

Maritime Transport Act 1994

Maritime Rules

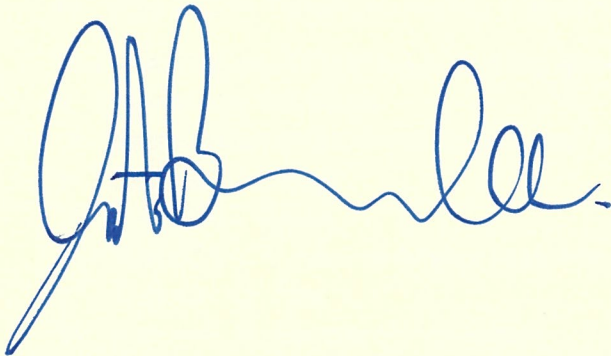
PARTS 19 and 44: CONSEQUENTIAL AMENDMENTS

Pursuant to section 36 of of the Maritime Transport Act 1994, and having had regard to the criteria specified in section 39(2) of that Act, I, Gerry Brownlee, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This *27th* day of *May* 2014

By Hon GERRY BROWNLEE



Minister of Transport

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Rule objective

The objective of these consequential amendments is to amend the maritime rules affected by new Parts 19 and 44 which enter into force on 1 April 2014.

Maritime rules are subject to 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 the Legislation Act.

Entry into force

These rules enter into force on 1 July 2014.

Part 21: Safe Ship Management Systems

1 Part Objective

- (1) In Part 21, Part objective, paragraph 1, replace “is divided into two sections. These sections require the majority of” with “requires certain”.
- (2) In Part 21, Part objective, delete paragraphs 6 to 9, inclusive.

2 Rule 21.2: Definitions

In rule 21.2, delete the definition of **New Zealand Defence Force**.

Part 23: Operational Procedures and Training

3 Rule 23.2: Definitions

- (1) In rule 23.2, definition of **Logbook**, replace “or required by the *New Zealand Safe Ship Management Code* as appropriate for the ship” with “or required to be maintained under rule 19.66”.
- (2) In rule 23.2, insert the following definitions in the appropriate alphabetical order:
“**Certificate of Survey** means—
“(a) a certificate of survey issued by a surveyor under rule 44.41 of Part 44; or
“(b) any document that is deemed under Part 44 to be a current Certificate of Survey described in paragraph (a):
“**Maritime Transport Operator Plan** means the plan required by rules:”
“**New Zealand Safe Ship Management Certificate** means the certificate of that name issued under section 2 of Part 21 as in force prior to the revocation of that section by Part 19:”
- (3) In rule 23.2, delete the definition of **New Zealand Safe Ship Management Code**.

4 Rule 23.3: Definitions relating to section 1

In rule 23.3, delete the definition of **New Zealand Safe Ship Management Certificate**.

5 Rule 23.9: Emergency training and drills

In rule 23.9(5)(a)(vii) insert “or Part 19” after “meeting the requirements of Part 21”.

6 Rule 23.16, footnote 10

In footnote 10 to rule 23.16 replace “or SSM Codes” with “Code”.

7 Rule 23.22: Training and on-board instruction, footnote 14

In rule 23.22, footnote 14, replace “ISM Code and SSM Codes and will be required by” with “ISM Code and by”.

8 Rule 23.27: Passenger ships that are less than 45 metres in length that proceed beyond enclosed water limits but do not proceed beyond inshore limits and passenger ships that do not proceed beyond enclosed water limits

In rule 23.27(7), replace “which is authorised by its New Zealand Safe Ship Management Certificate to carry more than 50 passengers” with “which has been certified to carry more than 50 passengers in its Certificate of Survey”.

Part 24B: Carriage of Cargoes – Stowage and Securing

9 Rule 24B.2: Definitions

- (1) In rule 24B.2, insert the following definitions in the appropriate alphabetical order:

“Certificate of Surveyor Recognition—

“(a) has the same meaning as in Part 44; and

“(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:

“**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:

“**maritime transport operator** means the holder of a Maritime Transport Operator Certificate issued under Part 19:

“Maritime Transport Operator Plan—

“(a) means the plan required by rule 19.41 of Part 19; or

“(b) for a ship operating under rule 19.81(3), the equivalent requirements under the New Zealand Safe Ship Management Code that applied prior to the revocation of section 2 of Part 21 by Part 19:

“**operator**, in relation to a ship, means—

“(a) the maritime transport operator who is responsible for the maritime transport operation in which the ship is used; or

“(b) if there is no maritime transport operator, the owner:

“**owner** has the same meaning as in section 2 of the Act.”

(2) In rule 24B.2, replace the definition of **surveyor** with:

“**surveyor** means—

“(a) a surveyor employed by an authorised organisation; or

“(b) a person who holds a current Certificate of Surveyor Recognition under Part 44.”

