



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.

Certificates

7 Issue for passenger steamers of safety certificates and exemption certificates

- (1) If the Minister, on receipt of declarations of survey in respect of a British passenger steamer registered in the United Kingdom, is satisfied that the steamer complies with the construction rules, rules for life-saving appliances, radio rules and rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer a certificate showing that the steamer complies with the requirements of the Safety Convention applicable as aforesaid; and any certificate issued under this subsection is hereafter in this Act referred to as a " general safety certificate " :

Provided that if the voyages on which the steamer is to be engaged are short international voyages and she complies only with such of those rules as are applicable to those voyages, the certificate shall show that the steamer complies with the requirements of the Safety Convention applicable to her as a steamer plying on short international voyages; and any such certificate is hereafter in this Act referred to as a " short-voyage safety certificate " .

- (2) If the Minister, on receipt of declarations of survey in respect of any such passenger steamer as aforesaid is satisfied that the steamer is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, whether short voyages or otherwise, that she complies with the rest of those requirements and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer—
- (a) an exemption certificate stating which of the requirements of the Safety Convention applicable as aforesaid the steamer is exempt from and that the exemption is conditional on the steamer's plying only on the voyages and being engaged only in the trades and complying with the other conditions (if any) specified in the certificate, and
 - (b) a certificate showing that the steamer complies with the rest of those requirements ;
- and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a " qualified safety certificate " or a " qualified short-voyage safety certificate ", as the case may be.

8 Issue for cargo ships of safety-equipment certificates and exemption certificates

- (1) If the Minister, on receipt of declarations of survey in respect of a British ship registered in the United Kingdom, not being a passenger steamer, is satisfied that the ship complies with the rules for life-saving appliances applicable to the ship and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to those matters as are applicable as aforesaid ; and any certificate issued under this subsection is hereafter in this Act referred to as a " safety-equipment certificate ".
- (2) If the Minister, on the receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules for life-saving appliances, from any of the requirements of those rules applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of those requirements and is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship—
- (a) an exemption certificate stating which of the requirements of the Safety Convention, being requirements the subject of the rules for life-saving appliances and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and
 - (b) a certificate showing that the ship complies with the rest of those requirements;
- and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a " qualified safety-equipment certificate ".

9 Issue for cargo ships of radio certificates and exemption certificates

- (1) If the Minister, on receipt of declarations of survey in respect of a British ship registered in the United Kingdom not being a passenger steamer, is satisfied that the ship complies with the radio rules and rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders as are applicable as aforesaid; and any certificate issued under this subsection is hereafter in this Act referred to as a "radio certificate".
- (2) If the Minister, on receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the radio rules or rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of the requirements of the radio rules and rules for direction-finders, he shall, on the application of the owner, issue in respect of the ship—
 - (a) an exemption certificate stating which of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, being requirements applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and
 - (b) a certificate showing that the ship complies with the rest of those requirements;and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a "qualified radio certificate".
- (3) Where any British ship registered in the United Kingdom is wholly exempt from the requirements of the radio rules and the rules for direction-finders, the Minister shall on the application of the owner issue an exemption certificate stating that the ship is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders and specifying the voyages on which, and conditions (if any) on which, the ship is so exempt.

10 Issue of general safety certificates, etc., on partial compliance with rules

Where a ship complies with all the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the ship and to the voyages on which she is to be engaged so far as those requirements are requirements of the Safety Convention applicable as aforesaid, the Minister may issue in respect of the ship a general safety certificate, short-voyage safety certificate, safety-equipment certificate or radio certificate, as the case may be, notwithstanding that she is exempt from, or for some other reason does not comply with, any requirements of those rules that are not applicable requirements of the Safety Convention.

11 Notice of alterations and additional surveys

- (1) The owner or master of a passenger steamer in respect of which any passenger steamer's certificate issued under the principal Act, or any certificate issued under this Act, is in force shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery affecting the efficiency thereof or the seaworthiness

of the steamer, give written notice to the Minister containing full particulars of the alteration.

