

Secondary Legislation

Part 3J:

Maritime (Design, Construction, and Equipment - Anchors and Cables) Rules [year]

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Subpart A General

Section 1 Preliminary provisions

A1.1 Title

This Part may be cited as *Part 3J: Maritime (Design, Construction, and Equipment – Anchors and Cables) Rules [year]*.

A1.2 Commencement and revocation

- (1) This Part comes into force on [].
- (2) [List current relevant 40-series Parts/provisions] are revoked.

A1.3 Application

- (1) This Part applies to the design and construction of—
 - (a) New Zealand ships that are commercial ships; and
 - (b) anchors, cables, accessories, windlasses, capstans, and winches on those ships.
- (2) However, this Part does not apply to a ship to which any of the following Parts apply:
 - (a) a ship to which *Part 2A Maritime (Design, Construction, and Equipment – SOLAS Ships) Rules* applies;¹
 - (b) a ship to which *Part 404 Design, Construction, and Equipment – New Zealand Cape Town Vessels and Foreign Cape Town Vessels* applies;
 - (c) a ship to which *Part 40G: Design, Construction, and Equipment – Novel Ships* applies;
 - (d) a ship to which *Part 40F: Design, Construction, and Equipment – Hovercraft* applies.
- (3) The Schedule contains provisions relating to how this Part applies to existing ships.

Note, references in this Part to barges include all barges, whether or not they have persons on board during the course of a voyage

A1.4 Certification

A ship and its anchors, cables, accessories, windlasses, capstans, and winches must be certified for compliance with this Part in accordance with *Part 1A: Maritime (Design, Construction, and Equipment – Survey and Certification) Rules*.

A1.5 Transitional and savings provisions

The transitional, savings, and related provisions set out in the Schedule have effect according to their terms.

Section 2 Interpretation

A2.1 Conflict

- (1) If there is a conflict between this Part and an MTI, this Part applies.
- (2) This Part does not limit or affect the *Health and Safety at Work Act 2015*.

A2.2 References to rules and MTIs

- (1) Where a rule in this Part contains a reference to a rule in another Part, the 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.

¹ Note that Parts 1A and 2A will be consulted on in 2024/25

- (3) A reference in this Part to an MTI is a reference to an MTI as amended or replaced from time to time.
- (4) 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,—

accessory means any accessory used in a cable assembly including, for example, any swivel, shackle, or link of special design

Act means the *Maritime Transport Act 1994*

anchor means a device for the purpose of holding a ship when it is at sea—

- (a) in moderate sea conditions; and
- (b) where the depth of water and the sea bed are suitable for the anchor and cable; and
- (c) where there are no other means of securing the ship

barge means any barge, lighter, or similar vessel that has no means of self-propulsion

cable means stud-link chain, short-link chain, steel wire rope, or fibre rope used to connect an anchor and a ship

Certificate of Surveyor Recognition—

- (a) has the meaning set out in *Part 44: Surveyor Responsibilities and Survey, Certification, and Maintenance for Ships in Maritime Transport Operations*; and
- (b) includes any document that is deemed under *Part 44* to be a valid Certificate of Surveyor Recognition

certificate of test means a document issued by an inspecting organisation in accordance with rule C3.2

commencement date means the date specified in rule A1.2

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

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

existing ship is a ship other than a new ship

fishing ship means a ship required to be registered under the *Fisheries Act 1996* other than an eel fishing boat

inspecting organisation means—

- (a) a recognised classification society; or
- (b) another organisation, if specified in an MTI for the purposes of this Part, to the extent and subject to such conditions specified in an MTI

like-for-like, in relation to repairs or replacements, means—

- (a) the replacement of equipment or materials for equipment or materials that are similar in design, function, use, and maintenance, whether or not they are from the same manufacturer; and
- (b) no additional alteration or modification of existing finishes or fixtures is required to install and occupy the same or similar footprint as the original equipment or materials

LLL means load line length

load line length has the meaning set out in *Part 2C: Maritime (Design, Construction, and Equipment – Load Lines) Rules*

major alteration—

- (a) means an alteration or repair to the design or construction of a ship and its structure, systems, equipment, or fittings; and

- (b) includes the replacement, removal, or addition of non-permanent parts; and
- (c) does not include direct like-for-like repairs or like-for-like replacements of parts

manufacturer's certificate means a certificate issued by the manufacturer of an anchor, cable, or accessory in accordance with rule C3.3(2)

maritime transport instrument means a transport instrument made by the Director for the purposes of this Part under section 452B of the Act

mild steel means steel with a nominal tensile strength of 300 or more Newtons per square millimetre but less than 490 Newtons per square millimetre