10 Rule 24B.21: Ships that are not required to have a cargo securing manual

Replace rule 24B.21 with:

“24B.21 Ships that are not required to have a cargo securing manual

The operator and the master of a ship to which rule 24B.5 does not apply and to which Part 19 applies must ensure that—

“(a) cargo securing devices are available, used, inspected, and maintained within the scope of the requirements of Part 19 and the Maritime Transport Operator Plan for the ship; and

“(b) cargo securing devices for cargo units with a gross mass of 3.5 tonnes or more are surveyed annually by a surveyor.”

Part 24C: Carriage of Cargoes – Specific Cargoes

11 Rule 24C.14: Definitions relating to section 4

In rule 24C.14, —

(a) insert the following definitions in the appropriate alphabetical order:

“Certificate of Surveyor Recognition—

“(a) has the same meaning as in Part 44; and

“(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:

“**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:”

(b) replace the definition of **surveyor** with:

“**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44.”

Part 40A: Design, Construction and Equipment – Non-SOLAS Passenger Ships

12 Rule 40A.2: Definitions

- (1) In rule 40A.2, definition of **certificate of survey**,—
 - (a) insert, after “**certificate of survey** means —“
 - “(a) a certificate of survey issued by a surveyor under rule 44.41 of Part 44; or
 - “(b) any document that is deemed under Part 44 to be a current Certificate of Survey described in paragraph (a); or:”
 - (b) renumber paragraphs (a) and (b) in the appropriate alphabetical order.
- (2) In rule 40A.2,—
 - (a) definition of **constructed under survey** replace “recognised by the Director under rule 46.29 for that purpose” with “who holds with a Certificate of Surveyor Recognition entitling the surveyor to perform that function”.
 - (b) insert the following definitions in the appropriate alphabetical order:
 - “**Certificate of Surveyor Recognition**—
 - “(a) has the same meaning as in Part 44; and
 - “(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
“**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:
 - “**Maritime Transport Operator Plan**—
 - (a) means the plan required by rule 19.41; and
 - (b) for a ship operating under rule 19.81(3), the equivalent requirements under the New Zealand Safe Ship Management Code that applied prior to the revocation of section 2 of Part 21 by Part 19:
 - “**New Zealand Safe Ship Management Certificate** means the certificate of that name issued under section 2 of Part 21 as in force prior to the revocation of that section by Part 19:
 - “**post-27 May 2004 ship**—
 - “(a) means a ship—
 - “(i) for which construction commences; or
 - “(ii) which is converted into a passenger ship to which Part 40A applies, on or after 27 May 2004; and
 - (b) **post 27 May 2004** in relation to any ship or boat has a corresponding meaning:
 - “**pre-27 May 2004 ship**—
 - “(a) means a ship—
 - “(i) for which construction commenced; or
 - “(ii) which was converted into a passenger ship to which Part 40A applies, before 27 May 2004; and
 - “(b) **pre-27 May 2004** in relation to any ship or boat has a corresponding meaning: “
 - (c) delete the definition of **new ship**; and
 - (d) delete the definition of **existing ship**.
- (3) In rule 40A.2, replace the definition of **pleasure craft** with:
“**pleasure craft** has the same meaning as in section 2 of the Act.”.
- (4) In rule 40A.2, replace the definition of surveyor with:
“**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44.”

13 Replacement of references to “new ship” and “existing ship” in Part 40A

- (1) Replace all references in Part 40A to “existing ship” or “existing ships” with “pre-27 May 2004 ship” or “pre-27 May 2004 ships”.
- (2) Replace all references in Part 40A to “new ship” or “new ships” with “post-27 May 2004 ship” or “post-27 May 2004 ships”.
- (3) In rule 40A.9(6)(a) replace “a new inflatable boat or rigid-inflatable boat” with “a post-27 May 2004 inflatable boat or rigid-inflatable boat”.
- (4) In rule 40A.9(6)(b) replace “An existing inflatable boat or rigid-inflatable boat” with “A pre-27 May 2004 inflatable boat or rigid-inflatable boat”.
- (5) In rule 40A.14(2)(a) replace “an existing open boat” with “a pre-27 May 2004 open boat”.
- (6) In rule 40A.28(2)—
 - (a) replace “new multi-hulled ship” with “post-27 May 2004 multi-hulled ship”; and
 - (b) replace “new high speed craft” with “post-27 May 2004 high speed craft”.
- (7) In rule 40.A33(4)(a) replace “new boat” with “post-27 May 2004 boat”.
- (8) In rule 40A.41(2) and (3) replace “new New Zealand ship” with “post-27 May 2004 New Zealand ship”.
- (9) In rule 40A.74 replace “new houseboat” with “post-27 May 2004 houseboat”.
- (10) In clause 1.1 of Appendix 1 of Part 40A replace “new single hull decked ship” with “post-27 May 2004 single hull decked ship”.
- (11) In clause 1.2 of Appendix 1 of Part 40A replace “new single hull decked ship” with “post-27 May 2004 single hull decked ship”.
- (12) In paragraph (4) of the Annex to Appendix 6 of Part 40A replace “new boat” with “post-27 May 2004 boat”.
- (13) In paragraph (5)(a) of the Annex to Appendix 6 of Part 40A replace “new and existing boats” with pre and post 27 May boats”.
- (14) In paragraph (5)(b) of the Annex to Appendix 6 of Part 40A replace “existing boat” with “pre-27 May 2004 boat”.

