



Merchant Shipping (Safety Convention) Act 1949

1949 CHAPTER 43 12 13 and 14 Geo 6

An Act to enable effect to be given to an International Convention for the Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight; to amend the provisions of the Merchant Shipping Acts, 1894 to 1948, relating to the construction of passenger steamers, to life-saving appliances, wireless and radio navigational aids and to other matters affected by the said Convention, and to amend the provisions of those Acts relating to fees. [14th July 1949]

Whereas a Convention (in this Act referred to as “the Safety Convention”) was signed on behalf of the government of the United Kingdom in London on the tenth day of June, nineteen hundred and forty-eight, for promoting safety of life at sea by establishing in common agreement uniform principles and rules thereto:

And whereas it is intended that the Safety Convention shall replace the International Convention for the Safety of Life at Sea 1929, which is set out in the First Schedule to the Merchant Shipping (Safety and Load Line Conventions) Act 1932:

And whereas it is expedient to enable effect to be given to the Safety Convention, and to amend the provisions of the Merchant Shipping Acts, 1894 to 1948, relating to the construction of passenger steamers, to life-saving appliances, wireless and radio navigational aids and to other matters affected by the Safety Convention, and to amend the provisions of those Acts relating to fees:

Modifications etc. (not altering text)

- C1 Act amended by [Merchant Shipping Act 1964 \(c. 47\), s. 1](#) and [Merchant Shipping \(Safety Convention\) Act 1977 \(c. 24\), ss. 1\(2\), 4](#)
- C2 Functions of Minister of Transport and Board of Trade under this Act now exercisable by Secretary of State by virtue of [S.I. 1965/145, art.2, Sch. 1](#), [1966/1410, art.2](#), [1970/1537, art.2](#) and [S.I. 1983/1127, art. 2\(4\)](#)
- C3 Act extended by [S.I. 1981/584, regs. 2–5](#)
- C4 Act amended by [S.I. 1983/708, regs. 1\(3\)\(4\)\(b\), 2](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

- C5** Act modified by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 47(2)(b), (with s. 58(4), Sch. 8 para. 1) and by S.I. 1989/1991, art. 10
- C6** Act excluded by S.I. 1989/1991, arts. 11–14

Commencement Information

- I1** Act not in force at Royal Assent see s. 37(1); Act wholly in force at 19. 11. 1952.

Construction and Equipment

1 Construction rules.

- (1) The Minister may make rules (in this Act called “construction rules”) prescribing the requirements that the hull, equipments and machinery of [^{F1}and the fuel used in] British passenger steamers registered in the United Kingdom shall comply with; and the rules shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention prescribing the requirements that the hull, equipments and machinery of [^{F1}and the fuel used in] passenger steamers shall comply with, except so far as those provisions are implemented by the rules for life-saving appliances, the radio rules, the rules for direction-finders or the collision regulations.
- (2) The powers conferred on the Minister by this section shall be in addition to the powers conferred by any other enactment enabling him to prescribe the requirements that passenger steamers shall comply with.

Textual Amendments

- F1** Words inserted by Merchant Shipping (Safety Convention) Act 1977 (c. 24), ss. 1(4)(a), 4(1)

Modifications etc. (not altering text)

- C7** S. 1 extended by Merchant Shipping Act 1964 (c. 47), s. 8

2 Rules for life-saving appliances.

- (1) For section four hundred and twenty-seven of the Merchant Shipping Act 1894 (in this Act referred to as “the principal Act”), there shall be substituted the following section:—
- (1) The Minister of Transport may, in relation to any ships to which this section applies, make rules (in this Act called “rules for life-saving appliances”) with respect to all or any of the following matters, namely:—
- (a) the arranging of ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried ;
 - (b) the number, description, and mode of construction of the boats, life rafts, line-throwing appliances, life-jackets, and lifebuoys to be carried by ships, according to the classes in which the ships are arranged ;

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- (c) the equipment to be carried by any such boats and rafts and the methods to be provided to get the boats and other life-saving appliances into the water, including oil for use in stormy weather ;
- (d) the provision in ships of a proper supply of lights inextinguishable in water, and fitted for attachment to lifebuoys ;
- (e) the quantity, quality and description of buoyant apparatus to be carried on board ships carrying passengers, either in addition to or in substitution for boats, life rafts, life-jackets and lifebuoys ;
- (f) the position and means of securing the boats, life rafts, life-jackets, lifebuoys and buoyant apparatus ;
- (g) the marking of the boats, life rafts and buoyant apparatus so as to show their dimensions and the number of persons authorised to be carried on them ;
- (h) the manning of the lifeboats and the qualifications and certificates of lifeboat men ;
- (j) the provision to be made for mustering the persons on board, and for embarking them in the boats (including provision for the lighting of, and the means of ingress to and egress from, different parts of the ship);
- (k) the provision of suitable means situated outside the engine-room whereby any discharge of water into the boats can be prevented ;
- (l) the assignment of specific duties to each member of the crew in the event of emergency;
- (m) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire;
- (n) the practice in ships of boat-drills and fire-drills ;
- (o) the provision in ships of means of making effective distress-signals by day and by night ;
- (p) the provision, in ships engaged on voyages in which pilots are likely to be embarked, of suitable pilot-ladders, and of ropes, lights and other appliances designed to make the use of such ladders safe, and
- (q) the examination at intervals to be prescribed by the rules of any appliances or equipment required by the rules to be carried.

(2) This section applies to—

- (a) British ships, except ships registered in a Dominion within the meaning of the Statute of Westminster, 1931, or in India, Pakistan or Ceylon, or in any territory administered by His Majesty's government in any such Dominion;
- (b) other ships while they are within any port in the United Kingdom :

Provided that this section shall not apply to a ship by reason of her being within a port in the United Kingdom if she would not have been in any such port for stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled”

- (2) The rules for life-saving appliances shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention relating to the matters mentioned in the said section four hundred and twenty-seven.

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(3) F2

Textual Amendments

F2 S. 2(3) repealed by Merchant Shipping Act 1970 (c. 36), Sch. 5

Modifications etc. (not altering text)

C8 The text of S. 2(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

[^{F3} Radio rules.

