



Merchant Shipping (Safety and Load Line Conventions) Act 1932

1932 CHAPTER 9

PART I

SAFETY OF LIFE AT SEA.

Construction and Surveys.

1 Construction and survey regulations to implement Chapter II of Safety Convention.

- (1) The construction regulations applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions relating to construction, machinery, equipment and marking of load lines which are contained in Chapter II of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts):

Provided that—

- (a) the Board may treat any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, (not being a steamer converted to passenger service on or after that date) as complying with any such requirement, if the Board are satisfied that such steps, if any, as are reasonable and practicable have been taken to make the steamer comply with that requirement;
- (b) the Board may, as respects passenger steamers plying on any international coasting voyage, modify any such requirement, if and to the extent that they are satisfied that the risks incurred by passenger steamers plying on that voyage are such as to make it unreasonable or unnecessary to require steamers so plying to comply with that requirement;
- (c) the Board may, as respects steamers for the time being engaged in any passenger trade in which they are employed in the carriage of large numbers of

unberthed passengers, modify any such requirement, if they are satisfied that compliance with that requirement by steamers so engaged is impracticable and to the extent that they are satisfied that modifications are required by the conditions of the trade; and

- (d) the Board may, as respects any steamer plying on short international voyages, modify any of the requirements of the construction regulations which implement the provisions of the Safety Convention contained in Regulations IX, X, XV and XIX thereof, if and to the extent that the Board are satisfied that that requirement is neither reasonable nor practicable in the case of that steamer.

(2) If it appears to the Board of Trade—

- (a) that passenger steamers plying on any international voyage incur exceptional risks owing to weather and traffic conditions; and
- (b) that owing to the small proportion of space allotted to cargo in any steamer constructed after the thirtieth day of June, nineteen hundred and thirty-one, or converted to passenger service after that date, the steamer can be sub-divided to a greater extent than is required by the Safety Convention;

the Board shall direct a ship surveyor to satisfy himself, before stating in a declaration of survey that the steamer is fit to ply on that voyage, that the steamer is subdivided to such greater extent as appears to the Board to be practicable and expedient in the interest of safety.

- (3) The survey regulations applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions relating to surveys which are contained in Chapter II of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts).

2 Amendments as to declarations of survey.

- (1) A declaration of survey made by a ship surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (d) of subsection (3) of section two hundred and seventy-two of the principal Act, state the voyages or class of voyages on which, as regards construction and equipment, the steamer is in the surveyor's judgment fit to ply.
- (2) A declaration of survey made by an engineer surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (e) of subsection (4) of the said section, state the voyages or class of voyages on which, as regards machinery, the steamer is in the surveyor's judgment fit to ply.
- (3) If in the judgment of any such surveyor a passenger steamer is fit to ply on international voyages while engaged in a special passenger trade only, his declaration of survey shall state that fact.

3 Alteration of ships and additional surveys.

- (1) The owner or master of a passenger steamer to which this section applies shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery which affects the efficiency thereof or the seaworthiness of the steamer, give written notice to the Board of Trade containing full particulars of the alteration, and, if notice

is not so given, the owner or master of the steamer shall for each offence be liable to a fine not exceeding fifty pounds.

(2) If the Board of Trade have reason to believe that since the making of the last declaration of survey in respect of a passenger steamer to which this section applies—

- (a) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamer; or
- (b) the hull, equipments or machinery of the steamer have sustained any injury or are otherwise insufficient;

the Board may, without prejudice to their powers under section two hundred and seventy-nine of the principal Act, require the steamer to be again surveyed to such extent as they think fit, and, if such requirement is not complied with, may cancel any certificate issued in respect of the steamer under section two hundred and seventy-four of the principal Act or under this Part of this Act.

(3) This section applies to every passenger steamer, whether British or foreign, in respect of which any such certificate as aforesaid is for the time being in force, and for the purpose of this section the expression "alteration" in relation to the hull, equipments or machinery of a steamer includes the renewal of any part thereof.

Life-Saving Appliances.

4 Rules for life-saving appliances to implement Chapter III of Safety Convention.

The rules for life-saving appliances applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions of Chapter III of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts):

Provided that—

- (a) the Board may, on such conditions as they think fit, exempt any steamer constructed before the first day of July, nineteen hundred and thirty-one, from any such requirement, if and to the extent that they are satisfied that that requirement is either impracticable or unreasonable in the case of that steamer;
- (b) the Board may, as respects passenger steamers plying on any international coasting voyage, modify any such requirement, if and to the extent that they are satisfied that the risks incurred by steamers plying on that voyage are such as to make it unreasonable or unnecessary for such steamers to comply with that requirement;
- (c) the Board may, as respects passenger steamers engaged in any passenger trade in which they are employed in the carriage of large numbers of unberthed passengers, if they are satisfied that it is impracticable for steamers so engaged to comply with the said requirements, modify the said requirements in such manner as may appear to them to be necessary or expedient for the purpose of giving effect to the provisions of sub-paragraphs (a), (b) and (c) of paragraph 5 of Article twelve of the Safety Convention;
- (d) the Board may, as respects any passenger steamer plying on short international voyages, make such modifications of the said requirements as appear to them to be authorised by the provisions of the Safety Convention contained in sub-paragraph (b) of paragraph 2 of Article thirteen, paragraph (4) of Regulation

XXXVI, paragraph (11) of Regulation XXXVII, paragraph (2) of Regulation XXXVIII, and Regulation XXXIX.

5 Amendments of Merchant Shipping Acts as to lifesaving appliances.

- (1) The power of the Board of Trade under section four hundred and twenty-seven of the principal Act to make rules for life-saving appliances shall include power to make rules with respect to all or any of the following matters, namely :—
 - (a) the marking of boats, lifeboats, life-rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorised to be carried thereon;
 - (b) the manning of boats and lifeboats and the qualifications and certificates of lifeboat men;
 - (c) the provision to be made for mustering the passengers and crew and for embarking them in the boats and lifeboats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);
 - (d) the practising of boat drills;
 - (e) the assignment of specific duties to each member of the crew in the event of emergency;
 - (f) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire.
- (2) Subsection (1) of section four hundred and thirty of the principal Act (which imposes penalties for failure to comply with the rules for life-saving appliances) shall be amended by inserting after paragraph (d) thereof the following paragraph:—
 - (e) if any provision of the rules for life-saving appliances applicable to the ship is contravened or not complied with.”
- (3) The following section shall be substituted for section four hundred and thirty-one of the principal Act:—
 - (1) A surveyor of ships may inspect any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in her case, and for the purpose of any such inspection shall have all the powers of a Board of Trade Inspector under this Act.
 - (2) If the surveyor finds that the rules for life-saving appliances have not been complied with, he shall give written notice to the owner or master stating in what respect the said rules have not been complied with, and what, in his opinion, is required to rectify the matter.
 - (3) Every notice so given shall be communicated in manner directed by the Board of Trade to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and a clearance or transire shall not be granted to the ship and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified.”
- (4) Subsection (4) of section two hundred and seventy-two of the principal Act (which relates to the statements to be made in the declaration of survey made by an engineer surveyor) shall be amended by substituting in paragraph (c) thereof the words " appliances for the prevention, detection and extinction of fire " for the words " fire

hose ", and subsection (2) of section two hundred and eighty-five of the principal Act shall cease to have effect.

