

Maritime Rules

Part 21: Safe Ship Management Systems

MNZ Consolidation

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Part objective

Part 21 requires certain New Zealand commercial ships to establish safe ship management procedures which are consistent with the duties of participants in the maritime system stated in section 17(4)(a) of the Maritime Transport Act 1994.

Section 1 applies to those foreign-going ships which are subject to the requirements of the International Convention for the Safety of Life at Sea, 1974, (SOLAS), and to other large ships, other than fishing ships, which proceed beyond restricted limits. This section incorporates the requirements of SOLAS Chapter IX - *Management for the Safe Operation of Ships*.

Chapter IX was added to SOLAS with other amendments adopted in 1994 and comes into force for different types of ship on varying dates between 1998 and 2002. At the Conference of Contracting Governments at which these amendments were adopted a resolution was also adopted strongly urging governments to implement as far as practicable safe management requirements for cargo ships entitled to fly their flags of 150 tons gross tonnage or more but less than 500 tons gross tonnage. For consistency with existing regulations the SOLAS provisions apply to those New Zealand ships of 45 metres or more in length that proceed beyond restricted limits, but are not SOLAS ships, because of their size or because they do not engage in foreign voyages. Thus the application of section 1 to such ships.

The provisions of section 1 require the ship owner to implement a shore based and shipboard safe management system in compliance with the International Safety Management Code adopted by the International Maritime Organization Assembly Resolution A.741(18) and given mandatory effect by chapter IX of SOLAS. The International Safety Management Code provides an international standard for the safe management and operation of ships and for pollution prevention.

Foreign ships, which are SOLAS ships, are required by section 1 to meet the port state control provisions of that Convention in respect of Chapter IX.

The basis for Part 21 is found in sections 17(4)(a), 34, and 36(j) of the Maritime Transport Act 1994.

Maritime rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Disclaimer:

This document is the current consolidated version of Maritime Rules Part 21 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of Part 21

Part 21 first came into force on 1 February 1998 and now incorporates the following amendments:

Amendment	Effective date
Amendment 1	4 September 2008
Amendment 2	30 July 2009
Amendment 3	1 December 2010
Amendment 4	1 April 2011
Amendment 5	1 April 2014
Amendment 6	1 April 2014
Amendment 7	1 July 2014
Amendment 8	1 January 2015
Amendment 9	1 April 2015
Amendment 10	1 April 2015

Summary of amendments

Amendment 1

Maritime (Various Amendments) Rules Part 20-91 21.5, 21.7(2)(d), 21.7(5)(c), 21.7(13), 21.7(14), 21.9(4)

Amendment 2

Maritime (Various Amendments) Rules 2009 Parts 21-80 21.7(2)(a), 21.75(5)(a), 21.7(9)(a), 21.7(12)(a), Appendices 1, 2, 3 and 4 revoked

Amendment 3

Part 21: Amendment 2010 21.11, 21.11A, 21.12(1), 21.12(2), 21.12(2A), 21.12(6)

Amendment 4

Maritime Rules Various Amendments 2011 21.12(1A) & (2A), Appendix 6 – Clause 11

Amendment 5

Part 19: Maritime Transport Operator – Certification and Responsibilities Revoked Section 2, Appendix 5 and Appendix 6

Amendment 6

Parts 20, 31, 42, 34 and 35: Consequential Amendments 21.2

Amendment 7

Parts 19 and 44: Consequential Amendments Part Objective, 21.2

Amendment 8

Maritime Rules Various Amendments 2014 Part Objective, 21.5

Amendment 9

Maritime Rules Various Amendments 2015 Part Objective, 21.2

Amendment 10

Maritime Rules Various IMO-related Amendments 2015 21.5, 21.7

All signed rules can be found on our website:

<http://www.maritimenz.govt.nz/Rules/List-of-all-rules/Part21-maritime-rule.asp>

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Section 2: Ships which do not proceed beyond restricted limits, fishing ships, and ships of less than 45 metres in length which are not required to comply with Section 1 (*revoked*)

Appendices

Appendix 1	Document of Compliance (<i>revoked</i>)
Appendix 2	Safety Management Certificate (<i>revoked</i>)
Appendix 3	Interim Document of Compliance (<i>revoked</i>)
Appendix 4	Interim Safety Management Certificate (<i>revoked</i>)
Appendix 5	New Zealand Safe Ship Management Certificate (<i>revoked</i>)
Appendix 6	New Zealand Safe Ship Management Code (<i>revoked</i>)

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General

21.1 Entry into force

- (1) Except as provided in rule 21.1(2), Part 21 shall come into force on 1 February 1998.
- (2) Rules 21.2 to 21.12 inclusive shall come into force on a date to be appointed by the Minister by notice in the *Gazette*; and one or more notices may be given bringing different rules into force on different dates.