- (1) The Board of Trade may make rules . . . ^{F4} requiring ships to which this section applies to be provided with radio equipment of such a nature (but not including a radio navigational aid) as may be prescribed by the rules and to maintain such a radio service and to carry such number of radio officers or operators, of such grades and possessing such qualifications, as may be so prescribed; and the rules may contain provisions for preventing so far as practicable electrical interference by other apparatus on board with the equipment provided under the rules.
- (2) This section applies to—
 - (a) sea-going ships registered in the United Kingdom;
 - (b) other sea-going ships while they are in the United Kingdom or the territorial waters thereof.
- (3) [^{F5}Rules made under this section] shall include such requirements as appear to the Board of Trade to implement the provisions of the Convention for the Safety of Life at Sea signed in London on 17th June 1960 as from time to time amended, so far as those provisions relate to radio telegraphy and radio telephony.
- (4) Without prejudice to the generality of the preceding provisions of this section, [^{F5}rules made under this section] may—
 - (a) prescribe the duties of radio officers and operators, including the duty of keeping a radio log-book;
 - (b) apply to any radio log-book required to be kept under the rules any of the provisions of any regulations with respect to official log-books made under section 68 of the ^{M1}Merchant Shipping Act 1970.
- (5) If any radio officer or operator contravenes any rules made in pursuance of subsection (4)(a) of this section, he shall be liable to a fine not exceeding [^{F6}level 4 on the standard scale]; and if [^{F5}rules made under this section] are contravened in any other respect in relation to any ship, the owner or master of the ship shall be liable [^{F7}on indictment to a fine or on summary conviction to a fine not exceeding £1,000].
- (6) If a ship to which this section applies is not provided with radio equipment or radio officers or operators in conformity with [^{F5}rules made under this section] the ship, if in the United Kingdom, may be detained.]

Textual Amendments

F3 S. 3 substituted by Merchant Shipping Act 1970 (c. 36), Sch. 1

F4 Words repealed by S.I. 1980/539, Sch. 1

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- F5** Words substituted by [S.I. 1980/539, Sch. 1](#)
- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\), art. 5](#)
- F7** Words substituted by [Merchant Shipping Act 1979 \(c. 39\), Sch. 6 Pt. VII para. 16\(b\)](#)

Modifications etc. (not altering text)

- C9** [S. 3\(5\)](#) amended by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 49\(1\)](#)

Marginal Citations

- M1** [1970 c. 36.](#)

4 Radio surveyors.

Wireless-telegraphy surveyors appointed under section seven hundred and twenty-four of the principal Act as amended by section eight of the ^{M2}Merchant Shipping (Safety and Load Line Conventions) Act 1932, shall be known as radio surveyors.

Marginal Citations

- M2** [1932 c. 9.](#)

5 Rules for direction-finders.

- (1) The Minister may make rules . . . requiring ships to which this section applies to be provided with a direction-finder of such a nature as may be prescribed by the rules.
- (2) This section applies to—
- (a) British ships registered in the United Kingdom;
 - (b) other ships while they are within any port in the United Kingdom,
- F8
- (3) The said rules shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention relating to direction-finders.
- (4) Without prejudice to the generality of the preceding provisions of this section, rules under this section may provide for the position of the direction-finder in the ship, for the communication between the direction-finder and the bridge, for testing the direction-finder at intervals and as occasion may require and for recording the result of the tests.
- (5) If any of the said rules is not complied with in relation to any ship, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.

Textual Amendments

- F8** Words repealed by [Merchant Shipping Act 1970 \(c. 36\), Sch. 5](#)

Modifications etc. (not altering text)

- C10** [S. 5\(5\)](#) amended by [Merchant Shipping Act 1979 \(c. 39, SIF 111\), s. 43\(2\), Sch. 6 Pt. V](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 49\(1\)](#)

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[^{F9}6 Further provisions as to radio navigational aids.

- (1) The Board of Trade may make rules—
- (a) requiring ships to which this section applies to be provided with such radio navigational aids, other than direction-finders, as may be specified in the rules and prescribing requirements which such radio navigational aids are to comply with;
 - (b) prescribing requirements which radio navigational aids, other than direction-finders and other than such as are provided in pursuance of rules made under the preceding paragraph, are to comply with when carried in ships to which this section applies;
 - (c) prescribing requirements which apparatus designed for the purpose of transmitting or reflecting signals to or from radio navigational aids is to comply with if it is apparatus in the United Kingdom or apparatus off the shores of the United Kingdom but maintained from the United Kingdom;
- and the requirements prescribed under paragraph (a) or (b) of this subsection may include requirements relating to the position and method of fitting of the radio navigational aids.
- (2) This section applies to—
- (a) ships registered in the United Kingdom;
 - (b) other ships while they are within any port in the United Kingdom.
- (3) If a ship to which this section applies proceeds, or attempts to proceed, to sea without carrying such navigational aids as it is required to carry by rules made under subsection (1) of this section or carrying radio navigational aids not complying with rules made under that subsection, the owner or master of the ship shall be liable on summary conviction to a fine not exceeding £100.
- (4) If any person establishes or operates any such apparatus as is mentioned in subsection (1)(c) of this section and the apparatus does not comply with rules made thereunder, he shall be liable on summary conviction to a fine not exceeding £100.]

Textual Amendments

F9 S. 6 substituted by [Merchant Shipping Act 1970 \(c. 36\), Sch. 1](#)

Modifications etc. (not altering text)

C11 S. 6(3)(4) amended by [Merchant Shipping Act 1979 \(c.39, SIF 111\), s. 43\(2\), Sch. 6 Pt. V](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 49\(1\)](#)

Certificates

7 Issue for passenger steamers of safety certificates and exemption certificates.

- (1) If the Minister, on receipt of declarations of survey in respect of a British passenger steamer registered in the United Kingdom, is satisfied that the steamer complies with the construction rules, rules for life-saving appliances, radio rules and rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application

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of the owner, issue in respect of the steamer a certificate showing that the steamer complies with the requirements of the Safety Convention applicable as aforesaid; and any certificate issued under this subsection is hereafter in this Act referred to as a “general safety certificate”:

Provided that if the voyages on which the steamer is to be engaged are short international voyages and she complies only with such of those rules as are applicable to those voyages, the certificate shall show that the steamer complies with the requirements of the Safety Convention applicable to her as a steamer plying on short international voyages; and any such certificate is hereafter in this Act referred to as a “short-voyage safety certificate”.