- (5) Subsection (1) of section nine of the Merchant Shipping Act, 1906, (which requires the master of every British ship to enter in the official log book a statement of every occasion on which boat drill is practised on board the ship) shall be amended by inserting at the end thereof the words " and if, in the case of a passenger " steamer, boat drill is not practised on board the ship " in any week, the master shall enter a statement of " the reasons why boat drill was not practised in that " week."

Wireless Telegraphy.

6 Wireless telegraphy rules to implement Chapter IV of Safety Convention.

- (1) The wireless telegraphy rules applicable to ships plying on international voyages shall include such requirements as appear to the Board of Trade, after consultation with the Postmaster-General, to implement the provisions of Chapter IV of the Safety Convention (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts).
- (2) The wireless telegraphy rules shall further require that the wireless telegraph installation to be provided on passenger steamers of five thousand tons gross tonnage or upwards shall (after such date not being later than two years after the commencement of this Part of this Act as may be prescribed by the rules) include a wireless direction finding apparatus as required by Article forty-seven and paragraph 17 of Article thirty-one of the Safety Convention.

7 Amendments of 9 and 10 Geo. 5. c. 38.

- (1) The power of the Board of Trade, in consultation with the Postmaster-General, to make rules under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919, shall include power to make rules—
- (a) requiring the master of a ship to enter in the official log book such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service, as may be specified in the rules; and
 - (b) making provision as to the certificates to be held by, and the duties of, operators and watchers.
- (2) If the master of a British ship registered in the United Kingdom fails to comply with any such requirement, or if any operator or watcher on any such ship contravenes the said rules, he shall for each offence be liable to a fine not exceeding ten pounds.
- (3) The Board of Trade shall not, in pursuance of the powers conferred on them by the said Act, exempt from the obligations imposed by that Act any ship plying on international voyages, unless the exemption of the ship appears to the Board to be authorised by paragraph 2 of Article twenty-seven, or by Article twenty-eight, of the Safety Convention.
- (4) For the purposes of subsection (2) of section three of the said Act the expression " passengers " shall have the same meaning as it has for the purpose of Part III of the principal Act.

8 Appointment of wireless telegraphy surveyors.

A person appointed to be a surveyor of ships under section seven hundred and twenty-four of the principal Act may be appointed as a wireless telegraphy surveyor:

Provided that the functions of the Board of Trade under the said section with respect to surveyors of ships shall not be exercised with respect to wireless telegraphy surveyors except with the approval of the Postmaster-General.

9 Survey of passenger steamers by wireless telegraphy surveyors.

- (1) The surveys of a passenger steamer required by the principal Act shall, in the case of every survey made after the commencement of this Part of this Act in respect of a sea-going steamer which is not exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, include a survey by a wireless telegraphy surveyor, and accordingly subsection (1) of section two hundred and seventy-two of that Act shall be amended by inserting after the words " engineer surveyor of ships " the words " and, in the case of a sea-going passenger steamer required to be provided with a wireless telegraph installation, by a wireless telegraphy surveyor."
- (2) The following subsection shall be inserted at the end of the said section two hundred and seventy two:—
 - “(5) The declaration of the wireless telegraphy surveyor shall contain statements of the following particulars, namely :—
 - (a) the voyages or class of voyages on which, as regards wireless telegraphy, the steamer is fit to ply;
 - (b) that, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the wireless telegraph installation complies with the wireless telegraphy rules;
 - (c) that the certificates of the wireless telegraphy operators and watchers are such as are required by those rules.”
- (3) Section two hundred and seventy-five of the principal Act (which provides for appeals to a court of survey by persons aggrieved by the declaration of survey of a ship or engineer surveyor) shall be amended by inserting the words " or wireless telegraphy surveyor " after the words " engineer surveyor" in both places where they occur.

10 Survey of ships other than passenger steamers by wireless telegraphy surveyors.

The owner of every British ship of sixteen hundred tons gross tonnage or upwards registered in the United Kingdom, not being a passenger steamer or a ship exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, shall, before the ship first proceeds to sea on an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act and once in each year thereafter, cause the ship to be surveyed by a wireless telegraphy surveyor in the same manner as if she were a passenger steamer required to be provided with a wireless telegraph installation, and the provisions of sections two hundred and seventy-two, two hundred and seventy-three and two hundred and seventy-five of the principal Act shall apply accordingly.

Certificates.

11 Issue of safety certificates and passenger steamers' exemption certificates.

- (1) If the Board of Trade, on receipt of declarations of survey in respect of a passenger steamer, are satisfied that the steamer complies with all the construction regulations, rules for life-saving appliances and wireless telegraphy rules applicable to passenger steamers plying on international voyages, the Board shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as " a general safety certificate."
- (2) If, on receipt of declarations of survey in respect of a passenger steamer in the case of which the Board of Trade have modified the construction regulations or the rules for life-saving appliances in pursuance of the foregoing provisions of this Act relating to steamers plying on short international voyages, the Board are satisfied that the steamer complies with the said regulations and rules as so modified, and also complies with the wireless telegraphy rules applicable to steamers plying on international voyages, the Board shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention applicable to a short international voyage, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as " a short voyage safety certificate."
- (3) If the Board of Trade, on receipt of declarations of survey in respect of a passenger steamer, are satisfied that the steamer—
 - (a) complies with all the construction regulations and rules for life-saving appliances applicable to passenger steamers plying on international voyages or with those regulations and rules as modified in her case in pursuance of the foregoing provisions of this Act relating to steamers plying on short international voyages, and also is exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act; or
 - (b) complies with the construction regulations and the rules for life-saving appliances applicable to steamers plying on any international coasting voyage or steamers engaged in any special passenger trade, and also either complies with the wireless telegraphy rules applicable to steamers plying on international voyages or is exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act;the Board shall, on the application of the owner of the steamer, issue in respect of the steamer—
 - (i) a safety certificate stating in what respects the steamer complies with the requirements of the Safety Convention; and
 - (ii) an exemption certificate stating that so long as the steamer plies on the voyages, and is engaged in the trades, and complies with the conditions (if any) specified in the certificate, the steamer is exempt in other respects from the requirements of the said Convention;and any safety certificate and exemption certificate issued under this subsection are hereafter in this Part of this Act respectively referred to as " a qualified safety certificate " and " a passenger steamer's exemption certificate. "
- (4) For the purposes of this section, the Board of Trade may treat—

- (a) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, (not being a steamer converted to passenger service on or after that date) as complying with the construction regulations applicable in the circumstances; and
- (b) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, as complying with the rules for life-saving appliances applicable in the circumstances;

if they are satisfied that such steps (if any) as are reasonable and practicable have been taken to make the steamer comply with those regulations or rules, as the case may be.

- (5) The provisions of this section shall, subject to the provisions hereafter contained in this Part of this Act, apply only to British passenger steamers registered in the United Kingdom.

12 Modification of safety certificates as respects life saving appliances.

- (1) If, on any international voyage, a British passenger steamer registered in the United Kingdom in respect of which a safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the Board of Trade, or any person authorised by them for the purpose, may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.
- (2) Every such memorandum shall be returned to the Board of Trade at the end of the voyage to which it relates, and, if it is not so returned, the master of the steamer shall be liable to a fine not exceeding twenty pounds.

13 Issue of wireless telegraphy certificates and wireless telegraphy exemption certificates.

- (1) On receipt of a declaration of survey by a wireless telegraphy surveyor in respect of a British ship registered in the United Kingdom not being a passenger steamer, the Board of Trade shall, if satisfied that the ship complies with the wireless telegraphy rules applicable to ships (other than passenger steamers) plying on international voyages, issue a certificate stating that the ship complies with the requirements of the Safety Convention relating to wireless telegraphy, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy certificate."
- (2) Where any such ship is exempted under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, the Board of Trade, on the application of the owner of the ship, shall issue an exemption certificate stating that the ship is exempted from the requirements of the Safety Convention relating to wireless telegraphy and specifying the voyages on which, and conditions (if any) on which, the ship is so exempted, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy exemption certificate."

