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## SCHEDULES

### SCHEDULE 3

#### LOAD LINES

#### GENERAL PROVISIONS

#### UNITED KINGDOM SHIPS

#### COMPLIANCE WITH LOAD LINE RULES

##### *Submersion of load lines*

- 4 (1) Where a United Kingdom ship to which this Schedule applies is marked with load lines, the ship shall not be so loaded that—
- (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged, or
  - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (2) If any ship is loaded in contravention of sub-paragraph (1) above, the owner or master of the ship shall (subject to sub-paragraph (5) below) be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum and to such additional fine, not exceeding an amount calculated in accordance with sub-paragraph (3) below, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention;
  - (b) on conviction on indictment, to a fine.
- (3) Any additional fine imposed under sub-paragraph (2)(a) above shall not exceed £1,000 for each complete centimetre by which—
- (a) in a case falling within sub-paragraph (1)(a) above, the appropriate load line on each side of the ship was submerged, or
  - (b) in a case falling within sub-paragraph (1)(b) above, the appropriate load line on each side of the ship would have been submerged as therein mentioned.
- (4) If the master of a ship takes the ship to sea when it is loaded in contravention of sub-paragraph (1) above, or if any other person, having reason to believe that the ship is so loaded, sends or is party to sending the ship to sea when it is loaded in contravention of that sub-paragraph, then (without prejudice to any fine to which he may be liable in respect of an offence under sub-paragraph (2) above) he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

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- (5) Where a person is charged with an offence under sub-paragraph (2) above, it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (6) Without prejudice to any proceedings under the preceding provisions of this paragraph, any ship which is loaded in contravention of sub-paragraph (1) above may be detained until it ceases to be so loaded.
- (7) For the purposes of the application of this paragraph to a ship in any circumstances prescribed by the load line rules in accordance with paragraph 2(2)(d) of this Schedule, “the appropriate load line” means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.