- (2) If the Minister, on receipt of declarations of survey in respect of any such passenger steamer as aforesaid is satisfied that the steamer is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, whether short voyages or otherwise, that she complies with the rest of those requirements and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer—
 - (a) an exemption certificate stating which of the requirements of the Safety Convention applicable as aforesaid the steamer is exempt from and that the exemption is conditional on the steamer’s plying only on the voyages and being engaged only in the trades and complying with the other conditions (if any) specified in the certificate, and
 - (b) a certificate showing that the steamer complies with the rest of those requirements;

and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a “qualified safety certificate” or a “qualified short-voyage safety certificate”, as the case may be.

8 Issue for cargo ships of safety-equipment certificates and exemption certificates.

- (1) If the Minister, on receipt of declarations of survey in respect of a British ship registered in the United Kingdom, not being a passenger steamer, is satisfied that the ship complies with the rules for life-saving appliances applicable to the ship and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to those matters as are applicable as aforesaid; and any certificate issued under this subsection is hereafter in this Act referred to as a “safety-equipment certificate”.
- (2) If the Minister, on the receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules for life-saving appliances, from any of the requirements of those rules applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of those requirements and is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship—

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- (a) an exemption certificate stating which of the requirements of the Safety Convention, being requirements the subject of the rules for life-saving appliances and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and
- (b) a certificate showing that the ship complies with the rest of those requirements;

and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a "qualified safety-equipment certificate".

9 Issue for cargo ships of radio certificates and exemption certificates.

- (1) If the Minister, on receipt of declarations of survey in respect of a British ship registered in the United Kingdom not being a passenger steamer, is satisfied that the ship complies with the radio rules and rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders as are applicable as aforesaid; and any certificate issued under this subsection is hereafter in this Act referred to as a "radio certificate".
- (2) If the Minister, on receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the radio rules or rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of the requirements of the radio rules and rules for direction-finders, he shall, on the application of the owner, issue in respect of the ship—
 - (a) an exemption certificate stating which of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, being requirements applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and
 - (b) a certificate showing that the ship complies with the rest of those requirements;

and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a "qualified radio certificate".

- (3) Where any British ship registered in the United Kingdom is wholly exempt from the requirements of the radio rules and the rules for direction-finders, the Minister shall on the application of the owner issue an exemption certificate stating that the ship is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders and specifying the voyages on which, and conditions (if any) on which, the ship is so exempt.

10 Issue of general safety certificates, etc. on partial compliance with rules.

Where a ship complies with all the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the ship and to the voyages on which she is to be engaged so far as those requirements are requirements of the Safety Convention applicable as aforesaid, the Minister may issue

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in respect of the ship a general safety certificate, short-voyage safety certificate, safety-equipment certificate or radio certificate, as the case may be, notwithstanding that she is exempt from, or for some other reason does not comply with, any requirements of those rules that are not applicable requirements of the Safety Convention.

11 Notice of alterations and additional surveys.

- (1) The owner or master of a passenger steamer in respect of which any passenger steamer's certificate issued under the principal Act, or any certificate issued under this Act, is in force shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery affecting the efficiency thereof or the seaworthiness of the steamer, give written notice to the Minister containing full particulars of the alteration.
- (2) The owner or master of a ship in respect of which any certificate issued under this Act is in force, other than a passenger steamer, shall, as soon as possible after any alteration is made in the appliances or equipments required by the rules for life-saving appliances, the radio rules, the rules for direction-finders or the collision regulations to be carried by the ship, being an alteration affecting the efficiency or completeness of those appliances or equipments, give written notice to the Minister containing full particulars of the alteration.
- (3) If notice of any alteration is not given as required by this section, the owner or master of the ship shall be liable to a fine not exceeding fifty pounds.
- (4) If the Minister has reason to believe that since the making of the last declaration of survey in respect of any such ship as aforesaid—
 - (a) any such alteration has been made as is mentioned in subsection (1) or, as the case may be, in subsection (2) of this section; or
 - (b) the hull, equipments or machinery of the ship (being a passenger steamer) have sustained any injury or are otherwise insufficient; or
 - (c) the appliances or equipments of the ship (not being a passenger steamer) mentioned in subsection (2) of this section have sustained any injury or are otherwise insufficient;

the Minister may, without prejudice to his powers under section two hundred and seventy-nine of the principal Act (which relates to the cancellation of certificates and additional surveys), require the ship to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, may cancel any passenger steamer's certificate issued in respect of the ship under the principal Act or any certificate issued in respect of the ship under this Act.

- (5) For the purpose of this section the expression "alteration" in relation to anything includes the renewal of any part of it.

Modifications etc. (not altering text)

C12 S. 11(2)(4) extended with modifications by [Merchant Shipping Act 1964 \(c. 47\)](#), s. 4(1)(2)

12 Prohibition on proceeding to sea without appropriate certificates.

- (1) No British ship registered in the United Kingdom shall proceed to sea on an international voyage . . . ^{F10} unless there is in force in respect of the ship—

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- (a) if she is a passenger steamer, a general safety certificate, a short-voyage safety certificate, a qualified safety certificate or a qualified short-voyage safety certificate which (subject to the provisions of this section relating to short-voyage safety certificates) is 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) if she is not a passenger steamer, both—
 - (i) a safety-equipment certificate or a qualified safety-equipment certificate, and
 - (ii) a radio certificate or a qualified radio certificate, or an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders:

Provided that this subsection shall not prohibit a ship, not being a passenger steamer, from proceeding to sea as aforesaid if there is in force in respect of the ship such certificate or certificates as would be required if she were a passenger steamer.

