 December 2027.
- (3) The exemption in clause 6 expires on the sooner of:
  - (a) the date that the exemption in clause 6 is revoked or replaced; or
  - (b) 1 December 2027.

Dated at Wellington this 6<sup>th</sup> of December 2022



**Kirstie Hewlett**

Chief Executive/Director

Maritime New Zealand | Nō te rere moana Aotearoa

## Statement of reasons

This notice exempts three separate classes of ship from compliance with specified requirements in Maritime Rules Parts 40A, 40C and 40D made under the Maritime Transport Act 1994 (see section 40AA(1)(b) of the MTA).

### General provisions relating to the exemption

The exemptions in clauses 4, 5 and 6 of this notice relate to rules 40A.52(1), 40C.48(a), 40D.52(5). The rules require that doors fitted to machinery spaces of Category A must be self-closing.

In respect of the requirements specified in maritime rules 40A.52(1), 40C.48(a), 40D.52(5) the exemptions will apply to the class of ship described in clauses 4(2), 5(2) and 6(2) of this notice. The effect of the exemptions is that those classes of ship are not required to have self-closing doors to machinery spaces of Category A, subject to the conditions set out in clause 7.

The exemptions come into force on 9 December 2022 and will expire in accordance with the provisions of clause 8.

### Director may grant exemptions from maritime rules

The Director of Maritime New Zealand, being satisfied as to the matters set out in section 40AA of the Act, thinks it appropriate to grant the class exemptions because:

- provided the doors to machinery spaces of Category A remain closed by means other than use of self-closing devices, it is considered that this arrangement is as effective as compliance with the requirement for self-closing doors in terms of fulfilling the Rules objectives;
- many existing ships do not have self-closing doors to machinery spaces of Category A, particularly in marine farming vessels and large fishing ships. On these ships, the doors are normally closed while at sea. There is no practical way to fit self-closing devices.

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

- **No international convention requirements:** the requirements are purely domestic requirements that do not implement any international conventions. Therefore granting the exemption will not breach New Zealand's obligations under any convention (section 40AA(2)(a)).
- **One of the criteria in section 40AA(2)(b) applies:**
  - *(ii) the manner in which the requirement is sought to be fulfilled is as effective than actual compliance with the requirement*
  - *(iii) the requirement is clearly unreasonable in this particular case:*
    - provided that the conditions are met, and the doors to the machinery spaces of Category A can remain closed by means other than using self-closing devices, it is considered that this will be as effective in achieving

the desired smoke and gas stopping objectives of the rules.

- It would be unreasonable to require compliance when there is no practical way to fit self-closing devices on a hinged watertight door, or a self-closing watertight sliding door, due to the significant amount of space that it would require.
- **Risk of harm to the marine environment:** the conditions of the exemption provide assurance that any environmental risks are being mitigated appropriately. Therefore the granting of the exemption will not significantly increase risk of harm to the marine environment (section 40AA(2)(c)).
- **Risk to safety:** having an alternative approach which meets the intent of rules provides assurance the risk to safety will not be significantly increased by the granting of the exemption. Therefore granting the exemption will not significantly increase risk to safety (section 40AA(2)(d)).