

# Maritime Transport (Class Exemption — Radiocommunication Equipment) Notice 2023

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 — Radiocommunication Equipment) Notice 2023.

### 2. Commencement

This notice comes into force on 20 December 2023.

### 3. Interpretation

- (1) In this notice, unless the context otherwise requires,—  
**Act** means the Maritime Transport Act 1994  
**Rules** means Maritime Rules *Part 40A: Design, Construction and Equipment – Non-SOLAS Passenger Ships; Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships; Part 40D: Design, Construction and Equipment – Fishing Ships; and Part 40E: Design, Construction and Equipment – Sailing 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 Radiocommunication Equipment for Non-SOLAS Passenger Ships**

- (1) The class of person described in subclause (3) is exempted from the requirements specified in rule 40A.57(1) of the Maritime Rules, *Part 40A: Design, Construction and Equipment – Non-SOLAS Passenger Ships*, as set out in Appendix 5:
  - (a) in clause 5.1, where the “Item” column lists “Source of electrical energy” and under the heading “Requirements”:
    - i. in subclause (1) that the battery must be of sufficient capacity to supply continuously for a period of at least 6 hours; and
    - ii. subclause (1)(d) that one third of the current that may be drawn by each additional load capable of operation from this battery; and
  - (b) in clause 5.2, where the “Item” column lists “Source of electrical energy” and under the heading “Requirements”:
    - i. in subclause (2) that the rechargeable batteries must have such capacity as to supply continuously for a period of 6 hours; and
    - ii. subclause (2)(f) that one third of the current that may be drawn by each additional load capable of operation from this battery.
- (2) The class of person described in subclause (3) is also exempted from the requirements specified in rule 40A.57(7) of the Maritime Rules, *Part 40A: Design, Construction and Equipment – Non-SOLAS Passenger Ships*.
- (3) The class is every owner and master of a non-SOLAS passenger ship of less than 12 metres in length which is assigned inshore or coastal limits.

#### **5. Exemption for Radiocommunication Equipment for Non-passenger Ships that are not SOLAS Ships**

- (1) The class of person described in subclause (3) is exempted from the requirements specified in rule 40C.53(1) of the Maritime Rules, *Part 40C: Design, Construction and Equipment – Non-Passenger Ships that are not SOLAS Ships*, as set out in Appendix 4:
  - (a) in clause 4.1, where the “Item” column lists “Source of electrical energy” and under the heading “Requirements”:
    - i. in subclause (1) that the battery must be of sufficient capacity to supply continuously for a period of at least 6 hours; and
    - ii. subclause (1)(d) that one third of the current that may be drawn by each additional load capable of operation from this battery; and
  - (b) in clause 4.2, where the “Item” column lists “Source of electrical energy” and under the heading “Requirements”:
    - i. in subclause (2) that the rechargeable batteries must have sufficient capacity as to supply continuously for a period of at least 6 hours; and
    - ii. subclause (2)(f) that one third of the current that may be drawn by each additional load capable of operation from this battery.

- (2) The class of person described in subclause (3) is also exempted from the requirements specified in rule 40C.53(7) of the Maritime Rules, *Part 40C: Design, Construction and Equipment – Non-Passenger Ships that are not SOLAS Ships*.
- (3) The class is every owner and master of a non-passenger ship that is not a SOLAS ship of less than 12 metres in length which is assigned inshore or coastal limits.

## **6. Exemption for Radiocommunication Equipment for Fishing Ships**

- (1) The class of person described in subclause (2) is exempted from the requirements specified in rule 40D.68(1) of the Maritime Rules, *Part 40D: Design, Construction and Equipment – Fishing Ships*, as set out in Appendix 3:
  - (a) in clause 3.1 where the “Item” column lists “Source of electrical energy” and under the heading “Requirements”:
    - i. in the subclause, that the battery must be of sufficient capacity to supply continuously for a period of at least 6 hours; and
    - ii. in paragraph (d) of the subclause, that one third of the current that may be drawn by each additional load capable of operation from this battery; and
  - (b) in clause 3.2, where the “Item” column lists “Source of electrical power” and under the heading “Requirements”:
    - i. in the subclause, that the rechargeable batteries must have such capacity as to supply continuously for a period of 6 hours; and
    - ii. in paragraph (f) of the subclause, that one third of the current that may be drawn by each additional load capable of operation from this battery.
- (2) The class is every owner and master of a fishing ship of less than 12 metres in length which is assigned enclosed, inshore, inshore fishing or coastal limits.

