

1953 No. 1218

**The Merchant Shipping Safety Convention (Singapore)
No. 1 Order, 1953**

<i>Made</i> - - - - -	1st August, 1953
<i>Laid before Parliament</i>	4th August, 1953
<i>Coming into Operation</i>	5th August, 1953

At the Court at Buckingham Palace, the 1st day of August, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient that certain provisions of the Merchant Shipping (Safety Convention) Act, 1949(a) (hereinafter called "the Act"), shall extend to the Colony of Singapore with certain modifications:

Now therefore, Her Majesty, in exercise of the powers vested in Her by section thirty-six of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932(b), as amended by section thirty of the Act, and all other powers enabling her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Act, other than those of sections 1, 2 (1) and (2), 13 (1), 16 (1), 21 (1) and (2), 23 (1) and (4), 24 (1) (2) (3) and (4), 25, 31, 33, 34, 35 (1) (3) (5) and (6), and 37 (1) (4) and (5) adapted and modified as set out in the First Schedule hereto shall extend to the Colony of Singapore.
2. The Merchant Shipping Safety Convention (Straits Settlements) No. 1 Order, 1935(c) shall be amended by the deletion therefrom of the provisions specified in the Second Schedule hereto.
3. This Order may be cited as the Merchant Shipping Safety Convention (Singapore) No. 1 Order, 1953, and shall come into operation on the fifth day of August, 1953.

W. G. Agnew.

THE FIRST SCHEDULE TO THE ORDER

THE MERCHANT SHIPPING (SAFETY CONVENTION) ACT, 1949

Construction and Equipment

Entry in log book of boat drill, etc.

2.—(3) The master of every ship to which section two hundred and sixty-four of the Ordinance 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

(a) 12, 13 & 14 Geo. 6. c. 43.

(b) 22 & 23 Geo. 5. c. 9.

(c) S.R. & O. 1935/715; Rev. XIV, p. 613; 1935, p. 1149.

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.

Radio rules

3.—(1) The Governor in Council 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 Colony;
- (b) other sea-going ships while they are within any port in the Colony.

(3) The said rules shall include such requirements as appear to the Governor in Council 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 radio-telegraph 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;
- (b) apply to any radio log-book required to be kept under the rules any of the provisions of section one hundred and forty-five of the Ordinance (which provides for the delivery of the official log-book to the Port Officer);
- (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.

For the purposes of this section, and without prejudice to the generality of the powers therein contained, the “radio rules” made from time to time by the Minister of Transport under the Merchant Shipping Acts shall, unless varied by or repugnant to the radio rules made under this section, be deemed to be radio rules made under this section.

(6) If the master of a ship fails to cause an entry to be made in the log-book in contravention of rules made or deemed to be made in pursuance of paragraph (c) of the last preceding subsection, or if any radio

officer or operator contravenes any rules made or deemed to be made in pursuance of paragraph (a) thereof, he shall be liable to a fine not exceeding two hundred dollars; and if the rules made or deemed to be 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 in respect of each offence to a fine not exceeding ten thousand dollars, or if the offence is prosecuted before a Magistrate's Court, to a fine not exceeding one thousand dollars.

(7) A surveyor of ships or a radio surveyor 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 an Inspector under the Ordinance; 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 Governor in Council to the Port Officer of any port at which the ship may seek to obtain a clearance; and the ship shall be detained until a certificate under the hand of a surveyor of ships or a radio surveyor 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.

Radio surveyors

4. Wireless-telegraphy surveyors appointed under section 11 of the Ordinance shall be known as radio surveyors.

Rules for direction finders

5.—(1) The Governor in Council 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 Colony;

(b) other ships while they are within any port in the Colony.
being ships of sixteen hundred tons gross tonnage or upwards.

(3) The said rules shall include such requirements as appear to the Governor in Council 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.

For the purposes of this section, and without prejudice to the generality of the powers therein contained, the "rules for direction-finders" made by the Minister of Transport from time to time under the Merchant Shipping Acts shall unless varied by or repugnant to rules made under this section be deemed to be rules made under this section.

(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 two thousand dollars.

Further provisions as to radio navigational aids

6.—(1) The Governor in Council 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 Colony 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 Colony, or off the shores of the Colony and maintained from the Colony.