- (2) For the purposes of this section, a qualified certificate shall not be deemed to be in force in respect of a ship unless there is also in force in respect of the ship the corresponding exemption certificate; and an exemption certificate shall be of no effect unless it is by its terms applicable to the voyage on which the ship is about to proceed.
- (3) If any ship proceeds, or attempts to proceed, to sea in contravention of this section—
 - (a) in the case of a passenger steamer, the owner or master of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable on summary conviction to a fine not exceeding ten pounds for every passenger carried on board the steamer, and the owner or master of any tender by means of which passengers have been taken on board the steamer shall be liable on summary conviction to a like fine for every passenger so taken on board; and
 - (b) in the case of a ship not being a passenger steamer, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.
- (4) The master of every British ship registered in the United Kingdom 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.
- (5) Where the Minister permits any passenger steamer in respect of which there is in force a short-voyage safety certificate, whether qualified or not, to proceed to sea on an international voyage from a port in the United Kingdom not exceeding twelve hundred nautical miles in length between the last port of call in the United Kingdom and the final port of destination, the certificate shall for the purposes of this section be deemed to be applicable to the voyage on which the steamer is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between the said ports.
- (6) Where an exemption certificate issued in respect of any British ship registered in the United Kingdom specifies any conditions on which the certificate is issued and any of those conditions is not complied with, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

Textual Amendments

F10 Words repealed by S.I. 1981/568, reg. 4, **Sch. 1**

Modifications etc. (not altering text)

C13 The penalty under s. 12(3)(a) is increased by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27, SIF 111\), s. 25, Sch. 1](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 49\(1\)](#)

C14 [S. 12\(3\)\(b\)\(6\)](#) amended by [Merchant Shipping Act 1979 \(c. 39, SIF 111\), s. 43\(2\), Sch. 6 Pt. V](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 49\(1\)](#)

13 Miscellaneous provisions as to surveys and certificates.

- (1) ^{F11}
- (2) ^{F12}, section two hundred and seventy-three of [^{F13}the principal Act] (which requires the owner to deliver the declaration to the Minister) and section two hundred and seventy-five of [^{F13}the principal Act] (which relates to appeals to the court of survey) shall apply to surveys for the purpose of the issue of any certificate in respect of a ship under this Act as they apply to surveys for the purpose of the issue of passenger steamers' certificates.
- (3) A safety certificate or radio certificate or an exemption certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders shall be in force for one-year, and a safety-equipment certificate shall be in force for twenty-four months, from the date of its issue, or for such shorter period as may be specified in the certificate:
Provided that no such certificate shall remain in force after notice is given by the Minister to the owner or master of the ship in respect of which it has been issued that the Minister has cancelled the certificate.
- (4) An exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, shall be in force for the same period as the corresponding qualified certificate.
- (5) The Minister or any person authorised by him for the purpose may grant an extension of any certificate issued under this Act in respect of a British ship registered in the United Kingdom for a period not exceeding one month from the date when the certificate would, but for the extension, have expired, or, if the ship is absent from the United Kingdom on that date, for a period not exceeding five months from that date.
- (6) Any general safety certificate or short-voyage safety certificate, whether qualified or not, may be combined in one document with a passenger steamer's certificate.
- (7) Any certificate issued by the Minister under this Act, and any passenger steamer's certificate, whether or not combined in one document with a safety certificate under the last preceding subsection, shall be admissible in evidence.
- (8) The following provisions of the principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section two hundred and seventy-six (which relates to the transmission of a certificate to the owner of the steamer), section two hundred and seventy-nine (which relates to the cancellation of certificates), section two hundred

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and eighty (which relates to the surrender of certificates no longer in force), section two hundred and eighty-one (which relates to the posting up of a certificate on board) and section two hundred and eighty-two (which relates to the forging and falsification of certificates).

- (9) The Minister may request the government of a country to which the Safety Convention applies to issue in respect of a British ship registered in the United Kingdom any certificate the issue of which is authorised under this Act; 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 Minister and not by the government of that country.

Textual Amendments

F11 S. 13(1) repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

F12 Words repealed by S.I. 1981/568, reg. 4 Sch. 1

F13 Words substituted by S.I. 1981/568, reg. 4 Sch. 1

Modifications etc. (not altering text)

C15 S. 13(3) excluded by Merchant Shipping Act 1964 (c. 47), s. 12

Safety Convention Ships not registered in the United Kingdom

14 Certificates of Convention ships not registered in United Kingdom.

- (1) The Minister may, at the request of the government of a country to which the Safety Convention applies, issue in respect of a ship registered in that country any certificate the issue of which in respect of British ships registered in the United Kingdom is authorised under . . . ^{F14} this Act if he is satisfied that it is proper for him to do so; 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 said government and not by the Minister.

- (2) ^{F15}

- (3) A surveyor of ships, for the purpose of verifying—
- (a) that there is in force in respect of a Safety Convention ship not registered in the United Kingdom an accepted Safety Convention certificate; or
 - (b) that the condition of the hull, equipments and machinery of any such Safety Convention ship corresponds substantially with the particulars shown in such a certificate; or,
 - (c) except where such a certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy and radiotelephony, that the number, grades and qualifications of radio officers or operators on board correspond with those shown in the certificate; or
 - (d) that any conditions on which such a certificate, being the equivalent of an exemption certificate, is issued are complied with

[^{F16}may go on board the ship and inspect it and anything on it].

- (4) Where there is attached to an accepted Safety Convention certificate in respect of a Safety Convention passenger steamer not registered in the United Kingdom a memorandum which—

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- (a) has been issued by or under the authority of the government of the country in which the steamer is registered; and
 - (b) modifies for the purpose of any particular voyage, in view of the number of persons 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.