14 Prohibition on proceeding to sea without certificate.

- (1) No ship to which this section applies shall proceed to sea on an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act, unless there is in force in respect of the ship—
 - (a) in the case of a ship being a passenger steamer, either—
 - (i) a general safety certificate; or
 - (ii) a short voyage safety certificate; or
 - (iii) a qualified safety certificate and passenger steamer's exemption certificate;
being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged;
 - (b) in the case of a ship not being a passenger steamer, either—
 - (i) such certificate or certificates as would be required in her case by the foregoing provisions of this section if she were a passenger steamer;
or
 - (ii) a wireless telegraphy certificate; or
 - (iii) a wireless telegraphy exemption certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed.
- (2) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—
 - (a) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable for each offence to a fine not exceeding ten pounds for every passenger carried on board the steamer, and the master or owner of any tender by means of which passengers are taken on board the steamer shall for each offence be liable to a like penalty for every passenger so taken on board; and
 - (b) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.
- (3) The master of every ship to which this section applies shall produce to the officer of customs from whom a clearance for the ship is demanded for an international voyage, the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.
- (4) Where a passenger steamer's exemption certificate or wireless telegraphy exemption certificate issued in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.
- (5) This section applies to British ships registered in the United Kingdom, being passenger steamers or being ships of sixteen hundred tons gross tonnage or upwards.

15 Miscellaneous provisions as to certificates.

- (1) A safety certificate, wireless telegraphy certificate, or exemption certificate issued by the Board of Trade shall not be in force for more than one year from the date of its issue, nor after notice is given by the Board to the owner, agent, or master of the ship in respect of which it has been issued, that the Board have cancelled the certificate.
- (2) If a British ship registered in the United Kingdom, in respect of which any such certificate has been issued, is absent from the United Kingdom at the date when the certificate expires, the Board of Trade, or any person authorised by them for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to the United Kingdom, but no such extension shall have effect for a period exceeding five months from the said date.
- (3) Every such certificate shall be in such form as may be prescribed by rules made by the Board of Trade, and those rules shall make such provision as appears to the Board to be necessary for the purpose of giving effect to the provisions of Article fifty-one of the Safety Convention, and may provide for combining a safety certificate in one document with a passenger steamer's certificate.
- (4) Any such certificate, and any passenger steamer's certificate combined in one document with a safety certificate, may be signed on behalf of the Board of Trade by any person authorised by the Board for the purpose, and a certificate purporting to be so signed shall be admissible in evidence in like manner as if it had been signed by one of the persons mentioned in section seven hundred and nineteen of the principal Act.
- (5) The following provisions of the principal Act shall apply to and in relation to every such certificate issued by the Board of Trade in the same manner as they apply to and in relation to a passenger steamer's certificate, namely, section two hundred and seventy-six (which relates to the transmission of the certificate to the owner of the steamer), section two hundred and seventy-seven (which relates to the fees to be paid for the certificate), section two hundred and seventy-nine (which relates to the cancellation of the certificate), section two hundred and eighty (which relates to the delivery up of the certificate) and section two hundred and eighty-one (which relates to the posting up of the certificate on the ship).
- (6) The Board of Trade may request the Government of a country to which the Safety Convention applies to issue a general safety certificate, a short voyage safety certificate or a wireless telegraphy certificate in respect of a British ship registered in the United Kingdom, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Board.

Provisions as to Safety Convention Ships not registered in the United Kingdom.

16 Certificates of Convention ships not registered in United Kingdom.

- (1) The Board of Trade may, at the request of the Government of a country to which the Safety Convention applies, issue a general safety certificate, a short voyage safety certificate or a wireless telegraphy certificate in respect of a ship of that country if they are satisfied in like manner as in the case of a British ship registered in the United Kingdom that they can properly issue the certificate, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

- (2) With a view to determining the validity in the United Kingdom of certificates purporting to have been issued in accordance with the Safety Convention in respect of Safety Convention ships not registered in the United Kingdom, the Board of Trade shall make such regulations as appear to the Board to be necessary for the purpose of giving effect to Article fifty-five of the Safety Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Safety Convention ships not registered in the United Kingdom, the expression "a valid Safety Convention certificate" means a certificate or certificates complying with such of those regulations as are applicable in the circumstances.
- (3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer, not registered in the United Kingdom, and there is attached to the certificate a memorandum which—
- (a) has been issued by or under the authority of the Government of the country to which the steamer belongs; and
 - (b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances;
- the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

17 Modifications as to survey of passenger steamers holding Convention certificate.

- (1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—
- (a) the provisions of the principal Act and of this Act as to the survey of passenger steamers by engineer and wireless telegraphy surveyors shall be deemed to have been complied with in the case of the steamer;
 - (b) the survey by the ship surveyor shall be limited to ascertaining the number of passengers which the steamer is fit to carry, and it shall not be necessary for the declaration of survey made by that surveyor to contain a statement of any further particulars than those set out in paragraph (e) of subsection (3) of section two hundred and seventy-two of the principal Act (which relates to the said number of passengers);
 - (c) on receipt of such a declaration, the Board of Trade shall issue a certificate under section two hundred and seventy-four of the principal Act containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.
- (2) Where there is produced in respect of any such passenger steamer a valid Safety Convention certificate, and also a certificate issued by or under the authority of the Government of the country to which the steamer belongs, showing the number of passengers which the steamer is fit to carry, and the Board of Trade are satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in the United Kingdom, the Board may if they think fit dispense with the survey of the steamer mentioned in the last foregoing subsection and direct that the last mentioned certificate shall have effect as a passenger steamer's certificate.

18 Miscellaneous privileges of passenger steamers holding Convention certificate.

Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

- (a) the steamer shall be exempt from the following enactments, namely, paragraphs (d) and (f) of subsection (1) of section two hundred and ninety of the principal Act (which relate to the equipment of emigrant ships), and sections four hundred and twenty-seven to four hundred and thirty-one of that Act (which relate to life-saving appliances); and
- (b) the steamer shall not be deemed to be unsafe for the purposes of sections four hundred and fifty-nine or four hundred and sixty-two of the principal Act by reason of the defective condition of her hull, equipment or machinery, unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond substantially with the particulars stated in the certificate.

19 Wireless telegraphy provisions applicable to ships holding Convention certificate.

- (1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—
 - (a) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to wireless telegraphy, the ship shall be exempt from the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919;
 - (b) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Convention, the following provisions of this section shall apply to the ship in lieu of the provisions of the said Act.
- (2) A surveyor of ships may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.
- (3) If it appears to the surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, the surveyor shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.
- (4) Every notice so given shall be communicated in manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire and to the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and a clearance or transire shall not be granted to the ship, and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

20 Duty to produce Convention certificate.

The master of every Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or

upwards, shall produce a valid Safety Convention certificate to the officer of customs, from whom a clearance for the ship is demanded in respect of an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act, and a clearance shall not be granted, and the ship may be detained, until such a certificate is so produced.