21.2 Definitions

In Part 21:

Act means the Maritime Transport Act 1994:

barge means any barge, lighter, or like vessel that does not have any means of self-propulsion:

coastal limits has the same meaning as in Part 20:

commercial ship means a ship that is not—

- (a) a pleasure craft; or
- (b) solely powered manually; or
- (c) solely powered by sail:

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

enclosed water limits has the same meaning as in Part 20:

fishing ship means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research:

foreign ship means any ship that is not a New Zealand ship:

inshore limits has the same meaning as in Part 20:

international voyage means a voyage from New Zealand to a port outside New Zealand or conversely:

length means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured is to be parallel to the designed waterline:

New Zealand inland waters means all rivers and other inland waters of New Zealand, which are navigable:

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

non-passenger ship means any ship that is not a passenger ship or a fishing ship:

operating limits means the limits defined in rule 20.2:

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:
- (f) for the purposes of the SOLAS certificates shown in Appendices 1 to 4 inclusive of Part 21, means the company to which the document relates:

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

passenger means any person carried on a ship, other than—

- (a) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship:
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled:
- (c) a child under the age of 1 year:

passenger ship means a ship which carries more than 12 passengers on a voyage beyond restricted limits, or any passengers on a voyage within restricted limits:

restricted limits has the same meaning as in Part 20:

rules includes maritime rules and marine protection rules:

SOLAS ship means any ship to which the International Convention for the Safety of Life at Sea 1974 applies; namely—

- (a) a passenger ship engaged on an international voyage: or
- (b) a non-passenger ship of 500 tons gross tonnage or more engaged on an international voyage:

Section 1: SOLAS ships and ships of 45 metres or more in length that proceed beyond restricted limits

21.3 Application of section 1

- (1) Rules 21.4 to 21.7 inclusive apply to a New Zealand ship that is a commercial ship and that is—
 - (a) a SOLAS ship; or
 - (b) a passenger ship of 45 metres or more in length that proceeds beyond restricted limits; or
 - (c) a non-passenger ship of 45 metres or more in length that proceeds beyond restricted limits; or
 - (d) a self-propelled mobile offshore drilling unit of 500 tons gross tonnage or more.
- (2) Rules 21.4 to 21.6 inclusive also apply, and rule 21.8 applies to a foreign ship that is—
 - (a) a non-passenger ship of 500 tons gross tonnage or more which is at a New Zealand port or offshore terminal; or
 - (b) a passenger ship which is at a New Zealand port or offshore terminal; or

- (c) a self-propelled mobile offshore drilling unit of 500 tons gross tonnage or more which is at a New Zealand port or offshore terminal or is operating in New Zealand continental waters.

- (3) Section 1 does not apply to pleasure craft, fishing ships or barges.

21.4 Compliance with section 1

- (1) For passenger ships (including passenger high-speed craft) compliance with section 1 is required by 1 July 1998.
- (2) Compliance with section 1 is required by 1 July 1998 in respect of the following ships—
 - (a) oil tankers; and
 - (b) chemical tankers; and
 - (c) gas carriers; and
 - (d) bulk carriers; and
 - (e) non-passenger high-speed craft.
- (3) Compliance with section 1 is required by 1 July 2002 in respect of the following ships—
 - (a) non-passenger ships to which rule 21.4(2) does not apply; and
 - (b) mobile offshore drilling units.