Textual Amendments

- F14** Words repealed by [Merchant Shipping Act 1964 \(c. 47\), s. 18\(4\)\(a\)](#)
- F15** [S. 14\(2\), 16](#) repealed by [S.I. 1981/568, reg. 4, Sch. 1](#)
- F16** Words substituted by [Merchant Shipping Act 1979 \(c. 39\), s. 28\(6\)](#)

15 Modified survey or passenger steamers holding Convention certificates.

- (1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—
 - (a) the steamer shall not be required to be surveyed under the Merchant Shipping Acts by a surveyor of ships except for the purpose of determining the number of passengers that she is fit to carry;
 - (b) on receipt of any declaration of survey for the purpose aforesaid, the Minister 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 as aforesaid an accepted Safety Convention certificate, and also a certificate issued by or under the authority of the government of the country in which the steamer is registered showing the number of passengers that the steamer is fit to carry, and the Minister is satisfied that that number has been determined substantially in the same manner as in the case of a British passenger steamer registered in the United Kingdom, he may if he thinks fit dispense with any survey of the steamer for the purpose of determining the number of passengers that she is fit to carry and direct that the last-mentioned certificate shall have effect as a passenger steamer’s certificate.

16 ^{F17}

Textual Amendments

- F17** [S. 14\(2\), 16](#) repealed by [S.I. 1981/568, reg. 4, Sch. 1](#)

17 Further provisions as to the production of Convention certificates.

- (1) The master of every Safety Convention ship not registered in the United Kingdom shall produce 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 accepted Safety Convention certificates that are the equivalent of the certificates issued by the Minister

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under this Act that would be required to be in force in respect of the ship if she were a British ship so registered; and a clearance shall not be granted, and the ship may be detained, until such certificates are so produced.

- (2) The production of an accepted Safety Convention certificate being the equivalent of—
- (a) a qualified certificate, or
 - (b) an exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radio-telephony and direction-finders,
- shall not avail for the purposes of [^{F18}section 15] unless there is also produced the corresponding exemption certificate or qualified certificate as the case may be.

Textual Amendments

F18 Words substituted by [S.I. 1981/568, reg. 4, Sch. 1](#)

Miscellaneous Provisions for furthering Safety of Life at Sea

18 ^{F19}

Textual Amendments

F19 [Ss. 18, 20](#) repealed by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27\), s. 33, Sch. 2](#)

19 **Openings in passenger steamers' hulls and watertight bulkheads.**

- (1) The Minister may in relation to British passenger steamers registered in the United Kingdom make rules for any of the following matters—
- (a) for closing and keeping closed the openings in steamers' hulls and in watertight bulkheads;
 - (b) for securing, keeping in place and inspecting contrivances for closing any such openings as aforesaid;
 - (c) for operating the mechanisms of contrivances for closing any such openings as aforesaid and for drills in connection with the operation thereof;
 - (d) ^{F20}
- (2) If any of the said rules is not complied with in relation to any such steamer as aforesaid, the master of the steamer shall be liable to a fine not exceeding one hundred pounds.

Textual Amendments

F20 [S. 19\(1\)\(d\)](#) repealed by [Merchant Shipping Act 1970 \(c. 36\), Sch. 5](#)

Modifications etc. (not altering text)

C16 [S. 19\(2\)](#) amended by [Merchant Shipping Act 1979 \(c. 39, SIF 39:1\), s. 43\(2\), Sch. 6 Pt. V](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 49\(1\)](#)

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20 F21

Textual Amendments

F21 Ss. 18, 20 repealed by Merchant Shipping (Load Lines) Act 1967 (c. 27), s. 33, Sch. 2

21 Signals of distress.

- (1) F22
- (2) Rules may be made by the Minister prescribing the circumstances in which, and the purposes for which, any signal prescribed [F23 as a signal of distress by regulations made under section 21 of the Merchant Shipping Act 1979] is to be used and the circumstances in which it is to be revoked.
- (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 [F24 by such regulations] 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, that is liable to be mistaken for any signal so prescribed . . . F25,
- he shall 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's having been supposed to be a signal of distress; and that compensation may, without prejudice to any other remedy, be recovered in the same manner as salvage.
- (4) Nothing in subsection (4) of section twenty-four of the M3 Merchant Shipping (Safety and Load Line Conventions) Act 1932 (which requires persons in charge of wireless stations to give facilities for the reception of reports relating to dangers to navigation), shall interfere with the transmission of signals prescribed [F26 as signals of distress by regulations made under section 21 of the Merchant Shipping Act 1979].

Textual Amendments

F22 S. 21(1) repealed by S.I. 1983/708, reg. 2, Sch. 2 Pt. 1

F23 Words substituted by S.I. 1983/708, reg. 2, Sch. 2 Pt. 1(a)

F24 Words substituted by S.I. 1983/708, reg. 2, Sch. 2 Pt. 1(b)

F25 Words repealed by S.I. 1983/708, reg. 2, Sch. 2 Pt. 1(c)

F26 Words substituted by S.I. 1983/708, reg. 2, Sch. 2 Pt. 1 (d)

Modifications etc. (not altering text)

C17 S. 21 extended by S.I. 1972/971, Sch. 1

C18 S. 21(3) amended by Merchant Shipping Act 1979 (c. 39, SIF 39:1), s. 43(2), Sch. 6 Pt. V and Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 49(1)

Marginal Citations

M3 1932 c. 9.

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22 Obligation to assist vessels, etc., in distress.

- (1) The master of a British ship registered in the United Kingdom, on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) 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) Where the master of any ship in distress has requisitioned any British ship registered in the United Kingdom that has answered his call, it shall be the duty of the master of the requisitioned ship 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 of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.
- (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 is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.
- (5) If a master fails to comply with the preceding provisions of this section, he shall be guilty of a misdemeanour.
- (6), (7) . . . ^{F27}
- (8) Nothing in this section shall affect the provisions of section six of the ^{M4}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.

Textual Amendments

F27 S. 22(6)(7) repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), [Sch. 5](#)

Modifications etc. (not altering text)

C19 S. 22 extended by [S.I. 1972/971](#), [Sch. 1](#)

C20 S. 22 amended (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para. 6\(2\)\(c\)](#); [S.I. 1993/3137](#), art. 3(2), [Sch.2](#).

Marginal Citations

M4 [1911 c. 57](#).

23 Carriage of dangerous goods.

- (1) The Minister may make rules for regulating in the interests of safety the carriage of dangerous goods in ships to which this section applies.
- (2) This section applies to—
 - (a) British ships registered in the United Kingdom;
 - (b) other ships while they are within any port in the United Kingdom, or are embarking or disembarking passengers within the territorial waters of the

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United Kingdom, or are loading or discharging cargo or fuel within those waters.

