



Merchant Shipping (Safety Convention) Act 1949

1949 CHAPTER 43 12 13 and 14 Geo 6

Miscellaneous Provisions for furthering Safety of Life at Sea

18^{F1}

Textual Amendments

F1 Ss. 18, 20 repealed by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27\), s. 33, Sch. 2](#)

^{F2}19

Textual Amendments

F2 S. 19 repealed (1.5.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.II](#); S.I. 1993/3137, art. 3(2), [Sch.2](#).

20^{F3}

Textual Amendments

F3 Ss. 18, 20 repealed by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27\), s. 33, Sch. 2](#)

^{F4}21

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949, Cross Heading: Miscellaneous Provisions for furthering Safety of Life at Sea. (See end of Document for details)

Textual Amendments
F4 S. 21 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II** (subject to a saving at the end of **Sch. 5 Pt. II**); S.I. 1993/3137, art. 3(2), **Sch.2**

^{F5}22

Textual Amendments
F5 S. 22 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), **Sch. 14 para. 1**)

^{F6}23

Textual Amendments
F6 S. 23 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch.2**

[^{F7}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.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949, Cross Heading: Miscellaneous Provisions for furthering Safety of Life at Sea. (See end of Document for details)

- (4) F8
- (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 proper officer of Customs in the United Kingdom, together with the report required by [F9]section 35 of the M1 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 [F10][F11]level 3 on the standard scale]in the case of a failure and [F11]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 [F12]whether in natural or processed form], . . . F13.]

Textual Amendments

- F7** 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)
- F8** S. 24(4) repealed by Merchant Shipping Act 1979 (c. 39), **Sch. 7 Pt. II**
- F9** Words substituted by Customs and Excise Management Act 1979 (c. 2), **Sch. 4 para. 12** Table Pt. I
- F10** Words substituted by Merchant Shipping Act 1979 (c. 39) Sch. 6 Pt. VI para. 14
- F11** 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**
- F12** Words inserted by Merchant Shipping (Safety Convention) Act 1977 (c. 24), **ss. 1(5)(a)**, 4
- F13** Words repealed by Merchant Shipping (Safety Convention) Act 1977 (c. 24), **ss. 1(5)(b)**, 4

Modifications etc. (not altering text)

- C1** S. 24(1)(2) amended by Merchant Shipping Act 1979 (c. 39), s. 43(2), **Sch. 6 Pt. V**

Marginal Citations

- M1** 1979 c. 2.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949, Cross Heading: Miscellaneous Provisions for furthering Safety of Life at Sea. (See end of Document for details)

Textual Amendments

F14 S. 25 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

Changes to legislation:

There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949, Cross Heading: Miscellaneous Provisions for furthering Safety of Life at Sea.