14 Rule 40A.7: Design

- (1) In rule 40A.7(1) (a) (b) and (c) replace “recognised by the Director for that purpose under rule 46.39” with “who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function”.
- (2) In rule 40A.7(1)(a)(i), (b), and (c) and rule 40A.7(4) replace “service” with “use”.

15 Rule 40A.8: Survey

In rule 40A.8—

- (a) replace rule 40A.8 with:

“40A.8 Survey

“(1) Unless a surveyor is satisfied of the relevant matters set out in subrule (2), a surveyor must not —

“(a) issue a certificate of survey; or

“(b) subject to the Director’s power to prescribe the extent of survey in that provision, report a satisfactory survey for the purpose of Part 44.

“(2) For the purpose of subrule (1) the matters are —

“(a) a ship’s design has been approved in accordance with rule 40A.7 and 40A.38; and

“(b) for a ship to which section 1 of this Part applies, the ship—

“(i) complies with rules 40A.9 to 40A.63 inclusive and the requirements of Part 50¹, as may be applicable for that ship; and

¹ Part 50 – Medical Stores

- “(ii) is provided with the equipment required by Parts 22² and 45,³ as may be applicable for that ship; and
- “(c) for a ship to which section 2 of this Part applies, the ship meets either the requirements of—
 - “(i) rule 40A.68; or
 - “(ii) rules 40A.12 to 40A.63 inclusive and rule 40A.69; or
 - “(iii) rules 40A.12 to 40A.63 inclusive and rule 40A.70,as the case may be, and the requirements of Parts 22, 45 and 50⁴, as may be applicable for that ship; and
- “(d) for a ship to which section 3 of this Part applies, the ship complies with rule 40A.73 or rule 40A.74, as the case may be, and the requirements of Parts 22, 45 and 50, as may be applicable for that ship; and
- “(e) the ship and the ship’s equipment are in all respects fit for its intended use and operating limits. “

16 Rule 40A.11 Definitions relating to section 1

Delete the definition of **authorised person**.

17 Rule 40A.13: Stability

Replace rule 40A.13(8)(c) with:

- “(c) a record of the weight, location, and nature of the ballast must be documented in—
 - “(i) the survey plan required by Part 19; or
 - “(ii) in any case where the transitional provisions of Part 19 apply, the documentation associated with the ship’s safe ship management system.”

18 Rule 40A.16: Number of passengers

(1) Replace rule 40A.16 with:

“40A.16 Number of passengers

- “(1) The maximum number of passengers that a ship may carry must be determined by a surveyor in accordance with Appendix 2. A surveyor must record the maximum number for each of the ship’s operating limits on the Certificate of Survey.
- “(2) The owner and the master of a ship must not allow on board the ship more than the maximum number of passengers recorded on the ship’s Certificate of Survey for the operating limits in which the ship is operating or intending to operate.”

19 Rule 40A.28: Bilge pumps

Replace subrule (5)(b) with

- “(b) a New Zealand Safe Ship Management Certificate issued prior to the date of the coming into force of this Part”

20 Rule 40A.38: Design

(1) In rule 40A.38 in the paragraph preceding paragraph (d),—

- (a) replace “purpose and complying with all applicable maritime rules” with “the intended purpose and operating limits of the ship and meeting all applicable maritime rules”; and

² Part 22 – Collision Prevention includes requirements for distress equipment to be carried.

³ Part 45 – Navigation Equipment.

⁴ Part 50 – Medical Stores

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- (b) replace “recognised by the Director for that purpose under rule 46.29” with “who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function”.
 - (2) Replace rule 40A.38(e) with
“(e) the electrical systems are inspected by a surveyor for the purpose of rule 44.41; or”
- 21 Heading to rule 40A.58**
Replace the heading to rule 40A.58 with **Post-27 May 2004 ships of 24 metres or more**”
- 22 Heading to rule 40A.59:**
Replace the heading to rule 40A. 59 with **“Post-27 May 2004 ships of less than 24 metres”**
- 23 Rule 40A.64: Ships of 6 metres or less overall engaged solely in recreational diving operations**
- (1) Replace rule 40A.64(2)(a) with:
“(a) the ship is operated under a Maritime Transport Operator Plan (or for a ship operating under rule 19.81(3), the equivalent requirements under the New Zealand Safe Ship Management Code that applied prior to the revocation of section 2 of Part 21 by Part 19); or.”
 - (2) In footnote 32 replace “join a safe ship management system” with “operate under a Maritime Transport Operator Plan”.
- 24 Rule 40A.72 Definitions relating to section 3**
In the definition of **certificate** in rule 40A.72 replace “New Zealand Safe Ship Management Certificate” with “Certificate of Survey”.
- 25 Rule 40A.75: Responsibilities of owner**
In rule 40A.75(2) replace “Part 21” with “its current certificate of survey”.
- 26 Heading before rule 40A.77**
Delete the heading before rule 40A.77.
- 27 Rule 40A.77: Transitional provisions**
Delete rule 40A.77.