21 Modification of existing provisions for exemption of ships not registered in United Kingdom.

- (1) The proviso to section four of the Merchant Shipping Act, 1906, (which provides for the exemption, in certain circumstances, of foreign ships from the provisions of the principal Act relating to life-saving appliances) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.
- (2) The Merchant Shipping (Equivalent Provisions) Act, 1925, (which provides for the exemption, in certain circumstances, of foreign ships and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to—
 - (a) Safety Convention ships, being passenger steamers plying on international voyages, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to the survey and certification of passenger steamers, to life-saving appliances or to wireless telegraphy ; and
 - (b) other Safety Convention ships so plying, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to wireless telegraphy.
- (3) Section two hundred and eighty-four of the principal Act (which provides for the recognition of colonial passenger steamers' certificates) and any Order in Council made thereunder, and section three hundred and sixty-three of that Act (which provides for the exemption of foreign passenger steamers from survey) shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.

Miscellaneous Provisions for furthering Safety of Life at Sea.

22 Duties as to watertight doors and other contrivances.

The rules set out in the Third Schedule to this Act with respect to watertight doors and other contrivances shall be complied with in every British passenger steamer registered in the United Kingdom, and if any of the said rules is contravened in the case of any such steamer, the master thereof shall for each offence be liable to a fine not exceeding one hundred pounds.

23 Submersion of subdivision load lines.

- (1) Where—
 - (a) a British passenger steamer registered in the United Kingdom has been marked with subdivision load lines, that is to say, load lines indicating the

depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers; and

- (b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under Part II of this Act to be loaded;

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

- (2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine not exceeding one hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.
- (3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.
- (4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.
- (5) The foregoing provisions of this section shall apply to passenger steamers not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British passenger steamers registered in the United Kingdom.

24 Report of dangers to navigation.

- (1) The master of any British ship registered in the United Kingdom, on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with rules to be made for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.
- (2) Rules for the purposes of this section shall be made by the Board of Trade and shall make such provision as appears to the Board to be necessary for the purpose of giving effect to the provisions of Article forty-four (so far as it relates to safety signals) and of Regulation XLVI of the Safety Convention.
- (3) If the master of a ship fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.
- (4) Every person in charge of a wireless telegraph station which is under the control of the Postmaster General, or which is established or installed under licence of the Postmaster General, shall, on receiving the signal prescribed by the said rules for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Board of Trade, shall transmit the message in such manner as may be required by the Board, and compliance with this subsection shall be deemed to be a condition of every licence granted by the Postmaster General under the Wireless Telegraphy Act, 1904:

Provided that nothing in this subsection shall interfere with the transmission by wireless telegraphy of any signal of distress or urgency prescribed under the next following section of this Act.

- (5) For the purposes of this section, the expression " tropical storm " means a hurricane, typhoon, cyclone, or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.
- (6) The Derelict Vessels (Report) Act, 1896, shall cease to have effect.

25 Provisions as to signals.

- (1) His Majesty in Council may prescribe what signals shall be signals of distress and urgency, and the signals so prescribed shall be deemed to be signals of distress and urgency respectively.
- (2) Rules may be made by the Board of Trade prescribing the circumstances in and the purposes for which any signal prescribed by Order in Council under the last foregoing subsection is to be used, the circumstances in which it is to be revoked and the speed at which any message sent by wireless telegraphy in connection with the signal is to be transmitted, and those rules shall make such provision as appears to the Board to be necessary for the purpose of giving effect to Articles forty-two and forty-three of the Safety Convention and to Article forty-four thereof so far as it relates to signals of distress and urgency.
- (3) If the master of a ship uses or displays or causes or permits any person under his authority to use or display—
 - (a) any signal prescribed by Order in Council under this section except in the circumstances and for the purposes prescribed by the rules made under this section; or
 - (b) any private signal, whether registered or not, which is liable to be mistaken for any signal so prescribed by Order in Council;

he shall for each offence be liable to a fine not exceeding fifty pounds and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

- (4) Section four hundred and thirty-four of the principal Act shall cease to have effect, but nothing in this Part of this Act shall affect any rules made under that section which are in force at the commencement of this Part of this Act, and any such rules shall, until revoked, have effect as if they had been made under the foregoing provisions of this section.
- (5) In addition to the private signals which the Board of Trade may refuse to register under section seven hundred and thirty-three of the principal Act, the Board may refuse to register any private signal which in their opinion cannot easily be distinguished from signals of urgency or signals prescribed for indicating that a message is about to be sent relating to a danger to navigation, and the Board may revoke the registration of any such signal registered under the said section of the principal Act, if in their opinion it cannot easily be so distinguished.

26 Obligation to render assistance on receiving wireless distress call.

- (1) The master of a British ship registered in the United Kingdom, on receiving on his ship a signal of distress by wireless telegraphy from any other ship, shall proceed with all speed to the assistance of the persons in distress, unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section.
- (2) The master of any ship in distress may, after consultation so far as possible with the masters of the ships which answer his signal of distress, requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master of any British ship registered in the United Kingdom, which is so requisitioned, to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.
- (3) A master shall be released from the obligation imposed by subsection (1) of this section as soon as he is informed by the master of the ship requisitioned, or where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are complying with the requisition.
- (4) A master shall be released from the obligation imposed by subsection (1) of this section and, if his ship has been requisitioned, from the obligation imposed by subsection (2) of this section, if he receives information that assistance is no longer required.
- (5) If the master of a British ship registered in the United Kingdom fails to comply with the foregoing provisions of this section, he shall be guilty of a misdemeanour.
- (6) If the master of a British ship registered in the United Kingdom, on receiving on his ship a signal of distress by wireless telegraphy from another ship, is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of that other ship accordingly, and enter in the official log-book his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine not exceeding one hundred pounds.
- (7) Nothing in this section shall affect the provisions of section six of the Maritime Conventions Act, 1911, and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

27 Signalling lamps.

No British ship registered in the United Kingdom, being a ship of over one hundred and fifty tons gross tonnage, shall proceed to sea on an international voyage, unless the ship is provided with a signalling lamp of a type approved by the Board of Trade, and if any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine not exceeding twenty pounds.

28 Carriage of dangerous goods.

- (1) The Board of Trade shall make such rules with respect to the carriage of goods on passenger steamers plying on international voyages, as appear to them to be necessary for the purpose of giving effect to the provisions of paragraph 1 of Article twenty-four of the Safety Convention.

- (2) If any of the rules made in pursuance of this section is contravened in the case of any British passenger steamer registered in the United Kingdom, the master or owner of the steamer shall for each offence be liable to a fine not exceeding three hundred pounds, and the steamer shall be deemed for the purposes of section four hundred and fifty-nine of the principal Act to be unsafe by reason of improper loading.
- (3) Any goods declared to be dangerous in their nature by the rules made under this section shall be deemed to be dangerous goods for the purpose of Part V of the principal Act.
- (4) The provisions of this section shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so however that nothing in this section shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.
- (5) The foregoing provisions of this section and the rules made thereunder shall apply to passenger steamers not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British passenger steamers registered in the United Kingdom.

29 Method of giving helm orders.

- (1) No person on any British ship registered in the United Kingdom shall when the ship is going ahead give a helm or steering order containing the word " starboard " or " right " or any equivalent of " starboard " or " right ", unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word " port " or " left ", or any equivalent of " port " or " left ", unless he intends that the head of the ship shall move to the left.
- (2) Any person who contravenes the provisions of this section shall for each offence be liable to a fine not exceeding fifty pounds.