- (2) The owner or master of a ship in respect of which any certificate issued under this Act is in force, other than a passenger steamer, shall, as soon as possible after any alteration is made in the appliances or equipments required by the rules for life-saving appliances, the radio rules, the rules for direction finders or the collision regulations to be carried by the ship, being an alteration affecting the efficiency or completeness of those appliances or equipments, give written notice to the Minister containing full particulars of the alteration.
- (3) If notice of any alteration is not given as required by this section, the owner or master of the ship shall be liable to a fine not exceeding fifty pounds.
- (4) If the Minister has reason to believe that since the making of the last declaration of survey in respect of any such ship as aforesaid—
 - (a) any such alteration has been made as is mentioned in subsection (1) or, as the case may be, in subsection (2) of this section ; or
 - (b) the hull, equipments or machinery of the ship (being a passenger steamer) have sustained any injury or are otherwise insufficient; or
 - (c) the appliances or equipments of the ship (not being a passenger steamer) mentioned in subsection (2) of this section have sustained any injury or are otherwise insufficient;

the Minister may, without prejudice to his powers under section two hundred and seventy-nine of the principal Act (which relates to the cancellation of certificates and additional surveys), require the ship to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, may cancel any passenger steamer's certificate issued in respect of the ship under the principal Act or any certificate issued in respect of the ship under this Act.

- (5) For the purpose of this section the expression " alteration " in relation to anything includes the renewal of any part of it.

12 Prohibition on proceeding to sea without appropriate certificates

- (1) No British ship registered in the United Kingdom shall proceed to sea on an international voyage from a port in the United Kingdom unless there is in force in respect of the ship—
 - (a) if she is a passenger steamer, a general safety certificate, a short-voyage safety certificate, a qualified safety certificate or a qualified short-voyage safety certificate which (subject to the provisions of this section relating to short-voyage safety certificates) is applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged;
 - (b) if she is not a passenger steamer, both—
 - (i) a safety-equipment certificate or a qualified safety-equipment certificate, and
 - (ii) a radio certificate or a qualified radio certificate, or an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders:

Provided that this subsection shall not prohibit a ship, not being a passenger steamer, from proceeding to sea as aforesaid if there is in force in respect of the ship such certificate or certificates as would be required if she were a passenger steamer.

- (2) For the purposes of this section, a qualified certificate shall not be deemed to be in force in respect of a ship unless there is also in force in respect of the ship the corresponding exemption certificate ; and an exemption certificate shall be of no effect unless it is by its terms applicable to the voyage on which the ship is about to proceed.
- (3) If any ship proceeds, or attempts to proceed, to sea in contravention of this section—
 - (a) in the case of a passenger steamer, the owner or master of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable on summary conviction to a fine not exceeding ten pounds for every passenger carried on board the steamer, and the owner or master of any tender by means of which passengers have been taken on board the steamer shall be liable on summary conviction to a like fine for every passenger so taken on board; and
 - (b) in the case of a ship not being a passenger steamer, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.
- (4) The master of every British ship registered in the United Kingdom shall produce to the officer of customs from whom a clearance for the ship is demanded for an international voyage the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea; and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.
- (5) Where the Minister permits any passenger steamer in respect of which there is in force a short-voyage safety certificate, whether qualified or not, to proceed to sea on an international voyage from a port in the United Kingdom not exceeding twelve hundred nautical miles in length between the last port of call in the United Kingdom and the final port of destination, the certificate shall for the purposes of this section be deemed to be applicable to the voyage on which the steamer is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between the said ports.
- (6) Where an exemption certificate issued in respect of any British ship registered in the United Kingdom specifies any conditions on which the certificate is issued and any of those conditions is not complied with, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.

13 Miscellaneous provisions as to surveys and certificates

- (1) Subsections (3) to (5) of section two hundred and seventy-two of the principal Act (which prescribe the contents of declarations of survey) shall cease to have effect.
- (2) Subsection (2) of section two hundred and seventy-two of the principal Act (which requires a surveyor to deliver declarations of survey to the owner of a ship), section two hundred and seventy-three of that Act (which requires the owner to deliver the declaration to the Minister) and section two hundred and seventy-five of that Act (which relates to appeals to the court of survey) shall apply to surveys for the purpose of the issue of any certificate in respect of a ship under this Act as they apply to surveys for the purpose of the issue of passenger steamers' certificates.

- (3) A safety certificate or radio certificate or an exemption certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders shall be in force for one year, and a safety-equipment certificate shall be in force for twenty-four months, from the date of its issue, or for such shorter period as may be specified in the certificate:

Provided that no such certificate shall remain in force after notice is given by the Minister to the owner or master of the ship in respect of which it has been issued that the Minister has cancelled the certificate.

