



Merchant Shipping Act 1906

1906 CHAPTER 48

PART I

SAFETY

1 Application, of British load-line provisions to foreign ships

Sections four hundred and thirty-seven to four hundred and forty-three of the principal Act (which relate to load-line) except subsections (3) and (4) of section four hundred and forty, shall, after the appointed day, apply to all foreign ships while they are within any port in the United Kingdom, as they apply to British ships, without prejudice—

- (a) to the power of His Majesty previously to apply those provisions to the ships of any foreign country, if the Government of that country so desire, under section seven hundred and thirty-four of the principal Act ; and
- (b) to any direction of His Majesty in Council given under section four hundred and forty-five of the principal Act in the case of ships of any foreign country in which the regulations in force relating to overloading and improper loading are equally effective with the provisions of the principal Act.

2 Detention of foreign ships when unsafe owing to defective equipment, &c

Section four hundred and sixty-two of the principal Act (which relates to the detention of foreign ships)—

- (1) shall apply in the case of a ship which is unsafe by reason of the defective condition of her hull, equipments, or machinery, and accordingly that section shall be construed as if the words " by reason of the " defective condition of her hull, equipments, or " machinery, or" were inserted before the words " by reason of overloading or improper loading " ; and
- (2) shall apply with respect to any foreign ships being at any port in the United Kingdom, whether those ships take on board any cargo at that port or not.

3 Loading of grain cargoes on foreign ships

- (1) After the first day of October one thousand nine hundred and seven, sections four hundred and fifty-two and four hundred and fifty-five of the principal Act shall apply to a foreign ship which loads a grain cargo in the United Kingdom so long as the ship is within a port in the United Kingdom.
- (2) If, after the first day of October one thousand nine hundred and seven, a foreign ship laden with grain cargo arrives at any port in the United Kingdom, having the grain cargo so loaded that the master of the ship, if the ship were a British ship, would be liable to a penalty under the provisions of Part V. of the principal Act relating to the carriage of grain, the master of that foreign ship shall be liable to a fine not exceeding three hundred pounds.
- (3) After the first day of October one thousand nine hundred and seven section four hundred and fifty-five of the principal Act shall apply to a foreign ship laden with grain which discharges all or any part of her cargo at any port in the United Kingdom so long as the ship is within a port in the United Kingdom.
- (4) The provisions of section four hundred and fifty-four of the principal Act, so far as that section provides for the delivery of the notice mentioned therein to the proper officer of customs in the United Kingdom, shall apply to all foreign ships laden with grain cargo arriving at a port in the United Kingdom after the date aforesaid, and the master of the ship shall be liable accordingly.

4 Power to apply rules as to life-saving appliances to foreign ships in certain cases

Sections four hundred and twenty-seven to four hundred and thirty-one of the principal Act relating to life-saving-appliances shall, after the appointed day, apply to all foreign ships while they are within any port of the United Kingdom as they apply to British ships :

Provided that His Majesty may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to His Majesty to be as effective as the provisions of Part V. of the principal Act, on proof that those provisions are complied with in the case of that ship.

5 Appointed Day

For the purposes of this Part of this Act the appointed day shall be the first day of January nineteen hundred and nine, or such other day not being more than twelve months later, as the Board of Trade may appoint; and different days may be appointed for different provisions of this Part of this Act, and for different foreign countries.

6 Saving for ship coming in under stress of weather, &c

Nothing in the foregoing provisions of this Part of this Act shall affect any foreign ship not bound to a port of the United Kingdom which comes into any port of the United Kingdom for any purpose other than the purpose of embarking or landing passengers, or taking in or discharging cargo or" taking in bunker coal.

7 Coasting steamships not to be exempt from load-line provisions

The exemption of ships under eighty tons register-; employed solely in the coasting trade under sections /four hundred and thirty-seven and four hundred and thirty-eight of the principal Act (which relate to the marking of deck lines and load-lines) shall cease so far as respects steamships :

Provided that the Board of Trade may except from the provisions of this section any class of steamships, so long as they do not carry cargo, and the provisions of this section shall not apply to any steamship belonging to any class so excepted.