Part 40C: Design, Construction and Equipment – Non-SOLAS Non-Passenger Ships

- 28 Rule 40C.2: Definitions**
- (1) In rule 40C.2, definition of **certificate of survey**,
 - (a) insert, after “**certificate of survey** means—“
 - “(a) a certificate of survey issued by a surveyor under rule 44.41 of Part 44; or
 - “(b) any document that is deemed under Part 44 to be a current Certificate of Survey described in paragraph (a)”, or; and
 - (b) renumber paragraphs (a) and (b) in the appropriate alphabetical order.
 - (2) In rule 40C.2, replace the definition for **pleasure craft** with:
“**pleasure craft** has the same meaning as in section 2 of the Act:”
 - (3) In rule 40C.2, replace the definition of surveyor with—
“**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44:”

- (4) In Rule 40C.2—
- (a) insert the following definitions in the appropriate alphabetical order
- “Certificate of Surveyor Recognition—**
- “(a) has the same meaning as in Part 44; and
- “(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
- “current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:
- “post-27 May 2004 ship—**
- “(a) means a ship—
- “(i) for which construction commences; or
- “(ii) which is converted into a non-passenger ship to which Part 40C applies, on or after 27 May 2004; and
- “(b) **post-27 May 2004** in relation to any ship, boat or vessel has a corresponding meaning:
- “pre-27 May 2004 ship** means a ship—
- “(a) means a ship—
- “(i) for which construction commences; or
- “(ii) which is converted into a non-passenger ship to which Part 40C applies, before 27 May 2004; and
- “(b) **pre-27 May 2004** in relation to any ship, boat or vessel has a corresponding meaning:
- “New Zealand Safe Ship Management Certificate** means the certificate of that name issued under section 2 of Part 21 as in force prior to the revocation of that section by Part 19:
- “vessel means ship”**; and
- (b) delete the definition of **authorised person**; and
- (c) delete the definition of **new ship**; and
- (c) delete the definition of **existing ship**.

29 Replacement of references to “new ship” and “existing ship” in Part 40C

- (1) Replace all references in Part 40C to “existing ship” or “existing ships” with “pre-27 May 2004 ship” or “pre-27 May 2004 ships”.
- (2) Replace all references in Part 40C to “new ship” or “new ships” with “post-27 May 2004 ship” or “post 27-May 2004 ships”.
- (3) In rule 40C.9(6)(a) replace “new inflatable boat or rigid-inflatable boat” with “post-27 May 2004 inflatable boat or rigid-inflatable boat”.
- (4) In rule 40C.9(6)(b) replace “existing inflatable boat or rigid-inflatable boat” with “pre-27 May 2004 inflatable boat or rigid-inflatable boat”.
- (5) In rule 40C.12(6) replace “new offshore supply ship” with “post-27 May 2004 offshore supply ship”.
- (6) In rule 40C.13(1) replace “new fully decked ship” with “post-27 May 2004 fully decked ship”.
- (7) In rule 40C.13(5) replace “new offshore supply ship” with “post-27 May 2004 offshore supply ship”.
- (8) In rule 40C.24(2) replace “new multi-hulled ships” with “post-27 May 2004 multi-hulled ships”.
- (9) In rule 40C.38(2) replace “new New Zealand ship” with “post-27 May 2004 New Zealand ship”.
- (10) In rule 40C.62(c) and (d) replace “new boats” with “post-27 May 2004 boats”.

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- (11) In rule 40C.65(1) replace “new vessel” with “post-27 May 2004 vessel”.
- (12) In rules 40C.65 (2),(3) and (4) replace “new marine farming vessel” with “post-27 May 2004 marine farming vessel”.
- (13) In rule 40C.66(1) replace “new marine farming vessel” with “post-27 May 2004 marine farming vessel”.
- (14) In rule 40C.69(2) replace “new barge” with “post-27 May 2004 barge”.
- (15) In paragraph (4) of Annex 1 of Appendix 5 of Part 40C replace “new boat” with “post-27 May 2004 boat”.
- (16) In paragraph (5) of Annex 1 of Appendix 5 of Part 40C replace “new and existing boats” with “pre and post 27 May 2004 boats”.
- (17) In paragraph (5)(b) of Annex 1 of Appendix 5 of Part 40C replace “existing boat” with “pre-27 May 2004 boat”.