- (3) If any of the rules made in pursuance of this section is not complied with in relation to any ship, the owner or master of the ship shall be liable on conviction on indictment to a fine not exceeding three hundred pounds, or on summary conviction to a fine not exceeding one hundred pounds, and the ship shall be deemed for the purposes of Part V of the principal Act to be unsafe by reason of improper loading.
- (4) Any goods declared by the rules made under this section to be dangerous in their nature shall be deemed to be dangerous goods for the purposes of Part V of the principal Act.

Modifications etc. (not altering text)

C21 S. 23 extended by S.I. 1972/971, **Sch. 1**

C22 S. 23(3) amended by Merchant Shipping Act 1979 (c. 39, SIF 111), s. 43(2), **Sch. 6 Pt. V** and Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 49(1)

[^{F28} **24** **Carriage of grain.**

- (1) Where grain is loaded on board any British ship registered in the United Kingdom, or is loaded within any port in the United Kingdom on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and if such precautions as aforesaid are not taken, the owner or the master of the ship, or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the principal Act to be unsafe by reason of improper loading.
- (2) Where any ship, having been loaded with grain outside the United Kingdom without the taking of all necessary and reasonable precautions to prevent the grain from shifting, enters any port in the United Kingdom so laden, the owner or master of the ship shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the principal Act to be unsafe by reason of improper loading:
Provided that this subsection shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (3) Without prejudice to the generality of the two preceding subsections, any particular precaution prescribed by rules made by the Minister under this subsection, in relation to the loading of ships generally or of ships of any class, as being a precaution to be treated for the purposes of those subsections as a necessary or reasonable precaution to prevent grain from shifting, shall be so treated in the case of ships generally, or of ships of that class, as the case may be:
Provided that this subsection shall not apply where a ship is loaded in accordance in all respects with any provisions approved by the Minister as respects the loading in question other than rules made under this subsection.
- (4) ^{F29}
- (5) On the arrival at a port in the United Kingdom from a port outside the United Kingdom of any ship carrying a cargo of grain, the master shall cause to be delivered to the

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proper officer of Customs in the United Kingdom, together with the report required by ^{F30}section 35 of the ^{M5}Customs and Excise Management Act 1979], a notice stating—

- (a) the draught of water and freeboard, as defined by Part V of the principal Act, of the said ship after the loading of her cargo was completed at the final port of loading; and
- (b) the following particulars of the grain carried, namely,
 - (i) the kind of grain and the quantity thereof, stated in cubic feet, quarters, bushels, or tons weight;
 - (ii) the mode in which the grain is stowed, and
 - (iii) the precautions taken to prevent the grain from shifting;

and if the master fails to deliver any notice required by this subsection, or if in any such notice he makes any statement that he knows to be false in a material particular or recklessly makes any statement that is false in a material particular, he shall be liable to a fine not exceeding [^{F31}[^{F32}level 3 on the standard scale]in the case of a failure and [^{F32}level 4 on the standard scale]in the case of a false statement].

- (6) Any person having a general or special authority in that behalf from the Minister may, for securing the observance of the provisions of this section, inspect any grain, and the mode in which it is stowed, and for that purpose shall have all the powers of a Ministry of Transport inspector under the principal Act.
- (7) In this section the expression “grain” includes wheat, maize, oats, rye, barley, rice, pulses and seeds [^{F33}whether in natural or processed form], . . . ^{F34}.]

Textual Amendments

- F28** S. 24 repealed by S.I. 1980/536, **regs. 1(3), 2, 5** and S.I. 1981/576, **reg. 2** (by reg. 2 of S.I. 1980/536, as amended by S.I. 1981/576, **reg. 2(2)**) it was provided that the 1980 regulations applied in relation to: (a) sea-going United Kingdom ships, and (b) other sea-going ships while they are within the United Kingdom or the territorial waters thereof, when loaded with grain in bulk; and by S.I. 1985/1217, **regs. 1(3), 2**, S.I. 1980/536 was revoked as therein mentioned)
- F29** S. 24(4) repealed by Merchant Shipping Act 1979 (c. 39), **Sch. 7 Pt. II**
- F30** Words substituted by Customs and Excise Management Act 1979 (c. 2), **Sch. 4 para. 12** Table Pt. I
- F31** Words substituted by Merchant Shipping Act 1979 (c. 39) Sch. 6 Pt. VI para. 14
- F32** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**; (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**
- F33** Words inserted by Merchant Shipping (Safety Convention) Act 1977 (c. 24), **ss. 1(5)(a)**, 4
- F34** Words repealed by Merchant Shipping (Safety Convention) Act 1977 (c. 24), **ss. 1(5)(b)**, 4

Modifications etc. (not altering text)

- C23** S. 24(1)(2) amended by Merchant Shipping Act 1979 (c. 39), s. 43(2), **Sch. 6 Pt. V**

Marginal Citations

- M5** 1979 c. 2.

25 Contribution towards a North Atlantic ice service.

Any sums required for the contribution from the United Kingdom towards maintaining, in accordance with the Safety Convention, a service in the North Atlantic for the study and observation of ice, and for ice patrol, shall be paid by the Minister out of moneys provided by Parliament.

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Supplemental

26 Definition of “passenger” and “passenger steamer”.

- (1) In Part III of the principal Act, in the ^{M6}Merchant Shipping (Safety and Load Line Conventions) Act 1932, and in this Act the expression “passenger” means any person carried in a ship, except—
 - (a) a person employed or engaged in any capacity on board the ship on the business of the ship,
 - (b) a person 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 that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, and
 - (c) a child under one year of age.
- (2) In the ^{M7}Merchant Shipping (Safety and Load Line Conventions) Act 1932, and in this Act, the expression “passenger steamer” means a steamer carrying more than twelve passengers.

Modifications etc. (not altering text)

C24 Definition of “passenger steamer” amended by [Merchant Shipping Act 1964 \(c. 47\), s. 17\(2\)](#)

Marginal Citations

M6 1932 c. 9.

M7 1932 c. 9.