- (4) An exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, shall be in force for the same period as the corresponding qualified certificate.
- (5) The Minister or any person authorised by him for the purpose may grant an extension of any certificate issued under this Act in respect of a British ship registered in the United Kingdom for a period not exceeding one month from the date when the certificate would, but for the extension, have expired, or, if the ship is absent from the United Kingdom on that date, for a period not exceeding five months from that date.
- (6) Any general safety certificate or short-voyage safety certificate, whether qualified or not, may be combined in one document with a passenger steamer's certificate.
- (7) Any certificate issued by the Minister under this Act, and any passenger steamer's certificate, whether or not combined in one document with a safety certificate under the last preceding subsection, shall be admissible in evidence.
- (8) The following provisions of the principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section two hundred and seventy-six (which relates to the transmission of a certificate to the owner of the steamer), section two hundred and seventy-nine (which relates to the cancellation of certificates), section two hundred and eighty (which relates to the surrender of certificates no longer in force), section two hundred and eighty-one (which relates to the posting up of a certificate on board) and section two hundred and eighty-two (which relates to the forging and falsification of certificates).
- (9) The Minister may request the government of a country to which the Safety Convention applies to issue in respect of a British ship registered in the United Kingdom any certificate the issue of which is authorised under this Act; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Minister and not by the government of that country.

Safety Convention Ships not registered in the United Kingdom

14 Certificates of Convention ships not registered in United Kingdom

- (1) The Minister may, at the request of the government of a country to which the Safety Convention applies, issue in respect of a ship registered in that country any certificate the issue of which in respect of British ships registered in the United Kingdom is authorised under the preceding provisions of this Act if he is satisfied that it is proper

for him to do so; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the said government and not by the Minister.

(2) The Minister shall make such regulations as appear to him to be necessary for the purpose of securing that certificates issued in accordance with the Safety Convention by the government of any country other than the United Kingdom in respect of Safety Convention ships not registered in the United Kingdom, or having effect under the preceding subsection as if so issued, shall be accepted as having the same force as corresponding certificates issued by the Minister under this Act; and any certificate required by those regulations to be so treated is in this Act referred to as an "accepted Safety Convention certificate."

(3) A surveyor of ships, for the purpose of verifying—

- (a) that there is in force in respect of a Safety Convention ship not registered in the United Kingdom an accepted Safety Convention certificate ; or
- (b) that the condition of the hull, equipments and machinery of any such Safety Convention ship corresponds substantially with the particulars shown in such a certificate ; or,
- (c) except where such a certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy and radiotelephony, that the number, grades and qualifications of radio officers or operators on board correspond with those shown in the certificate ; or
- (d) that any conditions on which such a certificate, being the equivalent of an exemption certificate, is issued are complied with,

shall have all the powers of a Ministry of Transport inspector under the Merchant Shipping Acts.

(4) Where there is attached to an accepted Safety Convention certificate in respect of a Safety Convention passenger steamer not registered in the United Kingdom a memorandum which—

- (a) has been issued by or under the authority of the government of the country in which the steamer is registered ; and
- (b) modifies for the purpose of any particular voyage, in view of the number of persons carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

15 Modified survey of passenger steamers holding Convention certificates

(1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

- (a) the steamer shall not be required to be surveyed under the Merchant Shipping Acts by a surveyor of ships except for the purpose of determining the number of passengers that she is fit to carry;
- (b) on receipt of any declaration of survey for the purpose aforesaid, the Minister shall issue a certificate under section two hundred and seventy-four of the principal Act containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers); and a certificate so issued shall have effect as a passenger steamer's certificate.

- (2) Where there is produced in respect of any such passenger steamer as aforesaid an accepted Safety Convention certificate, and also a certificate issued by or under the authority of the government of the country in which the steamer is registered showing the number of passengers that the steamer is fit to carry, and the Minister is satisfied that that number has been determined substantially in the same manner as in the case of a British passenger steamer registered in the United Kingdom, he may if he thinks fit dispense with any survey of the steamer for the purpose of determining the number of passengers that she is fit to carry and direct that the last-mentioned certificate shall have effect as a passenger steamer's certificate.

16 Miscellaneous privileges of ships holding Convention certificates

- (1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom, the steamer shall be exempt from paragraphs (d) and (f) of subsection (1) of section two hundred and ninety of the principal Act (which relate to the equipments of emigrant ships) and section four hundred and twenty of that Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.
- (2) Where an accepted Safety Convention certificate, being the equivalent of a safety-equipment certificate, is produced in respect of a Safety Convention ship (other than a passenger steamer) not registered in the United Kingdom, the ship shall be exempt from section four hundred and twenty of the principal Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.
- (3) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the United Kingdom, and the certificate shows that the ship complies with the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, or that she is exempt from some of those requirements and complies with the rest, or that she is wholly exempt from those requirements, the ship shall be exempt from the provisions of the radio rules and the rules for direction-finders.