30 Rule 40C.7: Design

- (1) In rule 40C.7(a)(i), (b) and (c) replace “recognised by the Director for that purpose under rule 46.29” with “who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function”.
- (2) In rules 40C.7(1)(a), (b) and (c), and 40C.7(1)(4) replace “service” with “use”.

31 Rule 40C.8: Survey

Replace rule 40C.8 with

“40C.8 Survey

- “(1) Unless a surveyor is satisfied of the relevant matters set out in subrule (2), a surveyor must not—
 - “(a) issue a certificate of survey; or
 - “(b) subject to the Director's power to prescribe the extent of survey in that provision, report a satisfactory survey for the purpose of Part 44.
- (2) For the purpose of subrule (1) the matters are—
 - “(a) the ship's design has been approved in accordance with rule 40C.7 and 40C.35; and
 - “(b) for a ship to which section 1 of this Part applies, the ship—
 - “(i) complies with rules 40C.12 to 40C.60 inclusive, and the requirements of Part 50, as may be applicable for that ship; and
 - “(ii) is provided with the equipment required by Parts 22⁵ and 45⁶; as may be applicable for that ship; and
 - “(c) for a pilot boat to which section 2 of this Part applies, the boat—
 - “(i) complies with rules 40C.12 to 40C.60 inclusive, and the requirements of Part 50, as may be applicable for that boat; and
 - “(ii) is provided with the equipment required by Parts 22 and 45, as may be applicable for that boat; and
 - “(iii) complies with 40C.62 and 40C.63; and
 - “(d) for a marine farming vessel to which Section 3 of this Part applies, the vessel—
 - “(i) complies with rules 40C.66 and 40C.67 and the requirements of Part 50, as may be applicable to that vessel; and
 - “(ii) complies with rule 40C.68 and Parts 22 and 45, as may be applicable to that vessel; and
 - “(e) for a barge to which section 4 of this Part applies, the barge complies with rules 40C.71 to 40C.83 inclusive and the requirements of Part 22, as applicable for that barge.

⁵ Part 22 – Collision Prevention includes requirements for distress equipment to be carried.

⁶ Part 45 – Navigation Equipment.

“(f) the ship and the ship’s equipment are in all respects fit for its intended use and operating limits.”

32 Rule 40C.9: Construction

In rule 40C.9(3) replace “recognised by the Director under rule 46.29 for that purpose” with “who holds a Certificate of Surveyor Recognition that entitles the surveyor to perform that function”.

33 Rule 40C.13: Stability

Replace rule 40C.13(6)(c) with:

“(c) a record of the weight, location, and nature of the ballast must be documented in—

“(i) the survey plan required by Part 19; or

“(ii) in any case where the transitional provisions of Part 19 apply, the documentation associated with the ship’s safe ship management system.”

34 Rule 40C. 24 Bilge pumps

In rule 40C.24(5) replace paragraph (b) with:

“(b) a safe ship management certificate, issued prior to the date of coming into force of this Part;”

35 Rule 40C.35: Design

In rule 40C.35, replace “recognised by the Director for that purpose” with “who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function”.

36 Section heading after rule 40C.83

Delete the section heading **Section 5 – Final and miscellaneous provisions** after rule 40C.83.

37 Cross heading before rule 40C.84

Delete the cross heading **Transitional provisions** before rule 40C.84.

38 Rule 40C.84: Transitional provisions

Delete rule 40C.84

Part 40D: Design, Construction and Equipment – Fishing ships

39 Part Objective

In the second paragraph of the Part Objective in Part 40D replace “under Part 21 of the maritime rules to enter a safe ship management system” with “to operate the ship under a Maritime Transport Operator Plan”.

40 Rule 40D.2: Definitions

(1) In rule 40D.2, definition of **certificate of survey**,

(a) insert, after “**certificate of survey means—**”:

“(a) a certificate of survey issued by a surveyor under rule 44.41 of Part 44; or

“(b) any document that is deemed under Part 44 to be a current Certificate of Survey described in paragraph (a); or”; and

(b) renumber paragraphs (a) and (b) in the appropriate alphabetical order.

(2) In rule 40D.2 replace the definition of **surveyor** with—

“**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44:”

(3) In Rule 40D.2—

- (a) insert the following definitions in the appropriate alphabetical order
- “Certificate of Surveyor Recognition—**
- “(a) has the same meaning as in Part 44; and
- “(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
- “**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:
- “maritime transport operation—**
- “(a) has the same meaning as in Part 19; and
- “(b) includes the operation of one or more ships for which a New Zealand Safe Ship Management Certificate is held that under rule 19.81 is deemed, either alone or in combination, to be a Maritime Transport Operator Certificate:
- “Maritime Transport Operator Plan—**
- “(a) means a plan required by rule 19.41; or
- “(b) for a ship operating under rule 19.81(3), the equivalent requirements under the New Zealand Safe Ship Management Code that applied prior to the revocation of section 2 of Part 21 by Part 19:
- “post-27 May 2004 ship—**
- “(a) means a ship—
- “(i) for which construction commences; or
- “(ii) which is converted into a fishing ship to which Part 40D applies, on or after 27 May 2004; and
- “(b) **post-27 May** in relation to a boat or ship has a corresponding meaning.”
- “pre-27 May 2004 ship—**
- “(a) means a ship—
- “(i) for which construction commences; or
- “(ii) which is converted into a fishing ship to which Part 40D applies, before 27 May 2004; and
- “(b) **pre-27 May 2004** in relation to a boat or ship has a corresponding meaning.”
- (b) delete the definition of **new ship**; and
- (c) delete the definition of **existing ship**.