30 Careful navigation near ice.

- (1) The master of a British ship registered in the United Kingdom, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger.
- (2) If the master of any such ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

31 Notice of Atlantic routes.

- (1) The owner of any line of passenger steamers crossing the North Atlantic from or to any port in the United Kingdom by regular routes shall give public notice, in such manner as may be directed by the Board of Trade, of the routes which it is proposed that the ships belonging to the line should follow, and of any changes which may be made in those routes.
- (2) If the owner of any such line of passenger steamers fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

32 Contribution towards a service for watching ice and derelicts in the North Atlantic.

Any sums required for the contribution from the United Kingdom towards maintaining, in accordance with Articles thirty-six and thirty-seven of the Safety Convention, a service in the North Atlantic for the destruction or removal of derelicts, for the study and observation of ice conditions, and for ice patrol, shall be paid by the Board of Trade out of moneys provided by Parliament.

Supplemental.

33 Amendment of s. 267 of principal Act.

For the purposes of Part III of the principal Act, the expression " passenger" shall not include any person who is on board a ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled, and accordingly section two hundred and sixty-seven of the principal Act shall be amended by inserting after the words " family and servants " the words " and persons on board the ship either in pursuance of the obligation laid upon the master to carry " shipwrecked, distressed or other persons or by reason " of any circumstance which neither the master nor the " owner nor the charterer (if any) could have prevented " or forestalled."

34 Power to amend rules and regulations to correspond with amendments of Safety Convention.

Where the Board of Trade are required by this Part of this Act to give effect to, or implement, any provision of the Safety Convention by any rules or regulations, and that provision is amended in pursuance of Article sixty-one of that Convention, the Board may amend the rules or regulations accordingly.

35 Certain rules and regulations to be laid before Parliament.

- (1) Where any of the construction regulations, survey regulations or rules for life-saving appliances applicable to passenger steamers plying on international voyages, or any of the wireless telegraphy rules applicable to ships plying on international voyages, being a regulation or rule made after the passing of this Act and in force at the commencement of this Part of this Act, contains, in the opinion of the Board of Trade, a requirement which—
 - (a) is at variance with any specific requirement of the Safety Convention; and
 - (b) was not contained in the regulations or rules in force at the passing of this Act;the regulation or rule, as the case may be, shall be laid before each House of Parliament as soon as may be after the commencement of this Part of this Act.
- (2) Where any of the construction regulations, survey regulations or wireless telegraphy rules, being a regulation or rule applicable as aforesaid and made after the commencement of this Part of this Act, contains, in the opinion of the Board of Trade, such a requirement as aforesaid, it shall be laid before each House of Parliament as soon as may be after it is made.

- (3) All rules for life-saving appliances made after the commencement of this Part of this Act shall be laid before each House of Parliament as soon as may be after they are made, together with a report stating whether any, and if so which, of the rules applicable to passenger steamers plying on international voyages contains, in the opinion of the Board of Trade, such a requirement as aforesaid, and all rules for life-saving appliances made before the commencement of this Part of this Act, which have not come into force before the commencement of this Part of this Act, shall be laid before each House of Parliament as soon as may be after the commencement of this Part of this Act, together with such a report as aforesaid.
- (4) If either House within the next subsequent twenty days on which that House has sat after—
- (a) any regulation or rule is laid before it in pursuance of subsection (1) or subsection (2) of this section; or
 - (b) any rule is laid before it which is reported in pursuance of subsection (3) of this section to contain such a requirement as aforesaid;
- resolves that the regulation or rule shall be annulled, the regulation or rule shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new regulation or rule.
- (5) Subsection (2) of section four hundred and twenty-seven of the principal Act shall cease to have effect.

36 Application of Part I to British possessions, protectorates and mandated territories.

- (1) His Majesty may by Order in Council direct that the provisions of this Part of this Act and (so far as may appear to His Majesty to be expedient for the purpose of giving effect to the provisions of this Part of this Act) the provisions of any other Act relating to Merchant Shipping, including any enactments for the time being in force amending or substituted for the provisions of this Part of this Act or any other such Act, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any colony.
- (2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Part of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction.
- (3) His Majesty may by Order in Council direct—
- (a) that any provision of this Part of this Act, which is expressed to apply only to British ships or passenger steamers registered in the United Kingdom, shall apply to British ships or passenger steamers, as the case may be, registered in any country or part of His Majesty's dominions to which the provisions of this Part of this Act can be extended by virtue of the foregoing provisions of this section;
 - (b) that any reference in this Part of this Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid.

37 Countries to which Safety Convention applies.

His Majesty, if satisfied—

- (a) that the Government of any country has ratified, acceded to, or denounced, the Safety Convention; or
- (b) that the Safety Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article sixty-two thereof;

may by Order in Council make a declaration to that effect.

38 Interpretation of Part I.

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" Construction regulations " means such of the regulations made under section seven hundred and twenty-four of the principal Act as prescribe the matters with respect to which a surveyor of ships must be satisfied before he states in a declaration of survey that a passenger steamer is fit to ply on any particular voyages or class of voyages specified in the regulations;

" Country to which the Safety Convention applies " means—

- (a) a country the Government of which has been declared under the last foregoing section to have ratified, or acceded to, the Safety Convention, and has not been so declared to have denounced that Convention;
- (b) a country to which it has been so declared that the Safety Convention has been applied under the provisions of Article sixty-two thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

" Declaration of survey " means a declaration made under section two hundred and seventy-two of the principal Act;

" International voyage " means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, " short international voyage " means an international voyage in the course of which a ship does not go more than two hundred miles from land, and " international coasting voyage " means an international voyage in the course of which a ship does not go more than twenty miles from land, so however that for the purpose of this provision—

- (a) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
- (b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country;

" Rules for life-saving appliances " means the rules made under section four hundred and twenty-seven of the principal Act;

" Safety Convention ship " means a ship belonging to a country to which the Safety Convention applies, and the expression "Safety Convention passenger steamer" shall be construed accordingly;

" Special passenger trade " means a trade in relation to which the Board of Trade have modified the construction regulations or the rules for life-saving appliances in pursuance of this Part of this Act;

" Survey regulations " means such of the regulations made under section seven hundred and twenty-four of the principal Act as prescribe the manner in which surveys of passenger steamers are to be made;

" Wireless telegraphy rules " means the rules made under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919.

39 Commencement of Part I and repeal.

- (1) This Part of this Act shall come into operation on such date as His Majesty in Council may appoint.
- (2) The enactments set out in Part I of the Fourth Schedule to this Act shall be repealed, to the extent specified in the third column of that Part of that Schedule, as from the commencement of this Part of this Act.

PART II

LOAD LINE AND LOADING.

Preliminary.

40 Ships exempt from Part II.

- (1) The following ships are exempt from this Part of this Act, namely—
 - (a) sailing ships under eighty tons register engaged solely in the coasting trade;
 - (b) ships exempted from this Part of this Act under subsection (2) of this section;
 - (c) ships solely engaged in fishing;
 - (d) pleasure yachts.
- (2) The Board of Trade may, on such conditions as they think fit, exempt from this Part of this Act—
 - (a) any ship plying on international voyages between the near neighbouring ports of two or more countries, if the Board of Trade and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply the provisions of this Part of this Act to ships so plying;
 - (b) any ship plying on any other voyage between near neighbouring ports if the Board of Trade are satisfied as aforesaid; and
 - (c) any class of steamers under eighty tons register engaged solely in the coasting trade, so long as they do not carry cargo.