21.5 Definitions relating only to section 1

In section 1:

anniversary date, in relation to a document or certificate, means the day and month of each year that corresponds to the date of expiry of the relevant document or certificate:

authorised person means a person employed by a recognised organisation who has delegated powers from the Director to issue and suspend or to issue or to suspend certain maritime documents under Part V of the Maritime Transport Act 1994, pursuant to an instrument of delegation made under section 444 of the Maritime Transport Act 1994:

bulk carrier means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk; and includes such types as ore carriers and combination carriers:

chemical tanker means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code:

Document of Compliance means—

- (a) in relation to an owner of a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(1) and 21.7(2);
- (b) in relation to an owner of a foreign ship, the document of compliance or equivalent referred to under rule 21.8:

gas carrier means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code:

high speed craft means a ship in respect of which a High Speed Craft Safety Certificate has been issued in compliance with the International Code of Safety for High Speed Craft adopted by Resolution MSC 36(63) of the International Maritime Organization's Maritime Safety Committee dated June 1994, as amended by that committee from time to time:

Interim Document of Compliance means—

- (a) in relation to an owner of a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(8) and 21.7(9);

- (b) in relation to an owner of a foreign ship, the interim document of compliance referred to in rule 21.8:

Interim Safety Management Certificate means—

- (a) in relation to a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(11) and 21.7(12);
- (b) in relation to a foreign ship, the interim safety management certificate or equivalent referred to in rule 21.8:

International Bulk Chemical Code means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environment Protection Committee of the International Maritime Organization by Resolution MEPC.19(22), as amended by that organisation from time to time:

International Safety Management Code or **ISM Code** means the *International Management Code for the Safe Operation of Ships and for Pollution Prevention* adopted by the International Maritime Organisation by Resolution A.741(18), as amended by that organisation from time to time:

major non-conformity means an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the marine environment, and requires immediate corrective action; and includes a lack of effective and systematic implementation of a requirement of the International Safety Management Code:

mobile offshore drilling unit means a ship capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur, or salt:

offshore terminal means any place in the sea where cargo is loaded or unloaded:

oil tanker means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any "chemical tanker" as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk:

recognised organisation means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization Code for Recognized Organizations (RO Code), whereby that organisation may verify compliance with and the proper functioning of ship owners' and ships' safety management systems in accordance with the ISM Code:

Safety Management Certificate means—

- (a) in relation to a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(4) and 21.7(5);
- (b) in relation to a foreign ship, the safety management certificate or equivalent referred to in rule 21.8:

safety management system means a structured and documented system enabling ship and shore based personnel to implement the owner's safety and pollution prevention policy in accordance with the ISM Code:

verification means an investigation and confirmation that an activity or operation is in accordance with specified requirements, such as inspections, tests, operational checks, and audits.

21.6 Safety management requirements

- (1) The owner of a ship to which this rule applies must—
 - (a) implement a safety management system complying with the International Safety Management Code; and
 - (b) maintain a safety management system complying with the International Safety Management Code.

- (2) The owner of a ship to which this rule applies must hold either—
 - (a) a valid Interim Document of Compliance; or
 - (b) a valid Document of Compliance.
- (3) The owner and the master of a ship to which this rule applies must ensure that either—
 - (a) a valid Interim Safety Management Certificate; or
 - (b) a valid Safety Management Certificate;is for the time being in force in respect of the ship.
- (4) The master of a ship to which this rule applies must ensure that a copy of the valid Interim Document of Compliance or a copy of the valid Document of Compliance issued to the owner of the ship—
 - (a) is kept on board the ship at all times; and
 - (b) is produced when requested by the Director.
- (5) The master of a ship to which this rule applies must ensure that the original of the valid Interim Safety Management Certificate or the original of the valid Safety Management Certificate in respect of the ship—
 - (a) is kept on board the ship at all times; and
 - (b) is produced when requested by the Director.

21.7 Certification

- (1) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for a Document of Compliance, and the Director or authorised person to whom application is made is satisfied that the owner has implemented a safety management system complying with the requirements of the International Safety Management Code, the Director or authorised person to whom application is made must issue to that owner under section 41 of the Act a Document of Compliance.
- (2) A Document of Compliance—
 - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
 - (b) must indicate the types of ship for which it is valid; and
 - (c) is valid for the period specified in it, which period must not exceed 5 years; and
 - (d) is subject to annual verifications by the Director or recognised organisation within 3 months before or after the anniversary date of the Document of Compliance which confirm the continuing compliance of the safety management system with the requirements of the International Safety Management Code.
- (3) Evidence of a major non-conformity with the International Safety Management Code or failure to undertake an annual verification may result in the suspension under section 43 of the Act, or the revocation under section 44 of the Act, of the relevant maritime document.
- (4) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for a Safety Management Certificate in respect of the ship, and the Director or authorised person to whom application is made is satisfied that—
 - (a) the owner holds a valid Document of Compliance in respect of that type of ship; and
 - (b) the shipboard management is operating in accordance with the approved safety management system,—the Director or authorised person to whom application is made must issue under section 41 of the Act a Safety Management Certificate in respect of the ship.
- (5) A Safety Management Certificate—
 - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
 - (b) is valid for the period specified in it, which period must not exceed 5 years; and