41 Replacement of references to “new ship” and “existing ship” in Part 40D

- (1) Replace all references in Part 40D to “existing ship” with “pre-27 May 2004 ship”.
- (2) Replace all references in Part 40D to “new ship” with “post-27 May 2004 ship”.
- (3) In rule 40D.34(9)—
- (i) replace “new non-decked ship” with “post-27 May non-decked ship”; and
- (ii) replace “new partially decked ship” with “post-27 May partially decked ship”
- (4) In clause 5.1 of Appendix 5 of Part 40D replace “existing boat” with “pre-27 May 2004 boat”.
- (5) In clause 5.2 of Appendix 5 of Part 40D replace “new boat” with “post-27 May 2004 boat”.
- (6) In clause 5.2.8 of Appendix 5 of Part 40D replace “existing boat” with “post-27 May 2004 boat”.
- (7) In clause 5.5 of Appendix 5 of Part 40D replace “existing boat’s engines” with “pre-27 May 2004 boat’s engines”.

42 Rule 40D.3: Application and compliance

Replace rule 40D.3(1) with:

- “(1) Except as provided in rules 40D.3(2), (3), and (4), this Part applies to—

- “(a) every New Zealand ship that is required to be registered under New Zealand fisheries legislation, or recognised by the Director as being engaged in fisheries research, that is used in a maritime transport operation; and
- “(b) every foreign ship that—
 - “(i) is required to be registered under New Zealand fisheries legislation; and
 - “(ii) does not have certificates that can be recognised by the Director under section 41 of the Act; and
 - “(iii) is used in a maritime transport operation.”

43 Rule 40D.7 Design

In rule 40D.7 (a)(b) and (c) replace “recognised by the Director for that purpose under rule 46.29” with “holds a current Certificate of Survey that entitles the surveyor to perform that function”.

44 Rule 40D.8: Survey

Replace rule 40D.8(1) with:

- “(1) A surveyor must not issue a certificate of survey unless he or she is satisfied that the ship—
- (a) has had its design approved in accordance with rule 40D.7; and
 - (b) complies with the relevant rules in Maritime Rules Parts 19 to 23, 25, 31, 32, 34, 40D, 41, 42A, 42B, 43, 44, 45, 48, 50, and 91 and Marine Protection Rules Parts 103, 120, 121B, 122, 123A, 123B, 130A, 150, 160, and 170; and
 - (c) the ship and the ship’s equipment are in all respects fit for its intended use and operating limits.”

45 Rule 40D.9: Ships of 12 metres or more in length

- (1) In rule 40D.9(2)(c) replace “recognised by the Director for that purpose under rule 46.29” with “holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function”.
- (2) In rule 40D.9(3) replace “recognised by the Director under rule 46.29 for that purpose” with “holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform that function”.

46 Rule 40D.30A: Design

In rule 40D.30A, paragraph after paragraph (b), replace “recognised by the Director for that purpose” with “holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform those functions”.

47 Rule 40D.83: Ships of 6 metres or less in length that do not proceed beyond enclosed water limits or more than 2 miles from the New Zealand coast

- (1) Replace rule 40A.83(2)(a) with—
 - “(a) the ship is operated under a Maritime Transport Operator Plan; or”
- (2) In rule 40D.83(4) replaced “larger ship’s membership of an approved safe ship management system” with “Maritime Transport Operator Plan”.

48 Heading before rule 40D.85

Delete the heading before rule 40D.85.

49 Rule 40D.85: Transitional provisions

Delete Rule 40D.85.

