
STATUTORY INSTRUMENTS

1998 No. 2241

The Merchant Shipping (Load Line) Regulations 1998

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Load Line) Regulations 1998 and shall come into force on 12th October 1998.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1966 Convention” means the International Convention on Load Lines, 1966⁽¹⁾;

“alteration” includes deterioration;

“amidships” in relation to a ship means the middle of the ship’s length (L);

“appropriate load lines” means the load lines directed to be marked on a ship pursuant to regulation 7(2)(b), or in the case of a ship not surveyed under these Regulations, pursuant to an International Load Line Certificate (1966) which is in force, indicating the maximum depth to which the ship may be loaded in salt water in a particular zone or area and seasonal period;

“appropriate certificate” means—

(a) in the case of a Convention-size ship, an International Load Certificate 1966, and

(b) in the case of any other ship, a United Kingdom Load Line Certificate;

“appropriate marks” means the appropriate load lines, the deck-line and load line mark;

“Assigning Authority” means the Secretary of State or any person or organisation authorised by the Secretary of State for the purposes of these Regulations;

“Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice No. M. 1504;

“clearance” includes transire;

“column stabilised” means, in relation to a mobile offshore drilling unit or a mobile offshore support unit, constructed with the main deck of the unit connected to its underwater hull or footings by columns or caissons;

“Convention country” means a country or territory which is either—

(a) a country the Government of which is party to the 1966 Convention; or

(b) a territory to which the 1966 Convention extends;

“Convention-size” in relation to a ship, means in the case of an existing ship, of not less than 150 gross tons (ascertained in accordance with the law in force on 21st July 1968), and in the case of a new ship, of not less than 24 metres in length;

“exclusive surveyor” means a surveyor appointed by and working exclusively for an Assigning Authority;

“freeboard” means the distance measured vertically downwards at amidships from the upper edge of the deck-line described in regulation 16 to the position at which the upper edge of the load line appropriate to the freeboard is to be marked;

“freeboard deck” means the deck from which the freeboards assigned to the ship are calculated, being—

- (a) the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings open to the weather, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing; or
- (b) at the request of the owner and subject to the approval of the Secretary of State, a deck lower than that described in subparagraph (a) above, it being a complete and permanent deck which is continuous both in a fore and aft direction at least between the machinery space and peak bulkheads of the ship, and athwartships.

When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck;

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom;

“length” and “(L)” in relation to a ship means the greater of the following distances, measured at and along the waterline—

- (a) the distance between the foreside of the stem and the axis of the rudder stock; or
- (b) a distance measured from the foreside of the stem, being 96 per cent of the distance between that point and the aft side of the stern.

The waterline referred to in this definition shall be at 85 per cent of the least moulded depth of the ship. In the case of a ship having a rake of keel, the waterline shall be parallel to the designed waterline;

“load line” means a mark on the ship indicating the maximum depth to which a ship may be loaded;

“local fisheries committee” means a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966(2);

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an Executive Agency of the Department of the Environment, Transport and the Regions;

“material date” for the purposes of the definitions of a new and an existing ship is—

- (a) in relation to a ship whose parent country is a Convention country other than the United Kingdom, the date on which the 1966 Convention entered into force for that country; and
- (b) in relation to any other ship, the 21st July 1968;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending that Notice;

“mobile offshore drilling unit” means a ship capable of engaging in drilling operations for the exploration or exploitation of resources beneath the sea bed such as liquid or gaseous hydrocarbons, sulphur or salt;

“mobile offshore support unit” means a ship used in connection with the offshore petroleum industry to provide ancillary services such as accommodation, cranes or repair facilities;

“moulded depth” in relation to a ship means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side, except that—

- (a) in the case of a wood or composite ship, it shall be measured from the lower edge of the keel rabbet;
- (b) if the form at the lower part of the midship section of the ship is of a hollow character or if thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (c) in the case of a ship having rounded gunwales it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design; and
- (d) if the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck;

“near-coastal voyage” means a voyage during which the vessel is never more than 150 nautical miles from a safe haven in the United Kingdom, or never more than 30 nautical miles from a safe haven in the Republic of Ireland;

“new ship” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date; and “existing ship” means a ship which is not a new ship;

“non-United Kingdom ship” means any ship other than a United Kingdom ship within the meaning of section 85(2) of the Merchant Shipping Act 1995;

“parent country”, in relation to a ship, means the country or territory in which the ship is registered or, if the ship is not registered anywhere, it means the country or territory whose flag the ship flies;

“pleasure vessel” means—

- (a) any ship which at the time it is being used is—
 - (i) (a) in the case of a ship wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (b) in the case of a ship owned by a body corporate, used only for sport or pleasure and on which the persons are employees or officers of the body corporate, or their immediate family or friends; and
- (ii) on a voyage or excursion for which the owner does not receive money for or in connection with operating the ship or carrying any person, other than as a contribution to the direct expenses of the operation of the ship incurred during the voyage or excursion; or
- (b) any ship wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure

of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and

- (c) in the case of any ship referred to in paragraph (a) or (b) above no other payments are made by or on behalf of users of the ship, other than by the owner.