For the purposes of this section, and without prejudice to the generality of the powers therein contained, the rules made by the Minister of Transport from time to time under the Merchant Shipping Acts to prescribe the requirements for radio navigational aids shall, unless varied by or repugnant to rules made under this section be deemed to be rules made under this section.

(2) If any British ship registered in the Colony proceeds, or attempts to proceed, to sea carrying radio navigational aids not complying with the rules made or deemed to be made under the preceding subsection, the owner or master of the ship shall be liable to a fine not exceeding two thousand dollars.

(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 two thousand dollars.

*Certificates**Issue for passenger steamers of safety certificates and exemption certificates*

7.—(1) If the Governor, on receipt of declarations of survey in respect of a British passenger steamer registered in the Colony, 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 Governor, 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.

Issue for cargo ships of safety equipment certificates and exemption certificates

8.—(1) If the Governor, on receipt of declarations of survey in respect of a British ship registered in the Colony, 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 Governor, 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".

Issue for cargo ships of radio certificates and exemption certificates

9.—(1) If the Governor, on receipt of declarations of survey in respect of a British ship registered in the Colony 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 radio-telegraphy, 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 Governor, 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 Colony is wholly exempt from the requirements of the radio rules and the rules for direction-finders, the Governor 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.

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

10. 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 Governor 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.

Notice of alterations and additional surveys

11.—(1) The owner or master of a passenger steamer in respect of which any passenger steamer's certificate issued under the Ordinance, 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 Surveyor-General of Ships 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 Surveyor-General of Ships 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 one thousand dollars.

(4) If the Governor 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 ;

he may, without prejudice to his powers under section one hundred and sixty of the Ordinance (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 section one hundred and fifty-five of the Ordinance 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.

Prohibition on proceeding to sea without appropriate certificates

12.—(1) No British ship registered in the Colony shall proceed to sea on an international voyage from a port in the Colony 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 those provisions of the Merchant Shipping Acts which have been applied to the Colony or under the Ordinance be liable for each offence to a fine not exceeding two hundred dollars 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 for each offence 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 two thousand dollars.

(4) The master of every British ship registered in the Colony shall produce to the Port Officer from whom a clearance for the ship is demanded for an international voyage the certificate or certificates required by the fore-

going 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 Governor 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 Colony not exceeding twelve hundred nautical miles in length between the last port of call in the Colony 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 Colony 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 two thousand dollars.

Miscellaneous provisions as to surveys and certificates

13.—(2) Subsection (2) of section one hundred and fifty-two of the Ordinance (which requires a surveyor to deliver declarations of survey to the owner of a ship), section one hundred and fifty-four of the Ordinance (which requires the owner to transmit the declaration to the Governor) and section one hundred and fifty-six of the Ordinance (which empowers the Governor on the application of the owner, agent or master, to order a second 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 Governor to the owner or master of the ship in respect of which it has been issued that the Governor 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 Governor 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 Colony 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 Colony 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 Governor 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, may be signed on behalf of the Governor by any person authorised by the Governor for the purpose, and a certificate or a certified copy thereof purporting to be so signed shall be admissible in evidence in any Court or before any person having by law or consent of parties authority to receive evidence and, subject to all just exceptions, shall be evidence of the matters stated therein.

(8) The following provisions of the Ordinance shall apply to and in relation to certificates issued by the Governor, 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 one hundred and fifty-seven (which relates to the transmission of a certificate to the owner of the steamer), section one hundred and sixty (which relates to the cancellation of certificates), section one hundred and sixty-one (which relates to the surrender of certificates no longer in force), section one hundred and sixty-two (which relates to the posting up of a certificate on board) and section one hundred and sixty-three (which relates to the forging and falsification of certificates).

(9) The Governor may request the government of a country to which the Safety Convention applies to issue in respect of a British ship registered in the Colony 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 Governor and not by the government of that country.

Safety Convention Ships not registered in the Colony

Certificates of Convention ships not registered in the Colony

14.—(1) The Governor 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 Colony 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 Governor.

(2) For the purpose of the provisions hereafter contained in this Act relating to Safety Convention ships not registered in the Colony, the expression "an accepted Safety Convention certificate" means a certificate or certificates complying with such as are applicable of the regulations made by the Minister of Transport under the Merchant Shipping Acts with respect to the validity of 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.

(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 Colony 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 radio-telegraphy and radio-telephony, that the number, grades and qualifications of radio officers or operators on board correspond with those shown in the certificates; 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 an inspector under the Ordinance.