Part 40E: Design, Construction and Equipment – Sailing Ships

50 Rule 40E.2: Definitions

- (1) In rule 40E.2, delete the definition of **certificate of fitness**.
- (2) In rule 40E.2, insert:
 - “**Certificate of Survey** means—
 - “(a) a certificate of survey issued by a surveyor under rule 44.41 of Part 44; or
 - “(b) any document that is deemed under Part 44 to be a current Certificate of Survey described in paragraph (a):
 - “**Certificate of Surveyor Recognition**—
 - “(a) has the same meaning as in Part 44; and
 - “(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
 - “**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:
 - “**New Zealand Safe Ship Management Certificate** means the certificate of that name issued under section 2 of Part 21 as in force prior to the revocation of that section by Part 19.”
 - “**post 1 April 2010 ship**—
 - “(a) means a ship—
 - “(i) that is not a pre-1 April 2010 ship; or
 - “(ii) that is converted into a commercial sailing ship, on or after 1 April 2010; and
 - “(b) **post 1 April 2010** in relation to a ship has a corresponding meaning:
 - “**pre-1 April 2010 ship**—
 - “(a) means a ship that was—
 - “(i) in a safe ship management system; and
 - “(ii) in possession of a current safe ship management certificate; on the day immediately before 1 April 2010; and
 - “(b) **pre-1 April 2010** in relation to a ship has a corresponding meaning:”
- (3) In rule 40E.2, delete—
 - (a) the definition of **existing ship**; and
 - (b) the definition of **new ship**; and
 - (c) the definition of **SSM certificate**.
- (4) In rule 40E.2 replace the definition of **safe ship management system** with:
 - “**safe ship management system** means the safe ship management system approved by the Director under section 2 of Part 21 prior to the revocation of that section by Part 19: “
- (5) In rule 40E.2, replace the definition of **surveyor** with:
 - Table 1** “**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44.”

51 Replacement of references to “new ship” and “existing ship” in Part 40E

- (1) Replace all references in Part 40E to “existing ship” with “pre-10 April 2010 ship”.
- (2) Replace all references in Part 40A to “new ship” with “post-10 April 2010 ship”.
- (3) In rule 40E.8(3) replace “existing multihull ship” with “pre-10 April 2010 multihull ship”.
- (4) In rule 40E.15(8) replace “new multihull ship” with “post-10 April 2010 multihull ship”.

52 Rule 40E.6: Construction standards

Replace rule 40E.6(1)(a) with:

“(a) in accordance with any restrictions listed in the ship’s Certificate of Survey; and”.

53 Rule 40E.12: Number of passengers

(1) In rule 40E.12(1), replace “that number on the certificate required by rule 21.13(2)” with “the maximum number for each of the ship’s operating limits on the ship’s Certificate of Survey”.

(2) In rule 40E.12(2) replace “SSM Certificate” with “Certificate of Survey”.

54 Rule 40E.68: Responsibilities of the bareboat charterer(s) and the master of a bareboat charter yacht

In rule 40E.68(5), replace “SSM Certificate” with “Certificate of Survey”.

Part 40G: Design, Construction and Equipment - Others

55 Part 40G, Part Objective

In Part 40G, Part objective, second paragraph, replace “certificate of fitness” with “Certificate of Survey”.

56 Rule 40G.3

In footnote 1 to the heading to 40G.3 replace “Parts 21” with “Parts 19” and “Part 21” with “Part 19”.

57 Rule 40G.2: Definitions

In rule 40G.2,—

(a) insert the following definition in the appropriate alphabetical order:

“Certificate of Surveyor Recognition—

“(a) has the same meaning as in Part 44; and

“(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition;” and

(b) replace the definition of surveyor with:

“surveyor means a person who holds a current Certificate of Surveyor Recognition under Part 44:”

Part 41: Anchors and Chain Cables

58 Rule 41.2: Definitions

In rule 41.2,

(a) insert the following definition in the appropriate alphabetical order:

“Certificate of Surveyor Recognition—

“(a) has the same meaning as in Part 44; and

“(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition; and

“current, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:”

(b) replace the definition of surveyor with:

“surveyor means a person who holds a current Certificate of Surveyor Recognition under Part 44:”

Part 42A: Safety Equipment – Lifesaving Appliance Performance Standards

59 Rule 42A.2: Definitions

- (1) In rule 42A.2, insert the following definitions in the appropriate alphabetical order:
- “Certificate of Surveyor Recognition—**
- “(a) has the same meaning as in Part 44; and
- “(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
- “**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:
- (2) In rule 42A.2(a), replace the definition of **surveyor** with:
- “**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44:”; and
- (b) replace the definition of **safe ship management system** with:
- “**safe ship management system** means a safe ship management system approved by the Director as complying with the requirements of section 2 of Part 21 as in force prior to the revocation of that section by Part 19 of the maritime rules:”

60 Rule 42A.5: Approval of life-saving appliances

In rule 42A.5(1) replace “recognised by the Director for that purpose under rule 46.29” with “who holds a current Certificate of Surveyor Recognition that entitles the surveyor to perform the function”.

61 Rule 42A.36: Monthly inspections

Replace rule 42A.36(b) with:

- “(b) a report of the inspection is entered in the New Zealand official logbook, where such a logbook is required under Part 73, or in any logbook required to be maintained by rule 19.66 or maintained as part of the ship’s safe ship management system.”