27 Removing persons in case of danger.

Where the Minister for the purpose of enabling persons to be moved from any place in consequence of a threat to their lives has permitted more persons to be carried on board a ship than are permitted under the Merchant Shipping Acts apart from this section, the carriage of that excess of persons shall not be an offence under those Acts.

28 Power of Minister to exempt from safety requirements.

- (1) The Minister may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or any rules or regulations made under this Act, either absolutely or subject to such conditions as he thinks fit.
- (2) Without prejudice to the preceding provisions of this section, where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Minister may, if he is of opinion that the ship complies with safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under the Merchant Shipping Acts.

29 Exemption of certain ships from certain provisions of this Act.

- (1) Nothing in this Act—
 - (a) prohibiting or preventing a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued

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by the Minister under this Act or the appropriate accepted Safety Convention certificates;

- (b) conferring powers on a surveyor of ships for the purpose of verifying the existence, validity or correctness of any Safety Convention certificate or that the conditions on which any such certificate was issued are complied with;
- (c)^{F35}
- (d) imposing a penalty for the contravention of any rules relating to openings in ships' hulls and watertight bulkheads.

shall, . . .^{F36}, apply to any troopship, pleasure yacht or fishing vessel, or to any ship of less than five hundred tons gross tonnage other than a passenger steamer or to any ship not propelled by mechanical means.

- (2) Nothing in the preceding subsection shall affect the exemption conferred by section seven hundred and forty-one of the principal Act on ships belonging to His Majesty.
- (3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in the United Kingdom while they are within any port in the United Kingdom, that provision shall not apply to a ship that would not be within any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

Textual Amendments

- F35** S. 29(1)(c) repealed by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27\), s. 33, Sch. 2](#)
- F36** Words repealed by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27\), s. 33, Sch. 2](#)

Modifications etc. (not altering text)

- C25** S. 29(1) restricted by [Merchant Shipping Act 1964 \(c. 47\), s. 15](#)

30 Application to colonies etc.

Section thirty-six of the ^{M8}Merchant Shipping (Safety and Load Line Conventions) Act 1932 (which enables Orders in Council to be made applying Part I of that Act to territories outside the United Kingdom), shall have effect as if references therein to Part I of that Act included references to this Act.

Marginal Citations

- M8** 1932 c. 9.

31 Countries to which Safety Convention applies.

His Majesty, if satisfied—

- (a) that the government of any country has accepted, or denounced, the Safety Convention; or
 - (b) that the Safety Convention extends, or has ceased to extend, to any territory,
- may by Order in Council make a declaration to that effect.

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32 Transitional provisions.

Without prejudice to the effect of [^{F37}sections 16(1) and 17(2)(a) of the ^{M9}Interpretation Act 1978], the provisions of the First Schedule to this Act shall have effect for the purpose of the transition from the law in force before the commencement of this Act to the provisions of this Act.

Textual Amendments

F37 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

Marginal Citations

M9 [1978 c. 30.](#)

33 Provision as to certain fees and fines under the Merchant Shipping Acts.

- (1) There shall be paid in respect of any certificate issued by the Minister under this Act, including a certificate issued by him under subsection (1) of section fourteen of this Act, and in respect of any inspection of a ship under this Act for the purpose of seeing that she is properly provided with a radio installation and radio officers or operators in conformity with the radio rules, such fees as may be prescribed by regulations made by the Minister with the approval of the Treasury.
- (2) The Minister with the approval of the Treasury may make regulations prescribing the amount or the maximum amount of the fees payable under the enactments specified in the Second Schedule to this Act; and so much of those enactments as fixes the amount or the maximum amount of any such fees shall cease to have effect.
- (3) Any fees payable under subsection (1) of this section shall be paid into the Exchequer.
- [^{F38}(4) Subsection (2) of section seven hundred and sixteen of the principal Act (which provides for the application of fines) shall apply to fines under this Act as it applies to fines under that Act.]

Textual Amendments

F38 [S. 33\(4\)](#) repealed (N.I.) by [Northern Ireland Act 1962 \(c. 30\), Sch. 4 Pt. IV](#)

Modifications etc. (not altering text)

C26 [S. 33](#) extended by [Merchant Shipping Act 1964 \(c. 47\), ss. 2\(4\), 3\(6\)](#); restricted by [ibid.](#), s. 2(5)(a)

34 Rules and regulations.

- (1) The power to make rules and regulations under . . . ^{F39}this Act, or to make rules for lifesaving appliances, shall be exercisable by statutory instrument.
- (2) Any statutory instrument by which any such power as aforesaid is exercised shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Textual Amendments

F39 Words repealed by [Merchant Shipping Act 1964 \(c. 47\), s. 18\(4\)\(c\)](#)

35 Consequential amendments of Merchant Shipping Acts.

- (1) In subsection (3) of section seven hundred and twenty-four of the principal Act, for the words “passenger steamers” there shall be substituted the word “ships.”
- (2) Where a ship is detained under any provision of this Act authorising the detention of a ship until the production of a certificate, subsection (2) of section four hundred and sixty of the principal Act (which makes the owner of a ship liable to pay to the Minister his costs in connection with her detention and survey) shall apply as if she had been finally detained under that Act.
- (3) ^{F40}
- (4) Section sixty-nine of the said Act of 1932 (which requires notice to be given to a consular officer of the detention of a foreign ship, or of proceedings against her master or owner, under that Act), and subsection (3) of section seventy-three of that Act (which requires ships registered in the Channel Islands or the Isle of Man to be treated for the purpose of any provisions of that Act relating to Safety Convention ships not registered in the United Kingdom as if they were registered in the United Kingdom), shall have effect as if any reference therein to that Act included a reference to this Act.
- (5) In subsection (1) of section two hundred and seventy-two of the principal Act and in subsection (1) of section nine of the said Act of 1932 for any reference to a wireless telegraph installation there shall be substituted a reference to a radio installation.
- (6) In subsection (1) of section nine of the said Act of 1932 (which relates to the survey of passenger steamers by radio surveyors), for any reference to an exemption under the ^{M10}Merchant Shipping (Wireless Telegraphy) Act 1919, from the obligations imposed by that Act, there shall be substituted a reference to an exemption from the obligations imposed by the radio rules.