(4) Where there is attached to an accepted Safety Convention certificate in respect of a Safety Convention passenger steamer not registered in the Colony 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.

Modified survey of passenger steamers holding Convention certificates

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

(a) it shall not be necessary for a declaration of survey made by a surveyor of ships to contain a statement of any further particulars other than the number of passengers which the steamer is in the judgment of the surveyor fit to carry;

(b) on receipt of any declaration of survey for the purpose aforesaid, the Governor shall issue a certificate under section one hundred and fifty-five of the Ordinance 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 Governor is satisfied that that number has been determined substantially in the same manner as in the case of a British passenger steamer registered in Singapore, 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.

Miscellaneous privileges of ships holding Convention certificates

16.—(2) Where the appropriate accepted Safety Convention certificate is produced in respect of any Safety Convention ship not registered in the Colony, the ship shall be exempt from section two hundred and fifty-seven of the Ordinance (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 Colony, 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.

Further provisions as to the production of Convention certificates

17.—(1) The master of every Safety Convention ship not registered in the Colony shall produce to the Port Officer from whom a clearance for the ship is demanded in respect of an international voyage from a port in the Colony accepted Safety Convention certificates that are the equivalent of the certificates issued by the Governor 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.

Information about ship's stability

18.—(1) There shall be carried on board every British ship registered in the Colony whose keel is laid after the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony 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 Governor (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 Governor 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 Surveyor-General of Ships:

Provided that the owner shall not be required to send a copy of any information to the Surveyor-General of Ships if a previous copy of the same information has been sent to the Surveyor-General of ships.

(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 two thousand dollars 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 one hundred and thirty-seven of the Ordinance (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.

Openings in passenger steamers' hulls and watertight bulkheads

19.—(1) The Governor in Council may in relation to British passenger steamers registered in the Colony 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.

For the purposes of this section and without prejudice to the generality of the powers therein contained, the rules made from time to time by the Minister of Transport under the Merchant Shipping Acts with respect to watertight doors and other similar contrivances shall unless varied by or repugnant to rules made under this section be deemed to be rules made under this section.

(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 two thousand dollars.

Amendment of sec. 23 of Merchant Shipping (Safety and Load Line Conventions) Act, 1932 as applied to the Colony by Merchant Shipping Safety Convention (Straits Settlements) No. 1 Order, 1935 relating to loading of passenger steamers

20. In section twenty-three of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as applied to the Colony by the Merchant Shipping Safety Convention (Straits Settlements) No. 1 Order, 1935(a) (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".

Signals of distress

21.—(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 Her Majesty in Council under the Merchant Shipping Acts as a signal of distress except in the circumstances and for the purposes prescribed by the rules made by the Minister of Transport under the Merchant Shipping Acts with respect to distress signals; or

(b) any private signal that is liable to be mistaken for any signal so prescribed by Her Majesty in Council,

he shall be liable to a fine not exceeding one thousand dollars 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 as applied to the Colony (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 of distress prescribed under the Merchant Shipping Acts.

Obligation to assist vessels, etc., in distress

22.—(1) The master of a British ship registered in the Colony, 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 Colony 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 an offence and shall be liable on conviction to a fine not exceeding two thousand dollars.

(6) If the master of a British ship registered in the Colony, 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 two thousand dollars.

(7) The master of every British ship registered in the Colony 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(a); 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.

Carriage of dangerous goods

23.—(2) The rules made by the Minister of Transport from time to time under the Merchant Shipping Acts with respect to the carriage of dangerous goods shall apply to—

- (a) all British ships registered in the Colony whether such ships ply on an international voyage or not,
- (b) all other ships while they are within any port in the Colony, or are embarking or disembarking passengers within the territorial waters of the Colony, or are loading or discharging cargo or fuel within those waters.

(3) If any of such rules is not complied with in relation to any such ship, the owner or master of the ship shall be liable in respect of each offence to a fine not exceeding six thousand dollars, or if the offence is prosecuted before a Magistrate's Court to a fine not exceeding one thousand dollars, and the ship shall be deemed for the purposes of Part V of the Ordinance to be unsafe by reason of improper loading.