41 Classification of ships for purpose of Part II.

- (1) Ships which are not exempt from this Part of this Act by virtue of the last foregoing section are hereafter in this Act referred to as " load line ships, " and for the purposes of this Part of this Act are divided into the following classes, namely—
 - (a) international load line ships, that is to say, ships of one hundred and fifty tons gross tonnage or upwards which carry cargo or passengers; and

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- (b) local load line ships, that is to say, ships of one hundred and fifty tons gross tonnage or upwards which do not carry cargo or passengers, and ships of less than that tonnage.
- (2) International load line ships belonging to countries to which the Load Line Convention applies, are hereafter in this Act referred to as " Load Line Convention ships. "

Marking and Submersion of Load Lines.

42 Load line rules.

- (1) The Board of Trade shall make such rules (hereafter in this Act referred to as "the load line rules") as appear to them to be necessary for the purpose of giving effect to the provisions of Articles 6 to 10 of the Load Line Convention and Annex I and Annex II thereto.
- (2) Such of the load line rules as are made to give effect to Part II of Annex I to the said Convention are hereafter in this Act referred to as " the conditions of assignment."

43 Marking of deck-line and load lines.

- (1) No British load line ship registered in the United Kingdom, being a ship constructed after the thirtieth day of June, nineteen hundred and thirty-two, shall proceed to sea unless—
- (a) the ship has been surveyed in accordance with the load line rules; and
 - (b) the ship complies with the conditions of assignment ; and
 - (c) the ship is marked on each side with a mark (hereafter in this Act referred to as a " deck-line ") indicating the position of the uppermost complete deck as defined by the load line rules, and with marks (hereafter in this Act referred to as " load lines ") indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load line rules; and
 - (d) the deck-line and load lines are of the description required by the load line rules, the deck-line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and
 - (e) the load lines are in the position required by such of the load line rules as are applicable to the ship.
- (2) No British load line ship registered in the United Kingdom, being a ship constructed before the first day of July, nineteen hundred and thirty-two, shall proceed to sea unless—
- (a) the ship has been surveyed and marked in accordance with paragraphs (a), (c) and (d) of the last foregoing subsection; and
 - (b) the ship complies with the conditions of assignment in principle and also in detail, so far as, in the opinion of the Board of Trade, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

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- (c) the load lines are either in the position required by paragraph (e) of the last foregoing sub-section or in the position required by the tables used by the Board of Trade on the thirty-first day of December, nineteen hundred and six, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof, approved by the Board of Trade under section four hundred and thirty-eight of the principal Act, as were in force immediately before the fifth day of July, nineteen hundred and thirty.
- (3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine not exceeding one hundred pounds.
- (4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section four hundred and fifty-nine of the principal Act.

44 Submersion of load line.

- (1) A British load line ship registered in the United Kingdom shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded,
- (2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.
- (3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.
- (4) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay 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.
- (5) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

45 Miscellaneous offences in relation to marks.

If—

- (a) the owner or master of a British load line ship registered in the United Kingdom, which has been marked in accordance with the foregoing provisions of this Part of this Act, fails without reasonable cause to keep the ship so marked; or

- (b) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part of this Act, except with the authority of a person entitled under the load line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

46 Inspection of ships with respect to load line.

A ship surveyor or engineer surveyor may inspect any British load line ship registered in the United Kingdom for the purpose of seeing that the provisions of this Part of this Act have been complied with in the case of the ship, and for the purpose of any such inspection any such surveyor shall have all the powers of a Board of Trade inspector under the principal Act.

Certificates.

47 Issue of load line certificates and effect thereof.

- (1) Where a British load line ship registered in the United Kingdom has been surveyed and marked in accordance with the foregoing provisions of this Part of this Act and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee—
- (a) in the case of an international load line ship, a load line certificate hereafter in this Act referred to as " a Load Line Convention certificate "; and
 - (b) in the case of a local load line ship, a load line certificate hereafter in this Act referred to as " a United Kingdom load line certificate. "
- (2) Every such certificate shall be issued either by the Board of Trade or by such other person as may be authorised in that behalf by the Board, and shall be issued in such form and manner as may be prescribed by the load line rules, and those rules shall make such provision with respect to Load Line Convention certificates as appears to the Board to be necessary, having regard to the provisions of Rules IV and LXVII of the Load Line Convention, for the purpose of giving effect to the provisions of Article thirteen of that Convention.
- (3) Any such certificate issued by the Board of Trade may be signed on behalf of the Board by any person authorised by the Board for the purpose, and a certificate purporting to be so signed shall be admissible in evidence in like manner as if it had been signed by one of the persons mentioned in section seven hundred and nineteen of the principal Act.
- (4) The Board of Trade may request the Government of a country to which the Load Line Convention applies to issue a Load Line Convention certificate in respect of a Load Line Convention ship registered in the United Kingdom, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purpose of this Part of this Act as if it had been issued by the Board.
- (5) Where a load line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purpose of the foregoing provisions of this Part of this Act, be deemed to have been surveyed as required by

those provisions, and, if the deck-line and load lines on the ship are of the number and description required by the load line rules and the position of the deck-line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

48 Duration, renewal and cancellation of certificates.

- (1) Every load line certificate issued by or under the authority of the Board of Trade shall, unless it is renewed in accordance with the provisions of subsection (2) of this section, expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.
- (2) Any such load line certificate may, after a survey not less effective than the survey required by the load line rules before the issue of the certificate, be renewed from time to time by the Board of Trade, or by any person authorised by the Board to issue a load line certificate, for such period (not exceeding five years on any occasion) as the Board of Trade or other person renewing the certificate thinks fit.
- (3) The Board of Trade shall cancel any such load line certificate in force in respect of a ship, if they have reason to believe that—
 - (a) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; or
 - (b) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.
- (4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force, having regard to the last foregoing subsection, and if the ship is not so surveyed, the Board of Trade shall cancel the certificate:

Provided that the Board, if they think fit in any particular case, may extend the said period of one year.

- (5) Where any such load line certificate has expired or been cancelled, the Board of Trade may require the owner or master of the ship to which the certificate relates to deliver up the certificate as they direct, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding ten pounds.
- (6) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

49 Ships not to proceed to sea without certificate.

- (1) No British ship registered in the United Kingdom, being an international load line ship, shall proceed to sea unless there is in force in respect of the ship a Load Line Convention certificate.

- (2) No British ship registered in the United Kingdom, being a local load line ship, shall proceed to sea unless there is in force in respect of the ship a United Kingdom load line certificate.
- (3) The master of every British load line ship registered in the United Kingdom shall produce to the officer of Customs, from whom a clearance or transire for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance or transire shall not be granted, and the ship may be detained, until that certificate is so produced.
- (4) The master of every ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine not exceeding one hundred pounds.

50 Publication of load line certificate and particulars relating to depth of loading.

- (1) When a load line certificate has been issued in pursuance of the foregoing provisions of this Part of this Act in respect of a British load line ship registered in the United Kingdom—
 - (a) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and
 - (b) the master of the ship, before making any other entry in any official log-book, shall enter therein the particulars as to the position of the deck-line and load lines specified in the certificate.
- (2) Before any British load line ship registered in the United Kingdom leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—
 - (a) enter in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Board of Trade may by regulations prescribe; and
 - (b) cause a notice, in such form and containing such of the said particulars as may be required by the said regulations, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place:

Provided that the Board may by the said regulations exempt home trade ships or any class of home trade ships from the requirements of paragraph (b) of this subsection.

- (3) If the master or owner of any British load line ship registered in the United Kingdom fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

51 Insertion of particulars as to load line in agreements with crew.

- (1) Before an agreement with the crew of any British load line ship registered in the United Kingdom, in respect of which a load line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck-line and load lines specified in the certificate, and if he fails to do so, he shall for each offence be liable to a fine not exceeding twenty pounds.