## **7. Exemption for Radiocommunication Equipment for Sailing Ships**

- (1) The class of person described in subclause (2) is exempted from the requirements specified in rule 40E.52(1) of the Maritime Rules, *Part 40E: Design, Construction and Equipment – Sailing Ships*, as set out in Appendix 5:
  - (a) in clause 2, where the “Item” column lists “Source of electrical energy” and under the heading “Requirements”:
    - i. in subclause (1)(c) that the battery must be of sufficient capacity to supply continuously for a period of at least 6 hours; and
    - ii. subclause (1)(c)(iv) that one third of the current that may be drawn by each additional load capable of operation from this battery; and
  - (b) in clause 3, where the “Item” column lists “Source of electrical energy” and under the heading “Requirement”:
    - i. in subclause (2)(b) that the rechargeable batteries must have sufficient capacity as to supply continuously for a period of at least 6 hours; and
    - ii. subclause (2)(b)(vi) that one third of the current that may be drawn by each additional load capable of operation from this battery.
- (2) The class is every owner and master of a sailing ship of less than 12 metres in length which is assigned inshore or coastal limits.

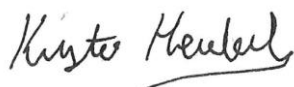
## **8. Conditions of Exemptions in Clauses 4, 5, 6 and 7**

- (1) The exemptions in clause 4, 5, 6 and 7 are granted subject to the conditions set out in subclause (2).
- (2) The owner and the master of the ship must ensure that—
  - (a) the applicable source of electrical energy conditions contained in the Schedule to this Notice are met; and
  - (b) there is a means to immediately isolate any non-essential electrical load from the power supply.

## **9. Expiry of Exemptions**

- (1) The exemptions in clauses 4, 5, 6 and 7 expire on the sooner of:
  - (a) the date that the exemptions in clause 4, 5, 6 and 7 are replaced or revoked; or
  - (b) 19 December 2028.

Dated at Wellington this 15<sup>th</sup> of December 2023



**Kirstie Hewlett**  
**Director**  
**Maritime New Zealand**

## Schedule to this Notice

### Conditions for Non-SOLAS Passenger Ships, Non-Passenger Ships that are not SOLAS Ships, and Sailing Ships that proceed beyond enclosed waters but do not proceed beyond a VHF coverage area; and for fishing ships that do not proceed beyond a VHF coverage area

Item	Conditions
Source of electrical energy	<p>(1) The ship must have available at all times while it is at sea a rechargeable battery that is situated above the ship's design waterline and is capable of operating the VHF radio installation. The battery must be of sufficient capacity to supply continuously for a period of at least the applicable hours listed in table A below a total current equal to the sum of—</p> <ul style="list-style-type: none"> <li data-bbox="683 719 1270 786">(a) the current consumption of the VHF radio receiver; and</li> <li data-bbox="683 819 1374 954">(b) one third of the current that may be drawn by the VHF radio transmitter for speech transmission on the frequency at which the current consumption is a maximum; and</li> <li data-bbox="683 987 1382 1048">(c) the current consumption of the emergency electric light, if applicable.</li> </ul>

### Conditions for Non-SOLAS Passenger Ships, Non-Passenger Ships that are not SOLAS Ships, fishing ships, and Sailing Ships that proceed beyond a VHF coverage area

Item	Conditions
Source of electrical energy	<p>(1) The ship must have available at all times while at sea a reserve source of electrical power located above the design waterline. This must consist of rechargeable batteries of such capacity as to supply continuously for a period of period of at least the applicable hours listed in table A below a total current equal to the sum of—</p> <ul style="list-style-type: none"> <li data-bbox="683 1514 1318 1581">(a) the current required to operate the VHF radio receiver; and</li> <li data-bbox="683 1615 1374 1749">(b) one half of the current required to operate the VHF radio transmitter for the transmission of speech, with the transmitter operating at its full rated frequency output power; and</li> <li data-bbox="683 1783 1347 1850">(c) the current required to operate the MF/HF radio receiver; and</li> <li data-bbox="683 1883 1362 2018">(d) one half of the current required to operate the MF/HF radio transmitter for the transmission of speech with the transmitter operating at its full rated radio frequency output power; and</li> </ul>