MTI means a maritime transport instrument

new ship means a ship, the keel of which is laid or which is at a similar stage of construction, on or after the commencement date [and includes a second-hand ship entering service in New Zealand after the commencement date]

New Zealand ship has 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 specified in an MTI

rules of a recognised classification society means the rules for the manufacture, examination, testing, and certification of anchors, cables, accessories, windlasses, capstans, and winches that are published by a recognised classification society

sailing ship means a ship that—

- (a) is designed to be navigated under wind power alone and for which any motor is provided is an auxiliary means of propulsion; or
- (b) has a non-dimensional ratio of [sail area (volume of displacement)^{2/3}] of more than 9

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 people on board, and maximum cargo capacity

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) 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:

standard has the meaning set out in section 4(1) of the *Standards and Accreditation Act 2015* and also includes other material incorporated by reference under section 452 of the Act

surveyor means a person who holds a current Certificate of Surveyor Recognition under *Part 44: Surveyor Responsibilities and Survey, Certification, and Maintenance for Ships in Maritime Transport Operations*

test approved, in relation to an anchor, cable, or accessory, has the meaning set out in rule C3.1(5)

type approved, in relation to an anchor, has the meaning set out in rule C3.1(3)

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

Subpart B Responsibilities

B1.1 General responsibilities of operators to ensure compliance, inspection, and testing

- (1) An operator must ensure that—
 - (a) anchors, cables, accessories, windlasses, capstans, and winches fitted to a ship comply with Subpart C; and
 - (b) an anchor, cable, or accessory is not fitted to a ship unless it complies with any certification requirements in Subpart C; and
 - (c) a certificate required to be issued under Subpart C is kept as a record.
- (2) An operator must not fit an anchor, cable, or accessory to a ship for which a certificate of test or manufacturer's certificate is required unless a surveyor—
 - (a) has seen the certificate or a certified copy; and
 - (b) has verified that any required markings on the anchor, cable, or accessory are consistent with the certificate; and
 - (c) is satisfied that the anchor, cable, or accessory complies with this Part.
- (3) An operator must ensure that, if a steel wire rope cable is fitted to the ship for use as a cable, reasonable precautions are taken to reduce wear and tear, prevent corrosion, and maintain it in good working order, including by ensuring that—
 - (a) the cable is periodically inspected; and
 - (b) every surface on the ship with which the cable comes into contact when in use is rounded with a suitable radius; and
 - (c) the cable is adequately lubricated, including that it is re-lubricated as necessary.

B1.2 Major alteration or change to scope of certification

An operator must ensure that a ship undergoes the appropriate survey if, as specified in *Part 1A: Maritime (Design, Construction, and Equipment - Survey and Certification) Rules*,—

- (a) a major alteration is made to the ship; or
- (b) there is a change to the scope of certification.

B1.3 Responsibilities of inspecting organisations and manufacturers

An inspecting organisation or manufacturer that issues a certificate required under this Part must ensure that the certificate is complete in all respects, accurate, and enables the identification of the anchor, cable, or accessory.

B1.4 Responsibilities of surveyors

A surveyor must not certify a ship under *Part 1A: Maritime (Design, Construction, and Equipment -- Survey and Certification) Rules* if they believe on reasonable grounds that the ship does not comply with this Part.

B1.5 Functions and powers of Director

The Director may impose requirements and conditions for the performance of survey and testing activities under this Part.

Subpart C Ship requirements

Note that sections in the MTI correspond with sections in this Subpart. Unless specified in the provisions, a reference to an MTI in Subparts B and C is a reference to an MTI for anchors and cables.

Section 1 General requirements for anchors and cables

C1.1 General requirements for anchors and cables

- (1) A ship must comply with the requirements in this Part (including the number, type, design, construction, installation standards, and testing requirements for anchors, cables, and accessories that are specified in an MTI).
- (2) Anchors and cables fitted to a ship must be capable of holding the ship when required.
- (3) An anchor, cable, or accessory fitted to a ship must be designed, manufactured, arranged, and maintained in a manner that ensures that it functions reliably when it is needed to hold the ship.
- (4) An anchor must be suitably stowed and readily available for deployment when required.

Section 2 Anchors and cables

C2.1 Application of requirements for anchors and cables

- (1) Except as provided in subrule (2), the number, type, design, construction, installation standards, and testing of anchors, cables, and accessories that must be fitted to a ship must comply with—
 - (a) the requirements in Sections 3 and 4 of this Subpart; or
 - (b) the rules of a recognised classification society.
- (2) The number, type, design, materials, manufacture, standards, and testing of anchors, cables, and accessories fitted to a sailing ship of 24 metres or more in LLL must comply with the rules of a recognised classification society.

