



MINISTRY of TRANSPORT  
TE MANATŪ WAKA

WELLINGTON NEW ZEALAND

PURSUANT to Section 386 of the Maritime Transport Act 1994

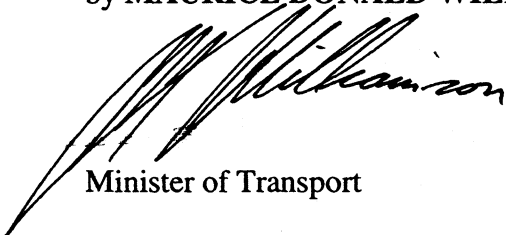
I, MAURICE DONALD WILLIAMSON, Minister of Transport,

HEREBY MAKE the following marine protection rules.

SIGNED AT Wellington

This 28 day of June 1998

by MAURICE DONALD WILLIAMSON



Minister of Transport

Marine Protection Rules  
Part 150

Carriage of Cargoes  
Harmful Substances Carried In Packaged Form

**Maritime Transport Act 1994**

# **Marine Protection Rules**

**PART 150**

**CARRIAGE OF CARGOES  
HARMFUL SUBSTANCES CARRIED IN PACKAGED FORM**

# Marine Protection Rules

## PART 150—CARRIAGE OF CARGOES HARMFUL SUBSTANCES CARRIED IN PACKAGED FORM

### PART OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

#### Objective

The technical standards contained in the International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL), are being incorporated into New Zealand law by means of marine protection rules. These rules enable New Zealand to be party to the convention.

Specifically, the standards set out in Part 150 are drawn from Annex III of MARPOL, which is concerned with the prevention of pollution by harmful substances carried by sea in packaged form.

The ships covered by Part 150 are:

- (a) New Zealand ships (but not ships of the New Zealand Defence Force); and
- (b) foreign ships in New Zealand marine waters or in New Zealand continental waters.

The sea carriage of harmful substances in packaged form is prohibited unless the carriage of such substances complies with Part 150. "Harmful substance" includes:

- (a) marine pollutants listed in the International Maritime Dangerous Goods Code (IMDG Code); and
- (b) empty packagings which have been used previously for the carriage of harmful substances, unless adequate precautions have been taken to ensure that they contain no harmful residue.

Ship's stores and equipment are not harmful substances under Part 150.

Part 150 imposes requirements for packaging, marking, labelling and associated documentation. In particular, Part 150 requires:

- (a) packaging to be adequate to minimize the hazard to the marine environment; and
- (b) correct technical names must be used to identify the substances being carried; and
- (c) documents must contain the word "MARINE POLLUTANT".

## **Extent of Consultation**

The requirements in Part 150 were originally contained in the Invitation to Comment in Part 24A. On 6 September 1997 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 24A. A notice was also published in the *New Zealand Gazette* on 4 September 1997. The Authority then made its Invitation to Comment, draft Part 24A and draft Advisory Circular available to the public with 257 copies being sent to interested parties. Comments on the Part were requested to be made by 31 October 1997.

Eighteen submissions were received on Part 24A. All submissions and any verbal comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

## **Commencement**

Part 150 as amended was referred to and signed by the Minister of Transport.

Part 150 comes into force 28 days after the date of its notification in the *New Zealand Gazette*.

# Marine Protection Rules

## PART 150<sup>1</sup>

### HARMFUL SUBSTANCES IN PACKAGED FORM

- 150.1 Entry into force
- 150.2 Definitions
- 150.3 Application
- 150.4 Jettison of harmful substances
- 150.5 Incidents involving harmful substances

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<sup>1</sup> *This Part should be read in conjunction with Part 24A of the Maritime Rules—Carriage of Cargoes—Dangerous Goods.*

## 150.1 Entry into Force

Part 150 shall come into force on the 28th day after the date of its notification in the *Gazette*.

## 150.2 Definitions

In Part 150:

“**Director**” means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

“**Foreign ship**” means any ship that is not a New Zealand ship:

“**Harmful substance**” means –

- (a) any substance in packaged form for the time being identified as a marine pollutant in the IMDG Code; and
- (b) any empty packaging which has been used previously for the carriage of a substance specified in paragraph (a), unless adequate precautions have been taken to ensure that the packaging contains no residue that is harmful to the marine environment;

but does not include ship’s stores and equipment:

“Harmful substance” as defined here is a “harmful substance” for the purposes of section 225 of the Maritime Transport Act 1994:

“**International Maritime Dangerous Goods Code**” or “**IMDG Code**” mean the *International Maritime Dangerous Goods Code* published by the International Maritime Organisation, as amended by that organisation from time to time:

“**Master**” means any person (except a pilot) having command or charge of any ship:

“**New Zealand jurisdiction**” means—

- (a) the internal waters of New Zealand:
- (b) the territorial sea of New Zealand:
- (c) the exclusive economic zone of New Zealand:
- (d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

“**New Zealand ship**” means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under the Act but is required or entitled to be registered under the Act:

**"Owner",—**

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:
- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible:
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

**"Packaged form"** in relation to harmful substances means the forms of containment specified for harmful substances in the IMDG Code:

**"Packagings"** are receptacles and any other components or materials necessary for the receptacle to perform its containment function:

**"Part"** means a group of rules made under the Maritime Transport Act 1994:

**"Receptacle"** means any containment vessel for receiving and holding substances or articles, including any vehicle, and any means of closing:

**"Rules"** includes maritime rules and marine protection rules:

**"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.

### 150.3 Application

Rules 150.4 to 150.6 apply to—

- (a) any New Zealand ship:
- (b) any foreign ship within New Zealand jurisdiction.



#### 150.4 Jettison of Harmful Substances

The owner and the master of a ship to which this rule applies must ensure that harmful substances carried are not jettisoned, unless such action is necessary for the purposes of securing the safety of the ship or saving life at sea.

#### 150.5 Incidents Involving Harmful Substances

- (1) The master of any ship to which Part 150 applies must give notice of, or report, any discharge or escape, or probable discharge or escape, of a harmful substance from that ship in accordance with rules 24A.22 or 24A.23, as applicable.
- (2) The master of any ship to which Part 150 applies must ensure that in giving notice of, or reporting an incident involving a harmful substance in accordance with rules 24A.22 and 24A.23, the words "harmful substance" appear.
- (3) The owner and the master of any ship to which this rule applies must ensure that unless compliance with that requirement would impair the safety of the ship or persons on board—
  - (a) appropriate measures based on the physical, chemical and biological properties of harmful substances are taken to regulate the washing of leakages overboard; and
  - (b) if the vessel is in any port, the Harbourmaster is consulted with prior to washing any leakages of harmful substances overboard.

# Maritime Rules

## PART 150

### CARRIAGE OF CARGOES HARMFUL SUBSTANCES CARRIED IN PACKAGED FORM

## Consultation Details

*(This text does not form part of the rules contained in Part 150. It provides details of the consultation undertaken in making the rules.)*

### **Summary of Consultation**

The Invitation to Comment for Part 150 was included in the Invitation to Comment for Part 24A of the Maritime Rules. Eighteen submissions were received on the 2 Parts. Of these submissions only that of the New Zealand Defence Force related to Part 150.

Following discussions with the New Zealand Defence Force it was agreed to restrict the application of Part 150 to civilian ships on the basis that New Zealand Defence Ships do not carry harmful substances in packaged form as defined in the rule.

Rule 150.6 was deleted as it was considered that this provision was more appropriately covered by existing provisions in the IMDG code.