	(e) the emergency light;
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**Table A**

<b>Assigned operating limit for vessel</b>	<b>Duration of supply</b>
Enclosed Limits	2 hours
Inshore or Inshore Fishing Limits	3 hours
Coastal Limits	6 hours

## Statement of Reasons

This notice exempts a class of owner and master from compliance with specified requirements in Maritime Rules, *Part 40A: Design, Construction and Equipment – Non-SOLAS Passenger Ships*; *Part 40C: Design, Construction and Equipment – Non-Passenger Ships that are not SOLAS Ships*; *Part 40D: Design, Construction and Equipment – Fishing Ships*; and *Part 40E: Design, Construction and Equipment – Sailing Ships*, made under the Act (see section 40AA(1)(b)).

### General provisions relating to the exemptions

The exemption in clause 4 of this notice relates to Rules 40A.57(1) only as it relates to Appendix 5 requirements for source of electrical energy, and 40A.57(7).

The exemption in clause 5 of this notice relates to Rules 40C.53(1) only as it relates to Appendix 4 requirements for source of electrical energy, and 40C.53(7).

The exemption in clause 6 of this notice relates to Rule 40D.68(1) only as it relates to Appendix 3 requirements for source of electrical energy.

The exemption in clause 7 of this notice relates to Rules 40E.52(1) only as it relates to Appendix 5 requirements for source of electrical energy.

The Rules require a rechargeable battery, or a reserve source of electrical power, that is capable of supplying electrical power to essential services – most importantly radio installations - for a period of at least 6 hours. The intent is to ensure these essential services are operable for a sufficient period of time in an emergency to receive assistance.

In respect of the requirements specified in the above rules, the exemptions in clause 4, 5 and 7 apply to the owner and the master of a non-SOLAS passenger ship, a non-passenger ship that is not a SOLAS ship, or a sailing ship, respectively, that is:

- a) less than 12 metres in length; and
- b) assigned inshore or coastal limits.

The exemption in clause 6 applies to the owner and the master of a fishing ship that is:

- a) less than 12 metres in length; and
- b) assigned enclosed, inshore, inshore fishing or coastal limits.

These exemptions come into force on 20 December 2023 and expire on 19 December 2028 (unless sooner replaced or revoked).

### 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 exemption because:

- The electrical current requirements are not reasonable or appropriate for small vessel operating close to shore. Requiring an electrical capacity higher than is reasonable or appropriate means that there may be insufficient space on the ship for the number of batteries that would be required; the weight of the batteries may change the performance of the ship and affect stability; the costs of meeting the requirements may be excessive.

- The proposed conditions to this exemption still require emergency battery capacity of between 2 and 6 hours depending on operating limits, which can be considered appropriate based on the size of the ship and the maximum distance from and time away from the shore the ship will be.

The Director is further satisfied that the exemptions meet 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 exemptions will not breach New Zealand's obligations under any convention (s.40AA(2)(a)).
- **One of the criteria in s.40AA(2)(b) applies:**
  - (iii) the requirement is clearly unreasonable or inappropriate in this particular case:*
    - Requiring emergency battery capacity of at least 6 hours for all ships no matter the operating limits or size of the ship is not proportionate, reasonable or appropriate. Rechargeable battery (or reserve source of electrical power) capacity of between 2 and 6 hours depending on operating limits meets the intent of the rules to ensure there is emergency power capable of operating essential services such as radio installations for a sufficient period of time in an emergency.
- **Risk of harm to the marine environment:** there are no specific or unique environmental risks related to the emergency battery capacity of radiocommunication equipment. Therefore the granting of the exemption will not significantly increase risk of harm to the marine environment (s.40AA(2)(c)).
- **Risk to safety:** By requiring emergency battery capacity of between 2 and 6 hours depending on operating limits, the essential services including radio installations can still be operated in an emergency, for a sufficient period of time. This meets the intent of the rules and therefore risk to safety will not be significantly increased provided certain conditions are met:
  - a) The owner and the master of the ship ensure the applicable source of electrical energy requirements contained in the Schedule to this exemption are met; and
  - b) There is a means to immediately isolate any non-essential electrical load from the power supply.

Therefore granting the exemption will not significantly increase risk to safety (s.40AA(2)(d)).