8 Extension of provisions as to the time of marking load-line

- (1) Section four hundred and forty of the principal Act (which relates to the time for marking load-lines) shall apply to all British foreign-going ships, and, so far as it is applied, by this Act to foreign ships, to all foreign foreign-going ships, whether the owner is required to enter the ship outwards or not:
- (2) In the case of a ship which the owner is not required to enter outwards—
 - (a) the disc indicating the load-line shall be marked before clearance for the ship is demanded ;
 - (b) the master shall prepare a statement similar to that required to be inserted in the form of entry under subsection (2) of the said section four hundred and forty, and in the case of a British ship shall enter a copy of the statement in the agreement with the crew and in the official log-book,-, and subsections (3) and (4) of that section shall apply accordingly ;
 - (c) the master shall" deliver a copy of the statement to the officer of customs, from whom a clearance for the ship is demanded, and a clearance shall not be granted until the statement is so delivered.
- (3) Where the certificate referred, to in subsection (4) of section four hundred and forty-three of the principal Act (which relates to regulations as to load-line) is required to be delivered, the provisions of this section as to the statement to be prepared by the master shall not take effect.
- (4) For the purpose of providing for an alteration of marks during a voyage, subsection (5) of section four hundred and forty of the principal Act shall be read as if the words " or, if " the mark has been altered abroad in accordance with regulations made by the Board of Trade for the purpose, marked " with the mark as so altered " were added after the words " so marked, " and subsection (2) of section four hundred and forty-three of the principal Act shall be read as if the purposes for which regulations may be made under that section included provision for the alteration of marks on ships abroad.

9 Entry in log-book of boat drill, &c

- (1) The master of every British ship shall enter or cause to be entered in the official log-book, a statement, or if there is no official log-book, cause a record to be kept, of every occasion on which boat drill is practised on board the ship, and on which the life-saving appliances on board the ship have been examined for the purpose of seeing that those appliances are fit and ready for use.
- (2) The master shall, if and when required by any officer of the Board of Trade, produce for inspection any record kept by him for the purposes of this section.

- (3) If the master of a ship fails to comply with any requirement of this section, he shall be liable on summary conviction for each offence to a fine not exceeding ten pounds.

10 Loading of timber

- (1) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying any heavy or light wood goods as deck cargo (except under the conditions allowed by this section), the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred and fifty cubic feet of space in which wood goods are carried in contravention of this section.
- (2) The conditions under which heavy wood goods may be carried as deck cargo are as follows :—
- (a) that they must only be carried in covered spaces ; and
 - (b) that they must be carried only in such class of ships as may be approved by the Board of Trade for the purpose; and
 - (c) that they must be loaded in accordance with regulations made by the Board of Trade with respect to the loading thereof.
- (3) The conditions under which light wood goods may be carried as deck cargo are as follows:—
- (a) Each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and
 - (b) The height above the deck to which the goods are carried must not exceed—
 - (i) in the case of an uncovered space on a deck forming the top of a break, poop, or other permanent closed-in space on the upper deck, three feet above the top of that closed-in space ; and
 - (ii) in the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least; and
 - (iii) in the case of a covered space the full height of that space.
 - (c) Regulations may be made by the Board of Trade for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this section, and those regulations must be complied with on the ship.
- (4) A master or owner shall not be liable to any fine under this section—
- (a) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or
 - (b) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so , arriving by stress of weather or circumstances beyond his control; or

- (c) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.
- (5) For the purposes of this section—
- (a) the expression " heavy wood goods " means—
 - (i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever ; or
 - (ii) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use ; and
 - (b) the expression " light wood goods " means any deals, battens, or other light wood goods of any description ; and
 - (c) the expression " deck cargo " means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage ; and
 - (d) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines enclosing a rectangular space sufficient to include the goods.
- (6) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom, under stress of weather, or for repairs, or for any purpose other than the delivery of her cargo.
- (7) This section shall come into operation on the passing of this Act.

11 Summary prosecution for offences under the loading of grain provisions

Any offence for which a person is liable to a fine under subsection (2) of section four hundred and fifty-two of the principal Act (which relates to the obligation to take precautions to; prevent grain cargo from, shifting) or under any provision of this Act which relates to the lading of grain cargoes on foreign ships may be prosecuted summarily; but the fine to which a person is liable for any such offence shall not, if the offence is prosecuted summarily, exceed a hundred pounds.

12 Prohibition of engagement of seamen with insufficient knowledge of English

After the thirty-first day of December nineteen hundred and seven, the superintendent or other officer, before whom a seaman is engaged to be entered on board any British ship at any port in the British Islands or on the continent of Europe between the River Elbe and Brest inclusive, shall not allow a seaman to sign the agreement if in his opinion the seaman does not possess a sufficient knowledge of the English language to understand the necessary orders that maybe given to him in the course of the performance of his duties; but nothing in this section shall apply, to any British subject or inhabitant of a British protectorate or to. any lascar:

Provided that where a seaman has been allowed, to sign an agreement after the date on which this section comes into force, and is discharged before a superintendent or other officer, the superintendent or officer shall note the. fact on his certificate of discharge in manner directed; by the Board of Trade, and a superintendent or other officer shall not under this section refuse to allow a seaman who. holds a certificate so noted to sign an agreement unless the superintendent or officer considers that there are special

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reasons for the refusal, and in that case he shall make a special report of the matter to the Board of Trade.