



# Merchant Shipping (Safety and Load Line Conventions) Act 1932

## 1932 CHAPTER 9

### 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
  - (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

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- (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
  - (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 LXVUI 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;

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- (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.

- (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—

- (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

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*Status: This is the original version (as it was originally enacted).*

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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.