Carriage of grain

24.—(5) On the arrival at a port in the Colony from a port outside the Colony of any ship carrying a cargo of grain, the master shall cause to be delivered to the Port Officer in the Colony together with the report required of every ship entering the Colony from a foreign country, a notice stating—

- (a) the draught of water and free-board, as defined by Part V of the Ordinance, 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 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 two thousand dollars.

(6) Any person having a general or special authority in that behalf from the Governor 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 an inspector under the Ordinance.

(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.

Definition of "passenger" and "passenger steamer"

26.—(1) In Part III of the principal Act, in the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as applied to the Colony, 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, as applied to the Colony, and in this Act, the expression "passenger steamer" means a steamer carrying more than twelve passengers.

Removing persons in case of danger

27. Where the Governor 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, or under the Ordinance the carriage of that excess of persons shall not be an offence under those Acts, or under the Ordinance.

Power of Governor to exempt from safety requirements

28.—(1) The Governor 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 Governor 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 those provisions of the Merchant Shipping Acts which have been applied to the Colony or by or under the Ordinance.

Exemption of certain ships from certain provisions of this Act

29.—(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 Governor 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 Governor 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 five of the Ordinance on ships belonging to Her Majesty.

(3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in the Colony while they are within any port in the Colony, 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.

Application to Colonies, etc.

30. 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.

Transitional provisions

32. Without prejudice to the effect of section thirty-eight of the Interpretation Act, 1889(a), the provisions of the 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.

Consequential amendments of Merchant Shipping Acts

35.—(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 two hundred and ninety-five of the Ordinance (which makes the owner of a ship liable to pay to the Governor his costs in connection with her detention and survey) shall apply as if she had been finally detained within the meaning of that subsection.

(4) Section sixty-nine of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as applied to the Colony (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) shall have effect as if any reference therein to that Act included a reference to this Act.

Interpretation

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

“Collision regulations” means regulations made under section four hundred and eighteen of the principal Act or section two hundred and fifty-eight of the Ordinance ;

“Construction rules” means rules made or deemed to be made under section eleven subsection five of the Ordinance ;

“The Colony” means the Colony of Singapore ;

“Country to which the Safety Convention applies” means:—

(a) a country the government of which has been declared by Her Majesty in Council 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 one hundred and fifty-two of the Ordinance ;

“ Governor ” means the Governor and Commander-in-Chief for the time being of the Colony and includes any officer for the time being administering the Government thereof and, to the extent that a Deputy to the Governor is authorised to act, that Deputy ;

“ Governor-in-Council ” means the Governor acting after consultation with, but not necessarily in accordance with, the advice of the Executive Council of the Colony, nor necessarily in such Council assembled ;

“ 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 1949 ;

“ The Minister of Transport ” means the Minister of Transport of the United Kingdom ;

“ Ordinance ” means the Merchant Shipping Ordinance (Chapter 150 of the Revised Edition of the Laws, 1936) ;

“ The principal Act ” means the Merchant Shipping Act, 1894(a) ;

“ Port Officer ” means a Port Officer as defined in the Ordinance ;

“ 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 or deemed to be made under section three of this Act ;

“ Rules for direction-finders ” means rules made or deemed to be made under section five of this Act ;

“Rules for life-saving appliances” means the Rules for Life-saving Appliances made under the Ordinance;

“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.

Commencement, construction, citation, and repeal

37.—(2) Except in 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.

THE SCHEDULE TO THE MERCHANT SHIPPING (SAFETY CONVENTION) ACT, 1949

Transitional Provisions

Section 32

1. Any rules or regulations made, or having effect as if made, under any enactment repealed by this Act shall, until revoked, have effect as if they had been made under the corresponding provision of this Act.

2.—(1) Any general safety certificate, short-voyage safety certificate, qualified safety certificate, passenger steamer's exemption certificate, wireless telegraphy certificate or wireless telegraphy exemption certificate in force in respect of any ship at the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony shall continue in force until the date shown on the certificate, subject however to any cancellation of the certificate under the Ordinance or this Act; and section twelve of this Act shall have effect accordingly.

(2) Section eleven of this Act shall have effect as if any such certificate as aforesaid had been issued under this Act.

(3) Where in respect of a ship there is in force at the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony a wireless telegraphy certificate or a wireless telegraphy exemption certificate, that certificate shall be treated for the purposes of paragraph (b) of subsection (1) of section twelve of this Act as a radio certificate or as an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, as the case may require.