- (c) is subject to the condition that at least one intermediate verification by the Director or a recognised organisation takes place which confirm the effective functioning of the safe management system, and that any modifications carried out since the previous audit comply with the requirements of the International Safety Management Code. Provided that where there is only one intermediate verification it must take place between the second and third anniversary dates of issue of the Safety Management Certificate.
- (6) It is a condition of every Safety Management Certificate that a valid Document of Compliance is in force for that ship type at all times.
- (7) Evidence of a major non-conformity with the International Safety Management Code or failure to undertake intermediate verifications may result in the suspension under section 43 of the Act, or the revocation under section 44 of the Act, of the relevant maritime document.
- (8) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for an Interim Document of Compliance, (the purpose of which document is to facilitate initial implementation of the International Safety Management Code or implementation where the owner's operation is newly established or where new ship types are added to an existing Document of Compliance), and the Director or authorised person to whom application is made is satisfied that the owner has a safety management system that meets the objectives of section 1.2.3 of the *International Safety Management Code*, the Director or authorised person to whom application is made must issue to that owner under section 41 of the Act an Interim Document of Compliance.
- (9) An Interim Document of Compliance—
 - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
 - (b) is valid for the period specified in it, which period must not exceed 12 months.
- (10) Within the period of validity of an Interim Document of Compliance, the owner must demonstrate to the Director or to the authorised person to whom application for the document was made, as and when required by the Director or the authorised person, plans to implement a safety management system meeting the full requirements of the International Safety Management Code.
- (11) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for an Interim Safety Management Certificate in respect of a new ship on delivery or where the owner is taking on responsibility for the management of a ship that is new to that owner, and the Director or authorised person to whom application is made is satisfied that—
 - (a) the owner holds a valid Interim Document of Compliance or a valid Document of Compliance in respect of that type of ship; and
 - (b) the safe management system provided by the owner for the ship includes key elements of the ISM Code, and the master and senior officers of the ship are familiar with the safe ship management system and planned arrangements for its implementation;the Director or authorised person to whom application is made must issue under section 41 of the Act an Interim Safety Management Certificate in respect of the ship.
- (12) An Interim Safety Management Certificate—
 - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
 - (b) is valid for the period specified in it, which period must not exceed 6 months; and
 - (c) may be extended by the Director or authorised person to whom application is made for one further period not exceeding 6 months if the Director or authorised person considers that—
 - (i) the initial period of validity of up to 6 months is insufficient time to evaluate whether the requirements of rule 21.7(4) have been met; or
 - (ii) given the circumstances it is impracticable to assess the application for a Safety Management Certificate for that ship.

- (13) The owner of a ship—
- (a) for which the keel was laid, or which was at a similar stage of construction, on or after 1 July 2005; and
 - (b) to which this section applies;
- must ensure all plans, manuals, and other documents required on board the ship are marked with the ships' IMO identification number in a clearly legible manner.
- (14) Plans, manuals, and other documents referred to in subrule (13) must be marked by their originator before submission for approval by the Director.

21.8 Port State Control

The owner and the master of a foreign ship to which this rule applies must ensure that there is carried on board the ship either—

- (a) (i) a copy of the valid Interim Document of Compliance or valid Document of Compliance; and
- (ii) a valid Interim Safety Management Certificate or valid Safety Management Certificate;

issued by or on behalf of the flag state in accordance with Chapter IX of the International Convention for the Safety of Life at Sea 1974; or

- (b) equivalent documents and certificates to those referred to in rule 21.8(a) which are recognised by the Director under section 41 of the Act.

Section 2: Ships which do not proceed beyond restricted limits, fishing ships, and ships of less than 45 metres in length which are not required to comply with section 1

REVOKED 1 APRIL 2014 by Part 19: Maritime Transport Operator – Certification and Responsibilities

Maritime Rules

Appendices 1-4

Revoked by Maritime (Various Amendments) Rules 2009 Part 21-80, on the 30 July 2009.

Appendices 5 and 6

Revoked by Part 19: Maritime Transport Operator – Certification and Responsibilities on 1 April 2014