

**EXPLANATORY MEMORANDUM TO**  
**THE MERCHANT SHIPPING (INTERNATIONAL LOAD LINE CONVENTION)**  
**(AMENDMENT) REGULATIONS 2018**

**2018 No. 155**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 These Regulations implement the International Convention on Load Lines, 1966 (“the Convention”), as modified by the Protocol of 1988 relating to the Convention (“the Protocol”), and all amendments to the Convention and Protocol into domestic law. Subject to certain limited exceptions, the Regulations apply to all United Kingdom ships of 24 metres or more operating internationally and to all non-United Kingdom ships of 24 metres or more while in United Kingdom waters and which are operating internationally. The Regulations aim to reduce the risk of sinking due to overloading, instability and breach of watertight integrity, and include provision for the survey, certification and inspection of ships for the purpose of ascertaining compliance with the Regulations.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 The Convention, Protocol and their amendments apply to all merchant ships of 24 metres or more in registered length (or of 150 gross tons or over if built before 21st July 1968) which operate internationally, other than certain categories which are specifically excepted. These categories are warships, ships engaged only on governmental non-commercial service, pleasure vessels, fishing vessels and ships navigating certain limited routes specified in the Convention.
- 4.2 The Regulations amend the Merchant Shipping (Load Line) Regulations 1998 (SI 1998/2241) (“the 1998 Regulations”), which continue to apply (subject to certain limited exceptions) to all United Kingdom and non-United Kingdom ships in United Kingdom waters which are operating internationally but which do not meet the size or weight criteria in the Convention, as well as to the United Kingdom ships and non-United Kingdom ships in United Kingdom waters on domestic voyages.

- 4.3 Regulation 4(4) in the instrument refers to existing ships, which do not need to comply with the Convention requirements unless they require a reduction in freeboard which will allow them to load a greater weight. Existing ships must comply with the law in force immediately before 21st July 1968, that is the Load Line Rules 1959 (SI 1959/2238), which is available for inspection or in copy from the Maritime and Coastguard Agency (MCA) (an executive agency of the Department for Transport) at Spring Place, 105 Commercial Road, Southampton SO15 1EG.
- 4.4 The instrument contains provision for offences which mirror the 1998 Regulations, except that two offences of failure to display documents on board the ship have been discontinued as they are not requirements of the Convention and are not considered necessary. In relation to obligations which do not attract direct sanctions, in each case the consequence of a breach will lead to a failure to comply with the core obligations of the instrument. In most cases, this will be a failure to comply with regulation 6(1) (general compliance) in the event the ship proceeds, or attempts to proceed, to sea while non-compliant, which is a criminal offence. Another possible result of such a breach is that a ship could be liable to detention under regulation 27. These sanctions are applicable to both UK ships and foreign ships visiting UK ports.
- 4.5 Standards are enforced on foreign ships by way of port State control inspections carried out by the MCA on behalf of the Secretary of State. The instrument contains a control provision (regulation 23) and port State control legislation (the Merchant Shipping (Port State Control) Regulations 2011, SI 2011/2601) complements the instrument.
- 4.6 The instrument delivers, in respect of the Convention, the Protocol and amendments to both, industry demands from the Red Tape Challenge, that future amendments to international Conventions should be incorporated into domestic law by ambulatory reference, if appropriate to do so. Parliament passed the Deregulation Act 2015, which inserted new section 306A into the Merchant Shipping Act 1995 to provide a power for the use of ambulatory reference in secondary legislation. The effect is that references in the instrument to the technical Annexes to the Convention will be to those instruments as amended or replaced from time to time by agreement reached in the International Maritime Organization (IMO). This means that the instrument will always incorporate the up to date international technical requirements without the need for further amendment of the instrument. The objective is to provide a more straightforward legislative regime for the shipowner, and which is more efficient for government and the taxpayer. Where the text of the Convention is unable to stand alone (for example, where there is provision for the discretion of the maritime administration to be exercised), guidance is provided in the form of Marine Guidance Note (MGN) 579(M) to supplement the international text.
- 4.7 Although the ambulatory reference procedure under section 306A will allow future amendments to the technical Annexes to the Load Line Convention and Protocol to be incorporated automatically into domestic law, proposed changes will nevertheless continue to be scrutinised in an international arena (in the IMO), and the impact assessed well before any amendment is due to come into force, which will inform decision making. United Kingdom industry and workers' representatives will also be involved at the stage that the United Kingdom negotiating strategy is being formulated and will be able to influence it. The Secretary of state at all stages retains the power to request Parliament to take action to prevent an amendment becoming part of United Kingdom law by way of ambulatory reference. An amendment will be

publicised in advance of its in force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available from the MCA from Spring Place, 105 Commercial Road, Southampton, SO15 1EG and on <https://www.gov.uk>.