(4) Nothing in the said paragraph (b) shall prohibit a ship from proceeding to sea without a safety-equipment certificate (whether or not

qualified) until after the expiration of twenty-four months from the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony, nor a ship of less than sixteen hundred tons gross tonnage from proceeding to sea without a radio certificate (whether or not qualified), or a certificate stating that she is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, until after the expiration of one year from that date.

(5) Subsection (5) of section thirteen of this Act shall apply to any such certificate as is mentioned in sub-paragraph (1) of this paragraph as it applies to certificates issued under this Act.

3.—(1) The regulations made by the Minister of Transport prescribing—

(a) that any country to which the International Convention for the Safety of Life at Sea, 1929, applies shall, for such purposes, for such a period and subject to such conditions as may be specified by or under the regulations, be treated for the purposes of this Act as if it were a country to which the Safety Convention applies; and

(b) that any certificate purporting to have been issued in accordance with the said Convention of 1929 and complying with such of the regulations made under sub-section (2) of section sixteen of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as are applicable in the circumstances may, for such purposes, for such a period and subject to such conditions as may be specified by or under the regulations, be treated as if it were an accepted Safety Convention certificate within the meaning of this Act,

shall have effect for the Colony as for the United Kingdom.

(2) Without prejudice to any general provision of this Schedule regarding the validity of regulations made under any enactment repealed by this Act, regulations made under the Merchant Shipping Acts to determine the validity of certificates purporting to have been issued in accordance with the Safety Convention of 1929 as applied to the Colony by the Merchant Shipping Safety Convention (Straits Settlements) No. 1 Order, 1935, shall continue in force so far as they are required for the purposes of this paragraph.

4. Nothing in section seventeen of this Act shall require the master of a ship of less than sixteen hundred tons gross tonnage other than a passenger steamer to produce an accepted Safety Convention certificate being the equivalent of a radio certificate (whether or not qualified), or a certificate stating that she is wholly or partly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, before the expiration of twelve months after the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony; nor the master of any ship to produce an accepted Safety Convention certificate being the equivalent of a safety-equipment certificate (whether or not qualified) before the expiration of twenty-four months after that date; and the provisions of that section relating to clearance and detention of ships shall have effect accordingly.

THE SECOND SCHEDULE TO THE ORDER
 THE MERCHANT SHIPPING SAFETY CONVENTION (STRAITS
 SETTLEMENTS) No. 1 ORDER, 1935

Provisions Repealed

In the first Schedule to the Order—

Sections one to four.

Sections ten and eleven.

Sections thirteen to twenty-two.

In section twenty-four, the proviso in subsection (4).

Sections twenty-five and twenty-six.

Section twenty-eight.

Section thirty-four.

In section thirty-eight, the following definitions in subsection (1): Board of Trade, Construction Rules, Country to which the Safety Convention applies, Declaration of Survey, International Voyage, Ordinance, Passenger, Passenger Steamer, Port Officer, Principal Act, Rules for Life-Saving Appliances, Safety Convention, Safety Convention Ship, Special Passenger Trade, Survey Rules, Wireless Telegraphy Rules and Wireless Telegraphy Surveyor.

Subsections (2) (3) and (6).

The third schedule to the Merchant Shipping (Safety and Load Line Conventions) Act, 1932.

In the second Schedule to the Order:—

In section nine, subsection (1) of the Merchant Shipping Act, 1906(a).

The Merchant Shipping (Wireless Telegraphy) Act, 1919(b).

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

Section 36 (1) of the Merchant Shipping (Safety and Load Line Conventions) Act 1932, (which gave effect to an International Safety Convention of 1929) gives Her Majesty power by Order in Council to direct that Part I of that Act, shall, with any adaptations, etc. specified in the Order, extend to any Colony. Section 30 of the Merchant Shipping (Safety Convention) Act, 1949, (which gives effect to a new Convention of 1948, intended to supersede that of 1929) provides that the reference in Section 36 of the Act of 1932 to Part I of that Act is to include a reference to the Act of 1949.

This Order provides that certain sections of, and the First Schedule to, the Act of 1949, as adapted and set out in the First Schedule to the Order, shall extend to Singapore, in substitution for most of the provisions of the Act of 1932 that were applied to Singapore by the Merchant Shipping Safety Convention (Straits Settlements) No. 1 Order, 1935.