Part 43: Radio

62 Rule 43.2: Definitions

- (1) In rule 43.2, insert the following definitions in the appropriate alphabetical order:
- “Certificate of Surveyor Recognition—**
- “(a) has the same meaning as in Part 44; and
- “(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
- “**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director:
- “Maritime Transport Operator Plan—**
- “(a) means a plan required by rule 19.61; or
- “(b) for a ship operating under rule 19.81(3), the equivalent requirements under the New Zealand Safe Ship Management Code that applied prior to the revocation of section 2 of Part 21 by Part 19:
- “**maritime transport operator safety system**” has the same meaning as in Part 19:
- “**safe ship management system** means a safe ship management system approved by the Director as complying with the requirements of section 2 of Part 21 as in force prior to the revocation of that section by Part 19 of the maritime rules:”

“**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44:”

- (2) In rule 43.2, delete the definition of **safe ship management organisation**.

63 Rule 43.6: Radio surveys and inspections

- (1) In rules 43.6(1) and (2) :

Replace “radio surveyor recognised by the Director under rule 46.29” with “surveyor who holds a current Certificate of Survey that entitles the surveyor to perform that function”.

- (2) Replace rule 43.6(3) with:

“(3) A maritime transport operator whose maritime transport operation uses a ship to which Part 19 applies, other than a fishing ship to which rule 43.6(2) applies, must ensure that any radio installation fitted in the ship is inspected by a radio inspector recognised by the Director under rule 43.7—

“(a) when it is installed; and

“(b) at 4 yearly intervals after its installation; and

“(c) at such intermediate periods as may be determined by—

“(i) the relevant survey plan prepared under rule 19.63.; or

“(ii) for ships operating under rule 19.81(3), the relevant survey plan under the safe ship management system.”

64 Rule 43.7 Recognition of radio inspectors

Replace rule 43.7 (2) with:

“(2) A maritime document recognising a person as a radio inspector for the purpose of rule 43.6(3) must—

“(a) state the extent and type of radio inspections that may be undertaken by the radio inspector; and

“(b) be issued for a period of not more than 5 years; and

“(c) state the period of validity of the document.”

65 Rule 43.11: Radio records

In rule 43.11(4), replace “documentation of the safe ship management system required by Section 2 of Part 21 of the maritime rules” with “log required to be maintained by rule 19.66 or maintained as part of the ship’s safe ship management system.”

Part 45: Navigational Equipment

66 Rule 45.2: Definitions

In rule 45.2 insert the following definition in the appropriate alphabetical order:

“**maritime transport operation**” has the same meaning as in Part 19.

67 Part 45, Appendix—Compass adjustment

Replace Part 45, Appendix, paragraph (b), subclause (2) with:

“(2) The master of a ship that is used in a maritime transport operation must ensure that the ship’s adjustable compass is, or compasses are, swung and adjusted by a compass adjuster whenever the compass deviation exceeds 5°.”

Part 46: Maintenance and Surveys

68 Part 46: Part objective

In Part 46, Part objective:

- (a) replace the first paragraph with:

“Part 46 is divided into sections. Section 1 deals with SOLAS ships and larger ships, other than fishing ships, of 45 metres or more in length which operate outside restricted limits. Section 3 deals with barges and Section 4 deals with port state control of foreign ships.” and
- (b) delete the fourth and seventh paragraphs.
- (c) replace the sixth paragraph with:

“Section 4 implements the convention port state control regime in respect of a foreign ship’s SOLAS certificates whilst it is at a New Zealand port or offshore terminal.”

69 Rule 46.26: Definitions relating to section 4

Delete rule 46.26

70 Rule 46.28: Foreign non-SOLAS ships operating on the New Zealand coast

Delete rule 46.28.

Part 47: Load Lines

71 Rule 47.62: Definitions relating to section 2

- (1) In rule 47.62 insert the following definition in the appropriate alphabetical order:

“Certificate of Surveyor Recognition—
“(a) has the same meaning as in Part 44; and
“(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
“**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director.”
- (2) In rule 47.62, replace the definition of surveyor with:

“**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44. “

Part 48: Tonnage Measurement

72 Rule 48.2: Definitions

In rule 48.2,—

- (a) insert the following definition in the appropriate alphabetical order:

“Certificate of Surveyor Recognition—
“(a) has the same meaning as in Part 44; and
“(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:
“**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director.”
- (b) replace the definition of **surveyor** with:

“**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44.”

Part 50: Medical Stores

73 Rule 50.17: Inspection of medical stores

In rule 50.17, delete footnote 10.

Part 53: Pilot Safety

74 Rule 53.2: Definitions

- (1) In rule 53.2 insert the following definition in the appropriate alphabetical order:

Certificate of Surveyor Recognition—

“(a) has the same meaning as in Part 44; and

“(b) includes any document that is deemed under Part 44 to be a valid Certificate of Surveyor Recognition:

“**current**, in relation to a document means that it is valid, has not expired, and, in the case of a maritime document, has not been suspended or revoked by the Director.”

- (2) In rule 53.2, definition of **surveyor**, replace paragraph (b) with:

“(b) a person who holds a current Certificate of Surveyor Recognition.”