



# Merchant Shipping (Safety Convention) Act 1949

## 1949 CHAPTER 43

### *Miscellaneous Provisions for furthering Safety of Life at Sea*

#### **18 Information about ship's stability**

- (1) There shall be carried on board every British ship registered in the United Kingdom whose keel is laid after the commencement of this Act such information in writing about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship.
- (2) The said information shall be in such a form as may be approved by the Minister (who may approve the provision of the information in the form of a diagram or drawing only), and shall be based on the determination of the ship's stability by means of an inclining test of the ship:  
  
Provided that the Minister may allow the information to be based on a similar determination of the stability of a sister ship.
- (3) When any information under this section is provided for any ship, the owner shall send a copy thereof to the Minister:  
  
Provided that the owner shall not be required to send a copy of any information to the Minister if a previous copy of the same information has been sent to the Minister.
- (4) If any such ship proceeds, or attempts to proceed, to sea without such information as aforesaid on board, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds; and if the owner of any ship contravenes the last preceding subsection, he shall be liable to a like fine.
- (5) It is hereby declared that for the purposes of section two hundred and fifty-eight of the principal Act (which requires documents relating to navigation to be delivered by the master of a ship to his successor) information under this section shall be deemed to be a document relating to the navigation of the ship.

**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) for requiring entry to be made in the official log-book or other record to be kept of any of the matters aforesaid.
- (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.

**20 Amendment of s. 23 of Merchant Shipping (Safety and Load Line Conventions) Act, 1932, relating to loading of passenger steamers**

In section twenty-three of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932 (which restricts the loading of certain passenger steamers by reference to the submersion of the appropriate subdivision load line), for the words "submerge the appropriate subdivision load line" there shall be substituted the words " submerge in salt water the appropriate subdivision load line ".

**21 Signals of distress**

- (1) His Majesty in Council may prescribe what signals shall be used by ships as signals of distress.
- (2) Rules may be made by the Minister prescribing the circumstances in which, and the purposes for which, any signal prescribed by Order in Council under the last preceding subsection 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 by Order in Council 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 by Order in Council,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 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 under this section.

## **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) If 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, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log-book, or if there is no official log-book cause other record to be kept, of his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine not exceeding one hundred pounds.
- (7) The master of every British ship registered in the United Kingdom for which an official log is required shall enter or cause to be entered in the official log-book every signal of distress or message that a vessel, aircraft or person is in distress at sea.
- (8) Nothing in this section shall affect the provisions of section six of the 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.

## **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 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.

## 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) If any person commits an offence under subsection (1) or subsection (2) of this section he 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.
- (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 the Customs Consolidation Act, 1876, 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 one hundred pounds.

- (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, and the expression " ship carrying a cargo of grain " means a ship carrying a quantity of grain exceeding one-third of the ship's registered tonnage, reckoning one hundred cubic feet, or two tons weight, of grain as equivalent to one ton of registered tonnage.

## **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.