



Merchant Shipping (Safety and Load Line Conventions) Act 1932

1932 CHAPTER 9

PART I

SAFETY OF LIFE AT SEA.

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.

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- (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

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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.