Textual Amendments

F40 Ss. 35(3), 37(5) repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

Modifications etc. (not altering text)

C27 The “said Act of 1932” means [Merchant Shipping \(Safety and Load Line Conventions\) Act 1932 \(c. 9\)](#)

Marginal Citations

M10 1919 c. 35.

36 Interpretation.

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—
 - [^{F41}“Accepted Safety Convention certificate” means a certificate in the form prescribed by the Safety Convention or by the Protocol of 1978 relating to the Safety Convention;]

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“Collision regulations” means regulations made under section four hundred and eighteen of the principal Act;

[^{F41}“Construction rules” means—

- (i) in relation to United Kingdom ships to which the Merchant Shipping (Passenger Ship Construction) Regulations 1980 apply and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and
- (ii) [^{F42}in relation to United Kingdom ships to which the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 apply and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations;]

“Country to which the Safety Convention applies” means—

- (a) a country the government of which has been declared under section thirty-one of this Act to have accepted the Safety Convention, and has not been so declared to have denounced that Convention;
- (b) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that that Convention has ceased to extend;

“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, and “short international voyage” means an international voyage—

- (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety and
- (b) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

so however that for the purpose of the definitions contained in this paragraph—

- (i) 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 that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
- (ii) every colony, overseas territory, protectorate or other territory for whose international relations a government that has accepted the Safety Convention is responsible, or for which the United Nations are the administering authority, shall be deemed to be a separate country;

^{F43}

.....
“The Minister” means the Minister of Transport;

“The principal Act” means the ^{M11}Merchant Shipping Act 1894;

“Radio navigational aid” means radio apparatus on board a ship being apparatus designed for the purpose of determining the position or direction of ships or other objects;

[^{F41}“Radio rules” means —

- (i) in relation to United Kingdom ships to which the Merchant Shipping (Radio Installations) Regulations 1980 apply, and other ships to which

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those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and

(ii) in relation to other ships, rules made under section 3 of this Act;]

[^{F41}“Rules for direction-finders” means—

(i) in relation to United Kingdom ships to which [^{F44}the Merchant Shipping (Navigational Equipment) Regulations 1984] apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and]

(ii)^{F45}

[^{F41}“Rules for life-saving appliances” means—

(i) in relation to United Kingdom ships to which the Merchant Shipping (Life-Saving Appliances) Regulations 1980 apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations, the Merchant Shipping (Musters) Regulations 1980, the Merchant Shipping (Pilot Ladders and Hoists) Regulations 1980 [^{F46}and the Merchant Shipping (Fire Protection) Regulations 1984 or the Merchant Shipping (Fire Appliances) Regulations 1980 or the Merchant Shipping (Fire Appliances) Rules 1965, whichever apply to the ships; and]

(ii) in relation to other ships, rules made under section 427 of the principal Act as substituted by section 2 of this Act and amended by section 9 of the Merchant Shipping Act 1964]

“Safety Convention ship” means a ship registered in a country to which the Safety Convention applies; and the expression “Safety Convention passenger steamer” shall be construed accordingly.

[^{F46}“United Kingdom ship” has the same meaning as in section 21(2) of the Merchant Shipping Act 1979;]

(2) If any amendment of the Safety Convention comes into force, references in this Act to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended.

Textual Amendments

F41 Definition substituted by [S.I. 1981/568, reg. 4, Sch. 1](#)

F42 Para. (ii) substituted by [S.I. 1985/212, Sch. 1\(a\)](#)

F43 Definition repealed by [Merchant Shipping Act 1964 \(c. 47\), s. 18\(4\)\(d\)](#)

F44 Words substituted by [S.I. 1985/212, Sch. 1 \(b\)](#)

F45 Para. (ii) repealed by [S.I. 1985/212, Sch. 1 \(b\)](#)

F46 Words inserted by [S.I. 1980/539, Sch. 1](#)

Modifications etc. (not altering text)

C28 Definition of “Declaration of survey” excluded by [Merchant Shipping Act 1964 \(c. 47\), s. 2\(5\)\(c\)](#)

Marginal Citations

M11 [1894 c. 60.](#)

37 Commencement, construction, citation and repeal.

(1) This Act shall come into force on such day as His Majesty may by Order in Council appoint.

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- (2) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment including this Act.
- (3) Except so far as the context otherwise requires, this Act shall be construed as one with the Merchant Shipping Acts 1894 to 1948, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.
- (4) This Act may be cited as the Merchant Shipping (Safety Convention) Act 1949, and the Merchant Shipping Acts 1894 to 1948, and this Act may be cited together as the Merchant Shipping Acts 1894 to 1949.
- (5) F47

Textual Amendments

F47 Ss. 35(3), 37(5) repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

Modifications etc. (not altering text)

C29 19.11.1952 appointed under s. 37(1) by S.I. 1952/1418 (1952 II, p. 1729)

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

Section 32.

TRANSITIONAL PROVISIONS

1 Any rules or regulations made, or having effect as if made, under any enactment repealed by this Act shall, until revoked, have effect as if they had been made under the corresponding provision of this Act.

2—4. F48

Textual Amendments

F48 Sch. 1 paras. 2–4 repealed by Merchant Shipping Act 1964 (c. 47), s. 18(4) (e)

SECOND SCHEDULE

Section 33.

ENACTMENTS FIXING THE AMOUNT OF FEES

The ^{M12}Merchant Shipping Act 1894, sections 64(1), 77(2), 83, 97, 125(3), 126(2), 210(3), 277, 306(2), 360(2), 420(8), 567(1), 695(2).

Marginal Citations

M12 1894 c. 60.

The ^{M13}Merchant Shipping (Mercantile Marine Fund) Act 1898, section 3.

Marginal Citations

M13 1898 c. 44.

The ^{M14}Fees (Increase) Act 1923, section 2 (1) to (4).

Marginal Citations

M14 1923 c. 4.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

F49 ~~F49~~ THIRD SCHEDULE

Textual Amendments

F49 Sch. 3 repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

.....
F49

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949.