- (2) In the case of a British load line ship registered in the United Kingdom, being a foreign-going ship, a superintendent shall not proceed with the engagement of the crew until—
 - (a) there is produced to him a load line certificate for the time being in force in respect of the ship; and
 - (b) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Special Provisions as to Load Line Convention Ships not registered in the United Kingdom.

52 Load line certificates of Convention ships not registered in United Kingdom.

- (1) The Board of Trade may, at the request of the Government of a country to which the Load Line Convention applies, issue a Load Line Convention certificate in respect of an international load line ship of that country if they are satisfied in like manner as in the case of a British ship registered in the United Kingdom that they can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.
- (2) With a view to determining the validity in the United Kingdom of certificates purporting to have been issued in accordance with the Load Line Convention in respect of Load Line Convention ships not registered in the United Kingdom, the Board of Trade shall make such regulations as appear to the Board to be necessary for the purpose of giving effect to Article seventeen of the Load Line Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Load Line Convention ships not registered in the United Kingdom, the expression " a valid Load Line Convention certificate " means a certificate complying with such of those regulations as are applicable in the circumstances.

53 Inspection and control of Convention ships not registered in United Kingdom.

- (1) A ship surveyor or engineer surveyor may go on board any Load Line Convention ship not registered in the United Kingdom, when within any port in the United Kingdom, for the purpose of demanding the production of any load line certificate for the time being in force in respect of the ship.
- (2) If a valid Load Line Convention certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting the ship with respect to load line shall be limited to seeing—
 - (a) that the ship is not loaded beyond the limits allowed by the certificate;
 - (b) that the position of the load lines on the ship corresponds with the position specified in the certificate;
 - (c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;
 - (d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued;

and for the purpose of any such inspection the surveyor shall have all the powers of a Board of Trade inspector under the principal Act.

Status: This is the original version (as it was originally enacted).

- (3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and proceedings may be taken against the master or owner thereof under the provisions hereafter contained in this Part of this Act relating to the submersion of load lines on ships not registered in the United Kingdom.
- (4) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.
- (5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in paragraphs (c) and (d) of subsection (2) of this section that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section four hundred and fifty-nine of the principal Act (in the case of a British ship) or for the purpose of section four hundred and sixty-two of that Act (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Board of Trade shall order the ship to be released as soon as they are satisfied that the ship is fit to proceed to sea without danger to human life.

- (6) If a valid Load Line Convention certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part of this Act have been complied with, as if the ship were a British ship registered in the United Kingdom.
- (7) For the purposes of this section a ship shall be deemed, to be loaded, beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

54 Certificates of Convention ships to be produced to Customs.

The master of every Load Line Convention ship not registered in the United Kingdom shall produce to the officer of Customs from whom a clearance or transire for the ship from any port in the United Kingdom is demanded—

- (a) in a case where clearance is demanded in respect of an international voyage, a valid Load Line Convention certificate;
- (b) in a case where clearance or transire is demanded in respect of any other voyage, either a valid Load Line Convention certificate or a United Kingdom load line certificate for the time being in force in respect of the ship;

and a clearance or transire shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

55 Modification of existing provisions for exemption of ships not registered in United Kingdom.

The Merchant Shipping (Equivalent Provisions) Act, 1925, (which provides for the exemption, in certain circumstances, of foreign ships and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts) and any Order in Council made thereunder shall cease to apply to Load Line Convention ships plying on international voyages, in respect of the exemption of such ships from any of the provisions of this Part of this Act.

General Provisions as to Ships not registered in the United Kingdom.

56 Survey, marking and conditions of assignment in case of ships not registered in United Kingdom.

The provisions of section forty-three of this Act shall apply to load line ships not registered in the United Kingdom, proceeding or attempting to proceed to sea from ports in the United Kingdom, as they apply to British load line ships registered in the United Kingdom, subject to the following modification, namely:—

- (a) the said section shall not apply to a Load Line Convention ship not registered in the United Kingdom, if a valid Load Line Convention certificate is produced in respect of the ship; and
- (b) subject to the provisions of paragraph (a) of this section, a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section forty-three shall be deemed to be unsafe for the purpose of section four hundred and sixty-two of the principal Act.

57 Submersion of load line on ships not registered in United Kingdom.

The provisions of section forty-four of this Act shall apply to load line ships not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British load line ships registered in the United Kingdom, subject to the following modifications, namely:—

- (a) no Load Line Convention ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of the said section, except after an inspection by a ship surveyor or engineer surveyor as hereinbefore provided; and
- (b) the expression " the appropriate load line, " in relation to any ship not registered in the United Kingdom, shall mean—
 - (i) in the case of a Load Line Convention ship in respect of which there is produced on such an inspection as aforesaid a valid Load Line Convention certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded ;
 - (ii) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

58 Inspection of ships not registered in United Kingdom.

The provisions of section forty-six of this Act shall apply to load line ships, other than British ships registered in the United Kingdom or Load Line Convention ships not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British load line ships registered in the United Kingdom.

59 Load line certificates of ships not registered in United Kingdom.

- (1) The provisions of this Part of this Act relating to the issue, effect, duration, renewal and cancellation of United Kingdom load line certificates shall apply to load line ships

not registered in the United Kingdom as they apply to British load line ships registered in the United Kingdom, subject to the following modifications, namely :—

- (a) any such certificate may be issued in respect of an international load line ship as in respect of a local load line ship, so however that any such certificate issued in respect of a Load Line Convention ship shall only be valid so long as the ship is not plying on international voyages, and shall be endorsed with a statement to that effect, and shall be cancelled by the Board if they have reason to believe that the ship is so plying; and
 - (b) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Board of Trade.
- (2) Where the Board of Trade certify—
- (a) either—
 - (i) that by the law in force in any part of His Majesty's dominions outside the United Kingdom provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions; or
 - (ii) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising United Kingdom load line certificates as having the same effect in ports of that country as certificates issued under the said provision; and
 - (b) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part of this Act and is equally effective;

His Majesty may by Order in Council direct that load line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part of this Act as United Kingdom load line certificates:

Provided that no Order in Council made under this subsection shall apply to Load Line Convention ships plying on international voyages.

- (3) Sub-paragraph (i) of paragraph (a) of the last foregoing subsection shall apply with respect to any foreign country in which for the time being His Majesty has jurisdiction, as if that country was a part of His Majesty's dominions.

60 Certificates to be produced to Customs by ships not registered in United Kingdom.

The master of every load line ship, other than a British ship registered in the United Kingdom or a Load Line Convention ship not registered in the United Kingdom, shall produce to the officer of Customs, from whom a clearance or transire for the ship from any port in the United Kingdom is demanded, either a United Kingdom load line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and a clearance or transire shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

Loading of Timber.

61 Carriage of timber deck cargo.

- (1) The Board of Trade shall make regulations (hereafter in this section referred to as the "timber cargo regulations") as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any load line ship.
- (2) The timber cargo regulations shall contain such regulations as appear to the Board of Trade to be necessary for the purpose of giving effect to paragraph two of Article six of the Load Line Convention.
- (3) Subject to the provisions of the last foregoing subsection, the timber cargo regulations may prescribe generally the conditions on which timber may be carried as aforesaid in any load line ship either on all voyages or on any particular class of voyages and either at all seasons or at any particular season, and in particular may prescribe the manner and position in which the timber is to be stowed and the provision which is to be made on the ship for the safety of the crew.
- (4) If any provision of the timber cargo regulations is contravened in the case of any British load line ship registered in the United Kingdom, the master of the ship shall be liable to a fine not exceeding five hundred pounds:

Provided that in any proceedings against a master in respect of a contravention of the timber cargo regulations, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay 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.

