



# Merchant Shipping (Safety Convention) Act 1949

## 1949 CHAPTER 43

### *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—

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- (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.

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- (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,

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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.