17 Further provisions as to the production of Convention certificates

- (1) The master of every Safety Convention ship not registered in the United Kingdom shall produce to the officer of customs from whom a clearance for the ship is demanded in respect of an international voyage from a port in the United Kingdom accepted Safety Convention certificates that are the equivalent of the certificates issued by the Minister under this Act that would be required to be in force in respect of the ship if she were a British ship so registered; and a clearance shall not be granted, and the ship may be detained, until such certificates are so produced.
- (2) The production of an accepted Safety Convention certificate being the equivalent of—
- (a) a qualified certificate, or
 - (b) an exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders,

shall not avail for the purposes of either of the last two preceding sections unless there is also produced the corresponding, exemption certificate or qualified certificate as the case may be.

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

Status: This is the original version (as it was originally enacted).

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.

Supplemental

26 Definition of "passenger" and "passenger steamer"

- (1) In Part III of the principal Act, in the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and in this Act the expression "passenger" means any person carried in a ship, except—
 - (a) a person employed or engaged in any capacity on board the ship on the business of the ship,
 - (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, and
 - (c) a child under one year of age.
- (2) In the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and in this Act, the expression "passenger steamer" means a steamer carrying more than twelve passengers.

27 Removing persons in case of danger

Where the Minister for the purpose of enabling persons to be moved from any place in consequence of a threat to their lives has permitted more persons to be carried on board a ship than are permitted under the Merchant Shipping Acts apart from this section, the carriage of that excess of persons shall not be an offence under those Acts.

28 Power of Minister to exempt from safety requirements

- (1) The Minister may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or any rules or regulations made under this Act, either absolutely or subject to such conditions as he thinks fit.
- (2) Without prejudice to the preceding provisions of this section, where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Minister may, if he is of opinion that the ship complies with safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under the Merchant Shipping Acts.

29 Exemption of certain ships from certain provisions of this Act

- (1) Nothing in this Act—
 - (a) prohibiting or preventing a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued by the Minister under this Act or the appropriate accepted Safety Convention certificates;

- (b) conferring powers on a surveyor of ships for the purpose of verifying the existence, validity or correctness of any Safety Convention certificate or that the conditions on which any such certificate was issued are complied with;
- (c) requiring information about a ship's stability to be carried on-board;
- (d) imposing a penalty for the contravention of any rules relating to openings in ships' hulls and watertight bulkheads,

shall, unless in the case of information about a ship's stability the Minister otherwise orders, apply to any troopship, pleasure yacht or fishing vessel, or to any ship of less than five hundred tons gross tonnage other than a passenger steamer or to any ship not propelled by mechanical means.

- (2) Nothing in the preceding subsection shall affect the exemption conferred by section seven hundred and forty-one of the principal Act on ships belonging to His Majesty.
- (3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in the United Kingdom while they are within any port in the United Kingdom, that provision shall not apply to a ship that would not be within 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.

30 Application to colonies etc.

Section thirty-six of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932 (which enables Orders in Council to be made applying Part I of that Act to territories outside the United Kingdom), shall have effect as if references therein to Part I of that Act included references to this Act.

31 Countries to which Safety Convention applies

His Majesty, if satisfied—

- (a) that the government of any country has accepted, or denounced, the Safety Convention; or
 - (b) that the Safety Convention extends, or has ceased to extend, to any territory,
- may by Order in Council make a declaration to that effect.

32 Transitional provisions

Without prejudice to the effect of section thirty-eight of the Interpretation Act, 1889, the provisions of the First Schedule to this Act shall have effect for the purpose of the transition from the law in force before the commencement of this Act to the provisions of this Act.

33 Provision as to certain fees and fines under the Merchant Shipping Acts

- (1) There shall be paid in respect of any certificate issued by the Minister under this Act, including a certificate issued by him under subsection (1) of section fourteen of this Act, and in respect of any inspection of a ship under this Act for the purpose of seeing that she is properly provided with a radio installation and radio officers or operators in conformity with the radio rules, such fees as may be prescribed by regulations made by the Minister with the approval of the Treasury.

