
 STATUTORY INSTRUMENTS

1968 No. 1052

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Load Lines) (Transitional Provisions)
Regulations 1968**

<i>Made</i>	- - -	4th July 1968
<i>Laid before Parliament</i>		12th July 1968
<i>Coming into Operation</i>		21st July 1968

The Board of Trade in pursuance of the powers conferred upon them by section 33(3) of the Merchant Shipping (Load Lines) Act 1967(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

General

1. For the purpose of the transition from the law in force immediately before the commencement of the Act to the provisions of the Act the provisions of the Act shall have effect subject to the transitional provisions contained in the following Regulations.

Continuation in force of 1932 Act certificates

2.—(1) The Act shall, in relation to a ship (whether or not registered in the United Kingdom) which has been surveyed, assigned freeboards and marked in accordance with the 1932 Act and the rules made thereunder (b), and in respect of which a 1932 Act certificate is in force, have effect as if—

- (a) the ship had been duly surveyed and marked in accordance with the load line rules;
- (b) the freeboards assigned to the ship had been so assigned, and
- (c) the certificate had been issued under section 6, or section 15 of the Act, as the case may be, and was the appropriate certificate for the purposes of the Act.

(2) Subject to any cancellation under the load line rules a 1932 Act certificate shall continue in force until—

- (a) the date of expiry specified in the certificate, or
- (b) 21st July, 1970

whichever is the earlier.

(3) The provisions as to cancellation of certificates in the load line rules shall, except as therein specifically provided, apply to a 1932 Act certificate as they apply to a certificate issued under those rules.

(a) 1967 c. 27.

(b) S.I. 1959/2238 (1959 I, p. 1699) as amended by S.I. 1961/599, 1920, 1967/1619 (1961 I, p. 1318, III, p. 3577; 1967 III, p. 4460).

(4) The provisions of the Act and of the load line rules relating to periodical inspections and the extension of the period of validity of load line certificates shall not apply to a ship in respect of which a 1932 Act certificate is in force or to such a certificate.

Issue of new certificates on expiry of 1932 Act certificates

3.—(1) On the expiry after the commencement of the Act of a 1932 Act certificate relating to a ship, an Assigning Authority may, if the conditions in paragraph (2) of this Regulation are satisfied, issue a load line certificate, and, subject to the provisions of this Regulation the Act shall apply, in respect of the ship, as if—

- (a) the ship had been duly surveyed and marked in accordance with the load line rules, and
- (b) the freeboards specified in the 1932 Act certificate had been assigned to the ship in accordance with those rules.

(2) The conditions referred to in paragraph (1) of this Regulation are that—

- (a) an application has been made to an Assigning Authority by or on behalf of the owner of the ship for the inspection of the ship and the issue of the new certificate;
- (b) the Assigning Authority is satisfied as a result of an inspection of the ship by a surveyor appointed by that Authority—
 - (i) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters in the ship are in an efficient condition, and
 - (ii) that no changes have been made or have taken place in the hull or superstructures of the ship such as to render no longer accurate data on the basis of which freeboards were assigned to the ship, and
- (c) there has been no alteration in the marks on the ship as described in the 1932 Act certificate.

(3) The certificate to be issued in respect of the ship shall be determined in accordance with section 6 or section 15 of the Act, as the case may be, and the Act shall apply as if the certificate had been issued under the applicable section and was the appropriate certificate for the purposes of the Act.

(4) The period of validity of a certificate issued in pursuance of this Regulation shall not exceed 5 years from the completion of the last survey of the ship under the 1932 Act.

(5) The provisions of the Act and the load line rules relating to the recording of particulars for the purposes of the rules relating to conditions of assignment shall not apply to a ship in respect of which a certificate is issued in pursuance of this Regulation.

(6) For the purposes of this Regulation the Assigning Authorities are the Board of Trade, Lloyd's Register of Shipping, the British Committee of Bureau Veritas, the British Technical Committee of the American Bureau of Shipping, the British Committee of Det norske Veritas and the British Committee of Germanischer Lloyd.

Continuation in force of exemptions

4.—(1) The Act shall in relation to a ship exempted from the 1932 Act immediately before the commencement of the Act by virtue of an exemption granted under section 40(2)(b) of the 1932 Act have effect so long as the exemption is in force as if the exemption had been granted under section 19(3) of the Act.