Section 3 Approval, markings, and certification

C3.1 Requirements for approval

- (1) This Section applies to the following where they are required to be fitted to a ship:
 - (a) an anchor weighing 75 kilograms or more;
 - (b) a cable that is a mild steel chain cable that has a diameter of 14 millimetres or more or a cable of another type that has an equivalent minimum breaking load;
 - (c) an accessory of a cable referred to in paragraph (b).

Type approval requirements

- (2) An anchor must be type approved if it—
 - (a) weighs 75 kilograms or more; or
 - (b) is of a type specified in an MTI.
- (3) An anchor is type approved if—
 - (a) an inspecting organisation has reviewed the prototype design, material, manufacturing processes, and any applicable testing requirements; and
 - (b) the inspecting organisation has confirmed in writing to the manufacturer that the anchor design, materials, and manufacturing processes comply with—
 - (i) the rules of a recognised classification society; or

- (ii) any requirements specified in an MTI; and
- (c) the anchor was manufactured in accordance with the requirements in paragraph (b).

Test approval requirements

- (4) An anchor, cable, or accessory must be test approved if fitted to a ship of 24 metres or more in LLL.
- (5) An anchor, cable, or accessory is test approved if an inspecting organisation has—
 - (a) witnessed its load testing and examination and determined that the anchor, cable, or accessory has satisfactorily passed its load testing and examination and complies with—
 - (i) the rules of a recognised classification society; or
 - (ii) requirements specified in an MTI; and
 - (b) issued a certificate of test that complies with the requirements in rule C3.2.

C3.2 Certificate of test requirements for ships of 24 metres or more in LLL

A certificate of test is a certificate issued by an inspecting organisation that must—

- (a) identify the anchor, cable, or accessory by reference to its markings; and
- (b) describe the tests that have occurred and the results of these tests; and
- (c) include any other information specified in an MTI.

C3.3 Manufacturer’s certificate requirements

- (1) Except as provided in subrule (4), a manufacturer’s certificate is required for the following:
 - (a) an anchor weighing 75 kilograms or more;
 - (b) a mild steel cable of 14 millimetres or more in diameter or an equivalent cable, and that cable’s accessories.
- (2) A manufacturer’s certificate is a certificate issued by the manufacturer of an anchor, cable, or accessory that must—
 - (a) identify the anchor, cable, or accessory by reference to its markings; and
 - (b) for an anchor, if applicable, specify that it is type approved; and
 - (c) include any other information specified in an MTI.
- (3) In addition to the requirements in rule C3.3(1), a manufacturer’s certificate is required for an anchor, cable, or accessory if required by an MTI.
- (4) A manufacturer’s certificate is not required for an anchor, cable, or accessory if a certificate of test has been issued for it.

C3.4 Marking requirements

An anchor, cable, or accessory that is type approved, test approved, or for which a manufacturer’s certificate has been issued, must be manufactured or labelled with—

- (a) markings that allow it to be identified and distinguished from other anchors, cables, or accessories in accordance with requirements in an MTI; and
- (b) any other markings specified in an MTI.

Section 4 Windlasses, capstans, and winches

C4.1 General requirements for windlasses, capstans, and winches

Windlasses, capstans, and winches must have sufficient power to efficiently raise and hold a ship’s anchors.

C4.2 Application of requirements for windlasses, capstans, and winches

- (1) Except as provided for in subrule (2), a ship must be fitted with windlasses, capstans, or winches that comply with the requirements specified in an MTI.
- (2) A ship is not required to be equipped with windlasses, capstans, or winches for an anchor if the combined mass of the anchor and the anchor's cable, pendant, and accessories weighs less than 35 kilograms when free-hanging in 10 metres of water.

Schedule

Transitional, savings, and related provisions

1. Meaning of commencement date

In this Schedule, **commencement date** means the date on which the Part commenced under rule A1.2(1).

2. Application to existing ships

- (1) Anchors, cables, accessories, windlasses, winches, and capstans fitted to an existing ship are not required to comply with Sections 2, 3, and 4, provided clause (2) is complied with.
- (2) A surveyor determines that—
 - (a) the anchors, cables, accessories, windlasses, capstans, and winches comply with any applicable rules specified in rule A1.2(2) as if not revoked; and
 - (b) the anchors, cables, accessories, windlasses, capstans, and winches comply with rule C1.1; and
 - (c) the anchors, cables, accessories, windlasses, capstans, and winches are in good working order; and
 - (d) the anchors, cables, accessories, windlasses, capstans, and winches have not undergone a major alteration since the commencement date; and
 - (e) the ship has not undergone a major alteration that invalidates the basis on which the anchor weights and cables were determined.

3. Existing exemptions continued

An exemption granted by the Director under section 40AA of the Act from a relevant requirement that is in force immediately before the commencement date continues in force on and after the commencement date and is subject to the same conditions (if any) as applied before the commencement date.