- 4.8 Once a future amendment to the Convention or to the Protocol comes into force in the United Kingdom, it can be obtained in copy from the IMO of 4 Albert Embankment, London SE1 7SR, or found on the Foreign and Commonwealth Office online treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>). Until such publication is made on the treaties database, an amendment will be available from the MCA from Spring Place, 105 Commercial Road, Southampton SO15 1EG and on <https://www.gov.uk>.

## **5. Extent and Territorial Application**

- 5.1 The extent of this instrument is the United Kingdom.
- 5.2 The territorial application of the instrument (subject to any limited exceptions in relation to categories of ship referred to in paragraph 4.1) is to all United Kingdom ships of 24 metres or more operating internationally and to non-United Kingdom ships of 24 metres or more while in United Kingdom waters and which are operating internationally.

## **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *What is being done and why*

- 7.1 The Regulations are designed to ensure that United Kingdom law is in line with international load line rules, which regulate technical detail in relation to the loading, stability and watertight integrity of ships as well as include provision for the survey, certification and inspection of ships in order to ensure compliance with the Regulations. Further, as a party to the Convention and Protocol, this fulfils the United Kingdom's international law obligations to implement the requirements of the Convention and Protocol. Implementation of amendments to the Convention and Protocol had been delayed. Such amendments include incremental improvements to watertight integrity and drainage, such as the strengthening of hatch cover fastenings, additional considerations and flexibility on how stability is achieved, internationally agreed revisions to boundaries of geographical zones and clarification of various technical aspects of the Convention to make them easier to understand.
- 7.2 Load line rules are based on Samuel Plimsoll's historic work (the "Plimsoll Line") and were adopted for the first time internationally in the early part of the 20th Century. They enhance the safety of ships and their crews and cargo globally. Load lines marked on a ship indicate the maximum safe loading of a ship in specific conditions. They are calculated by reference to the load line mark (a ring with a horizontal line across its diameter) and the (higher) deck line, taking into account the density of the water, which may vary according to the zone or area the ship is in. The freeboard is, in simple terms, the distance between the deck line and the load line.
- 7.3 The rules also cover watertight integrity and drainage issues which affect a ship's stability. Such safety standards also mean a lower risk of damage to the environment

from spillage of oil and other materials due to a ship foundering or being compromised in some way.

### ***Consolidation***

- 7.4 This instrument amends the 1998 Regulations to remove the Convention and Protocol requirements. There are no current plans to consolidate this instrument and the 1998 Regulations.

## **8. Consultation outcome**

- 8.1 The Convention and Protocol and their amendments were negotiated in the IMO. Both industry groups and unions have consultancy status at the IMO.

- 8.2 Three consultation response were received. The Consultation Outcome Report can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/650190/Consultation\\_Outcome\\_Report\\_-\\_Load\\_Line\\_Regulations.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/650190/Consultation_Outcome_Report_-_Load_Line_Regulations.pdf)

- 8.3 None of the responses disputed the need for the amendments to be implemented into domestic law. Two of the three responses, including the UK Chamber of Shipping, the main representative body for shipowners in the United Kingdom, were supportive of the use of ambulatory referencing and welcomed the reduction in bureaucracy and increased speed of implementation. The National Union of Rail, Maritime and Transport Workers (RMT) was not supportive due to concerns about the uncertainty about what future amendments would be agreed. The RMT also advocated heavier criminal penalties for non-compliance. These concerns were addressed in the Consultation Outcome Report.

## **9. Guidance**

- 9.1 Further guidance on implementation to supplement the legislation is available in **Marine Guidance Note 579(M)**, which can be obtained in hard copy from the MCA from Spring Place, 105 Commercial Road, Southampton SO15 1EG and found on <https://www.gov.uk>.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector.
- 10.3 An Impact Assessment confirming this outcome will be published alongside the Explanatory Memorandum on the [legislation.gov.uk](http://legislation.gov.uk) website.

## **11. Regulating small business**

- 11.1 The legislation applies to activities that are undertaken by small businesses. In practice, however, the owners of ships which are large enough to fall under the Convention or Protocol are by necessity larger entities.

## **12. Monitoring & review**

- 12.1 In line with the obligation in section 28 of the Small Business, Enterprise and Employment Act 2015, the instrument contains a statutory review provision requiring the Secretary of State to carry out a review of the regulatory provision contained in

the instrument, taking into account in particular how the obligations under the Convention and Protocol, as amended, are implemented in other countries which are subject to those obligations, and publish a report before 9th March 2023, and at intervals not exceeding five years thereafter.

**13. Contact**

- 13.1 Matt Giacomini at the Maritime and Coastguard Agency (tel: 020 3817 2379 or email: [matt.giacomini@mcga.gov.uk](mailto:matt.giacomini@mcga.gov.uk)), can answer any queries regarding this instrument.