- (2) The Minister with the approval of the Treasury may make regulations prescribing the amount or the maximum amount of the fees payable under the enactments specified in the Second Schedule to this Act; and so much of those enactments as fixes the amount or the maximum amount of any such fees shall cease to have effect.
- (3) Any fees payable under subsection (1) of this section shall be paid into the Exchequer.
- (4) Subsection (2) of section seven hundred and sixteen of the principal Act (which provides for the application of fines) shall apply to fines under this Act as it applies to fines under that Act.

34 Rules and regulations

- (1) The power to make rules and regulations under the preceding provisions of this Act or the First Schedule to this Act, or to make rules for lifesaving appliances, shall be exercisable by statutory instrument.
- (2) Any statutory instrument by which any such power as aforesaid is exercised shall be subject to annulment in pursuance of a resolution of either House of Parliament.

35 Consequential amendments of Merchant Shipping Acts

- (1) In subsection (3) of section seven hundred and twenty-four of the principal Act, for the words " passenger steamers " there shall be substituted the word " ships. "
- (2) Where a ship is detained under any provision of this Act authorising the detention of a ship until the production of a certificate, subsection (2) of section four hundred and sixty of the principal Act (which makes the owner of a ship liable to pay to the Minister his costs in connection with her detention and survey) shall apply as if she had been finally detained under that Act.
- (3) So far as Part I of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, requires that any rules or regulations shall implement the International Convention for the Safety of Life at Sea, 1929, it shall cease to have effect.
- (4) Section sixty-nine of the said Act of 1932 (which requires notice to be given to a consular officer of the detention of a foreign ship, or of proceedings against her master or owner, under that Act), and subsection (3) of section seventy-three of that Act (which requires ships registered in the Channel Islands or the Isle of Man to be treated for the purpose of any provisions of that Act relating to Safety Convention ships not registered in the United Kingdom as if they were registered in the United Kingdom), shall have effect as if any reference therein to that Act included a reference to this Act.
- (5) In subsection (1) of section two hundred and seventy-two of the principal Act and in subsection (1) of section nine of the said Act of 1932. for any reference to a wireless telegraph installation there shall be substituted a reference to a radio installation.
- (6) In subsection (1) of section nine of the said Act of 1932 (which relates to the survey of passenger steamers by radio surveyors), for any reference to an exemption under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, there shall be substituted a reference to an exemption from the obligations imposed by the radio rules.

36 Interpretation

(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" Accepted Safety Convention certificate " has the meaning assigned to it by section fourteen of this Act;

" Collision regulations " means regulations made under section four hundred and eighteen of the principal Act;

" Construction rules " means rules made under section one of this Act;

" Country to which the Safety Convention applies " means—

(a) a country the government of which has been declared under section thirty-one of this Act to have accepted the Safety Convention, and has not been so declared to have denounced that Convention ;

(b) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that that Convention has ceased to extend ;

" Declaration of survey " means a declaration made under section two hundred and seventy-two of the principal Act;

" International voyage " means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, and " short international voyage " means an international voyage—

(a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety and

(b) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination; so however that for the purpose of the definitions contained in this paragraph—

(i) no account shall be taken of any deviation by a ship from her intended voyage due solely to 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 ; and

(ii) every colony, overseas territory, protectorate or other territory for whose international relations a government that has accepted the Safety Convention is responsible, or for which the United Nations are the administering authority, shall be deemed to be a separate country ;

" The Merchant Shipping Acts " means the Merchant Shipping Acts, 1894 to 1948, and this Act;

" The Minister " means the Minister of Transport;

" The principal Act " means the Merchant Shipping Act, 1894;

" Radio navigational aid " means radio apparatus on board a ship being apparatus designed for the purpose of determining the position or direction of ships or other objects;

" Radio rules " means rules made under section three of this Act;

" Rules for direction-finders " means rules made under section five of this Act;

" Rules for life-saving appliances " means rules made under section four hundred and twenty-seven of the principal Act as amended by section two of this Act;

" Safety Convention ship " means a ship registered in a country to which the Safety Convention applies; and the expression " Safety Convention passenger steamer " shall be construed accordingly.

- (2) If any amendment of the Safety Convention comes into force, references in this Act to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended.

37 Commencement, construction, citation and repeal

- (1) This Act shall come into force on such day as His Majesty may by Order in Council appoint.
- (2) Except so far as the context otherwise requires, any reference in this Act, to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment including this Act.
- (3) Except so far as the context otherwise requires, this Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1948, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.
- (4) This Act may be cited as the Merchant Shipping (Safety Convention) Act, 1949, and the Merchant Shipping Acts, 1894 to 1948, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1949.
- (5) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.