



# Merchant Shipping (Safety Convention) Act 1949

## 1949 CHAPTER 43

### *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 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 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.

#### **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

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carried by ships, according to the classes in which the ships are arranged;

- (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 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”.

- (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.
- (3) For subsection (1) of section nine of the Merchant Shipping Act, 1906, there shall be substituted the following subsection:—

“(1) The master of every ship to which section four hundred and twenty-seven of the principal Act applies as being a British ship shall cause to be entered in the official log-book a statement, or if there is no official log-book cause other record to be kept, of every occasion on which boat-drill or fire-drill is practised on board the ship or on which the appliances and equipment required by the rules for life-saving appliances to be carried are examined to see whether they are fit and ready for use and of the result of any such examination ; and if—

- (a) in the case of a passenger steamer, boat-drill or fire-drill is not practised on board the ship in any week;
- (b) in the case of any other ship, boat-drill or fire-drill is not practised on board the ship in any month;
- (c) in the case of any ship, the said appliances and equipment are not examined in any such period as is prescribed by the said rules,

the master shall cause a statement to be entered or other record to be kept as aforesaid of the reasons why the drill was not practised or the appliances and equipment were not examined in that week, month or period”.

### **3 Radio rules**

- (1) The Minister may make rules (in this Act called " radio rules ") requiring ships to which this section applies to be provided with a radio installation other than a radio navigational aid of such a nature 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 with the radio installation by other apparatus on board.
- (2) This section applies to—
  - (a) sea-going British ships registered in the United Kingdom;
  - (b) other sea-going ships while they are within any port in the United Kingdom.
- (3) The said rules shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention relating to radiotelegraphy and radiotelephony.
- (4) The radio installation required under the said rules to be provided for a passenger steamer, or for any other ship of sixteen hundred tons gross tonnage or upwards, shall be a radiotelegraph installation; and that required to be provided for a ship of less than sixteen hundred tons gross tonnage, other than a passenger steamer, shall be either a radiotelephone installation or a radiotelegraph installation, at the option of the owner.
- (5) Without prejudice to the generality of the preceding provisions of this section, rules under this section may—
  - (a) prescribe the duties of radio officers and operators, including the duty of keeping a radio log-book;

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- (b) apply to any radio log-book required to be kept under the rules any of the provisions of section two hundred and forty-two of the principal Act (which provides for the delivery of the official log-book to the superintendent) and of section two hundred and fifty-six of that Act (which provides among other things for the custody of the official log-book);
  - (c) require the master of a ship to cause to be entered in the official log-book such particulars relating to the operation of the radio installation, and the maintenance of the radio service, as may be specified in the rules.
- (6) If the master of a ship fails to cause an entry to be made in the log-book' in contravention of rules made in pursuance of paragraph (c) of the last preceding subsection, or if any radio officer or operator contravenes any rules made in pursuance of paragraph (a) thereof, he shall be liable to a fine not exceeding ten pounds ; and if the 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 on conviction on indictment to a fine not exceeding five hundred pounds, or on summary conviction to a fine not exceeding one hundred pounds.
- (7) A surveyor of ships may inspect any ship for the purpose of seeing that she is properly provided with a radio installation and radio officers or operators in conformity with the said rules, and for that purpose shall have all the powers of a Ministry of Transport inspector under the Merchant Shipping Acts; and if he finds that the ship is not provided with a radio installation or radio officers or operators in conformity with the said rules he shall give to the owner or master notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the deficiency.
- (8) Every notice given under the last preceding subsection shall be communicated in the manner directed by the Minister to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire; and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with a radio installation and radio officers or operators in conformity with the said rules.

#### **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 Merchant Shipping (Safety and Load Line Conventions) Act, 1932, shall be known as radio surveyors.

#### **5 Rules for direction-finders**

- (1) The Minister may make rules (in this Act called " rules for direction-finders") 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,
- being ships of sixteen hundred tons gross tonnage or upwards.
- (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.

## **6 Further provisions as to radio navigational aids**

- (1) The Minister may make rules prescribing—
  - (a) the requirements that radio navigational aids, other than direction-finders, shall comply with if they are carried on board British ships registered in the United Kingdom, including requirements relating to their position and method of fitting;
  - (b) the requirements that apparatus designed for the purpose of transmitting or reflecting signals to or from radio navigational aids shall comply with, being apparatus in the United Kingdom, or off the shores of the United Kingdom and maintained from the United Kingdom.
- (2) If any British ship registered in the United Kingdom proceeds, or attempts to proceed, to sea carrying radio navigational aids not complying with the rules made under the preceding subsection, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.
- (3) If any person establishes or operates any such apparatus as is mentioned in paragraph (b) of subsection (1) of this section, being apparatus that does not comply with the said rules, he shall be liable to a fine not exceeding one hundred pounds.