- (5) For securing the observance of the timber cargo regulations, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any load line ship carrying timber cargo in any uncovered space on her deck, and for that purpose shall have all the powers of a Board of Trade inspector under the principal Act.
- (6) The foregoing provisions of this section and the timber cargo regulations shall apply to load line ships not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British load line ships registered in the United Kingdom.

Supplemental.

62 Amendment of ss. 436 and 454 of the principal Act.

- (1) In subsections (1) and (3) of section four hundred and thirty-six and in subsection (1) of section four hundred and fifty-four of the principal Act the expression "freeboard" shall be substituted for the expression "clear side."
- (2) Subsection (3) of the said section four hundred and thirty-six shall cease to have effect with respect to load line ships.
- (3) The following subsection shall be substituted for subsection (5) of the said section four hundred and thirty-six, namely—

“(5) In this section the expression ' freeboard ' means, in the case of any ship which is marked with a deck-line, the height from the water to the upper edge of the deck-line, and, in the case of any other ship, the height amidships from the water to the upper edge of the deck from which the depth of hold as stated in the register is measured.”

63 Power to amend rules to correspond with amendments of Load Line Convention.

If any provision of the Load Line Convention to which the Board of Trade are required by this Part of this Act to give effect by any rules or regulations is amended in pursuance of Article twenty of that Convention, the Board may amend the rules or regulations accordingly.

64 Application of Part II to British possessions, protectorates and mandatory territories.

- (1) His Majesty may by Order in Council direct that the provisions of this Part of this Act, including any enactments for the time being in force amending or substituted for the said provisions, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any colony.
- (2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Part of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction.
- (3) His Majesty may by Order in Council direct—
 - (a) that any provision of this Part of this Act which is expressed to apply only to British ships registered in the United Kingdom shall apply to British ships registered in any country or part of His Majesty's dominions to which the provisions of this Part of this Act can be extended by virtue of the foregoing provisions of this section;
 - (b) that any reference in this Part of this Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid.

65 Countries to which the Load Line Convention applies.

His Majesty, if satisfied—

- (a) that the Government of any country has ratified, acceded to, or denounced the Load Line Convention; or
- (b) that the Load Line Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article twenty-one thereof ;

may by Order in Council make a declaration to that effect.

66 Interpretation of Part II.

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Country to which the Load Line Convention applies, " means—

Status: This is the original version (as it was originally enacted).

- (a) a country the Government of which has been declared under the last foregoing section to have ratified, or acceded to, the Load Line Convention, and has not been so declared to have denounced that Convention;
- (b) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of Article twenty-one thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

" International voyage " means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Load Line Convention applies, so however that for the purpose of this definition—

- (a) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
 - (b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country;
- " Prescribed " means prescribed by the load line rules.

67 Commencement of Part II and repeal.

- (1) Subject to the provisions of this subsection, this Part of this Act shall come into operation on the appointed day:

Provided that—

- (a) where at the passing of this Act there is in force in respect of any ship a certificate issued under section four hundred and forty-three of the principal Act and that certificate ceases to be in force before the appointed day; or
- (b) where before the appointed day a load line certificate is issued in pursuance of this Part of this Act by or under the authority of the Board of Trade in respect of any ship;

this Part of this Act shall come into operation with respect to that ship as from the date on which the certificate ceases to be in force or is issued, as the case may be.

- (2) The enactments set out in Part II of the Fourth Schedule to this Act shall, to the extent specified in the third column of that Part of that Schedule, cease to have effect with respect to any ship as from the date when this Part of this Act comes into operation with respect to that ship and shall be repealed as from the appointed day:

Provided that any Order in Council in force immediately before the appointed day under section four hundred and forty-four or section four hundred and forty-five of the principal Act shall, until revoked, continue to have effect as if for references in the Order to Part V of the principal Act, or to the provisions of the principal Act relating to overloading or improper loading, as the case may be, there were substituted references to this Part of this Act, so however that no such Order shall continue to have effect with respect to Load Line Convention ships plying on international voyages.

- (3) For the purpose of this section the expression " the appointed day " means such day as His Majesty in Council may appoint.

PART III

GENERAL.

68 Provisions as to rules and regulations.

- (1) Notwithstanding any rules or regulations made in pursuance of this Act for the purpose of giving effect to, or implementing, any provision of the Safety Convention or Load Line Convention which requires a particular fitting, appliance, or apparatus or type thereof, to be fitted or carried in a ship, or any particular provision to be made in a ship, the Board of Trade may allow any other fitting, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made if they are satisfied that that other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the Convention.
- (2) Where under this Act the Board of Trade are required to make such regulations or rules as appear to them to be necessary for the purpose of giving effect to any of the provisions of the Safety Convention or Load Line Convention, the requirement shall, in the case of a provision the terms of which are such as to vest in the several Governments who are parties to the Convention a discretion as to whether any or what action should be taken thereunder, be construed as an authority to the Board to make by regulations or rules such provision (if any) with respect to the matter in question as the Board in the exercise of that discretion think proper.

69 Notice to be given to Consular officer where proceedings taken in respect of foreign ships.

Where any foreign ship is detained under this Act, and where any proceedings are taken under this Act against the master or owner of any such ship, notice shall forthwith be served on the Consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

70 Cost of detaining ships.

Where a ship is detained in pursuance of any provision of this Act which provides for the detention of a ship until a certain event occurs, subsection (2) of section four hundred and sixty of the principal Act (which makes provision as to the costs of the Board of Trade of and incidental to the detention and survey of the ship) shall apply as if the ship had been finally detained within the meaning of that subsection.

71 Forgery of certificates.

The provisions of section two hundred and eighty-two of the principal Act (which imposes penalties for the forgery of passenger steamers' certificates) shall apply with respect to any certificate required for the purposes of this Act as they apply with respect to a passenger steamer's certificate.

72 Summary prosecution of offences.

Notwithstanding anything in section six hundred and eighty of the principal Act, any offence whatsoever under Part I or Part II of this Act may be prosecuted summarily.

73 Interpretation and construction.

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—
 - " Contravention " includes, in relation to any provision, failure to comply with that provision, and the expression " contravenes " shall be construed accordingly;
 - " The Merchant Shipping Acts " means the Merchant Shipping Acts, 1894 to 1928, and this Act;
 - " Passenger " has the same meaning as it has for the purpose of Part III of the principal Act ;
 - " Passenger steamer " means a steamer carrying more than twelve passengers;
 - " The principal Act " means the Merchant Shipping Act, 1894.
- (2) In this Act references to a ship constructed before or after any date shall be construed as references to a ship the keel of which has been laid before or after that date, as the case may be.
- (3) For the purpose of any provision of this Act relating to Safety Convention ships, Safety Convention passenger steamers or Load Line Convention ships not registered in the United Kingdom, a passenger steamer or other ship registered in any of the Channel Islands or in the Isle of Man shall be deemed to be registered in the United Kingdom.
- (4) Any references in this Act to any provision of the Merchant Shipping Acts, 1894 to 1928, which has been amended by any subsequent Act, including this Act, shall be construed as a reference to that provision as so amended.

74 Short title, citation and repeal.

- (1) This Act may be cited as the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1928, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1932.
- (2) The enactments set out in Part III of the Fourth Schedule to this Act shall be repealed, to the extent specified in the third column of that Part of that Schedule, as from the passing of this Act.