(2) An exemption described in paragraph (1) of this Regulation shall remain in force until the date specified therein or until revoked by the Board of Trade whichever is the earlier. Provided that in no case shall such an exemption remain in force after 20th July 1970.

(3) The provisions of sections 20 and 21 of the Act (which relate to exemption certificates) shall not apply in relation to a ship so exempted.

Recognition of 1930 Convention certificates

5.—(1) A load line certificate issued in pursuance of the 1930 Convention in respect of a ship which is not—

(a) registered in the United Kingdom, or

(b) a ship to which section 12 of the Act applies—

being a certificate which would immediately prior to the commencement of the Act in specified circumstances (a) have been recognised as a valid Load Line Convention certificate under section 52(2) of the 1932 Act shall in those circumstances be recognised as a valid Convention certificate for the purposes of the Act until the date of expiry specified therein or 21st July 1970, whichever is the earlier.

(2) Sections 16 and 17 of the Act shall apply in relation to a ship in respect of which a certificate referred to in paragraph (1) of this Regulation is produced as they apply in relation to a ship to which section 12 of the Act applies.

6. The Act and the load line rules shall apply in relation to a load line certificate issued in pursuance of the 1930 Convention in respect of a ship to which section 12 of the Act applies as if it had been an International Load Line Certificate (1966) until—

(a) the date of expiry specified in the certificate, or

(b) the expiry of two years from the date on which the country in which the ship is registered is declared to be a Convention country for the purposes of the Act,

whichever is the earlier.

Issue of Certificates at request of 1930 Convention countries

7.—(1) Notwithstanding the repeal of section 52(1) of the 1932 Act, the Board of Trade may, at the request of the Government of a country to which the 1930 Convention applied for the purposes of that Act immediately before the date of commencement of the Act, issue a Load Line Convention Certificate under that Convention in respect of a ship of not less than 150 tons gross tonnage registered in that country if they are satisfied that, if the ship had been registered in the United Kingdom, they could immediately before that date have properly issued a Load Line Convention Certificate in respect of that ship under the 1932 Act.

(a) See S.R. & O. 1932/921 (Rev XIV, p. 487).

(2) Where a certificate is issued at such a request it shall contain a statement that it has been so issued.

(3) Nothing in this Regulation shall authorise the issue of a certificate after 20th July 1970.

Continued recognition of non-Convention certificates

8.—(1) A load line certificate for the time being in force in respect of a ship not registered in the United Kingdom which would have had the same effect immediately before the commencement of the Act as a United Kingdom load line certificate by virtue of an Order in Council, being an order made under section 59(2) of the 1932 Act or continued in force by section 67(2) of that Act, shall have the like effect for the purposes of the Act.

(2) This Regulation shall not apply in relation to a ship registered in or flying the flag of a country or territory which is a Convention country for the purposes of the Act.

(3) This Regulation shall cease to have effect on 21st July 1970.

Fees

9. Section 26 of the Act (Provisions as to fees) shall have effect in relation to an inspection carried out or certificate issued in pursuance of these Regulations as it applies respectively to inspections carried out in pursuance of the load line rules and to certificates issued under the Act.

Interpretation and Commencement

10.—(1) In these Regulations—

“the Act” means the Merchant Shipping (Load Lines) Act 1967 (a);

“the 1932 Act” means the Merchant Shipping (Safety and Load Line Conventions) Act 1932 (b);

“the 1930 Convention” means the International Load Line Convention 1930;

“1932 Act certificate” means a load line certificate in force at the commencement of the Act and issued under the 1932 Act, other than a certificate issued in respect of a ship not registered in the United Kingdom under section 52(1) of that Act; and

“load line rules” means the load line rules for the time being in force under the Act.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) These Regulations may be cited as the Merchant Shipping (Load Lines) (Transitional Provisions) Regulations 1968 and shall come into operation on 21st July 1968.

Dated 4th July 1968.

William Rodgers,
Minister of State,
Board of Trade.

(a) 1967 c. 27.

(b) 1932 c. 9.

(c) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made under section 33(3) of the Merchant Shipping (Load Lines) Act 1967 and contain transitional provisions consequent upon the repeal of provisions of Part II of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 relating to load lines and the coming into operation of the 1967 Act. The principal matters for which provision is made are the continuation in force for a period not exceeding two years of load line certificates issued and exemptions granted under the 1932 Act, and the continued recognition of overseas load line certificates which were recognised as Convention certificates for the purposes of the 1932 Act but which would not otherwise be so recognised under the 1967 Act.