In this definition “immediate family” in relation to an individual means, the husband or the wife of the individual, and a relative of the individual or the individual’s husband or wife, and “relative” means brother, sister, ancestor or lineal descendant;

“rake of keel” means the inclination of the keel to a horizontal baseline;

“sailing ship” means a ship designed to carry sail, whether as the sole means of propulsion, or as a supplementary means;

“sea” does not include Category A, B, C or D waters;

“surveyor” means a surveyor appointed by the Secretary of State or an exclusive surveyor of any other Assigning Authority;

“valid Convention certificate” means an International Load Line Certificate (1966) or an International Load Line Exemption Certificate issued under the 1966 Convention which is in force;

“watertight” in relation to any part of the ship, means capable of preventing the passage of water in any direction.

(2) In determining, for the purposes of the definition of an international voyage what are the ports between which a voyage is made no account shall be taken of any deviation by a ship from its intended voyage which is solely due to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

(3) Any reference in these Regulations to the 1966 Convention includes any amendment of it considered by the Secretary of State to be relevant from time to time, and specified in a Merchant Shipping Notice.

(4) In these Regulations—

- (a) a reference to a numbered Part is, unless otherwise stated, a reference to the Part of that number in these Regulations;
- (b) a reference to a numbered regulation is, unless otherwise stated, a reference to the regulation of that number in these Regulations; and
- (c) a reference in a regulation to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in that regulation.

(5) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

Repeals and revocations

3.—(1) The following provisions of the Merchant Shipping Act 1995 are hereby repealed:

- (a) section 89;
- (b) in section 261(4)(a), the words “89 (and Schedule 3),”;
- (c) in section 306(3) the words “paragraph 29 of Schedule 3”; and
- (d) Schedule 3.

(2) The following Instruments are hereby revoked, namely—

the Merchant Shipping (Load Line) (Transitional Provisions) Regulations 1968(3);

the Merchant Shipping (Load Line) Rules 1968(4);
the Merchant Shipping (Load Line) (Length of Ship) Regulations 1968(5);
the Merchant Shipping (Load Line) (Deck Cargo) Regulations 1968(6);
the Merchant Shipping (Load Line) (Exemption) Order 1968(7);
the Merchant Shipping (Load Line) (Amendment) Rule 1970(8);
the Merchant Shipping (Load Line) (Particulars of Depth of Loading) Regulations 1972(9);
the Merchant Shipping (Load Lines Convention) (Various Countries Order) 1977(10);
the Merchant Shipping (Load Line) (Amendment) Rules 1979(11);
the Merchant Shipping (Load Lines Convention) (Countries) Order 1981(12);
the Merchant Shipping (Load Line) (Exemption) (Amendment) Order 1990(13);
the Merchant Shipping (Load Line) (Amendment) Rules 1990(14);
the Merchant Shipping (Load Line) (Exemption) (Amendment) Order 1991(15) and
the Merchant Shipping (Load Line) Act 1967 (Unregistered Ships) Order 1993(16).

Application

4.—(1) These Regulations apply to United Kingdom ships wherever they may be and to other ships while they are within United Kingdom waters, except—

- (a) ships of war;
 - (b) ships solely engaged in fishing;
 - (c) pleasure vessels;
 - (d) ships which do not go to sea; and
 - (e) ships under 80 tons register falling within one of the classes specified in paragraph (2) engaged solely in the coasting trade, and, subject to paragraph (3), not carrying cargo—
- (2) Those classes are—
- (a) tugs or salvage ships;
 - (b) hopper barges or dredgers;
 - (c) ships used by or on behalf of—
 - (i) a general or local lighthouse authority for the purpose of the authority's functions as such;
 - (ii) a Government department for fishery protection purposes, or a local fisheries committee for the regulation of sea fisheries within its district;
 - (iii) a Government department for fishery or scientific research; or

(4) S.I. 1968/1053.
(5) S.I. 1968/1072.
(6) S.I. 1968/1089.
(7) S.I. 1968/1116.
(8) S.I. 1970/1003.
(9) S.I. 1972/1841.
(10) S.I. 1977/1875.
(11) S.I. 1979/1267.
(12) S.I. 1981/236.
(13) S.I. 1990/365.
(14) S.I. 1990/2128.
(15) S.I. 1991/1298.
(16) S.I. 1993/1994.

- (iv) the Secretary of State for Defence for the purpose of ensuring safety in the use of firing ranges or weapons at sea; and
 - (d) ships in respect of which passenger certificates are in force specifying limits beyond which the ship must not ply, and which operate solely within those limits;
 - (e) ships carrying not more than 12 passengers for sport or pleasure on a voyage in the course of which they are at no time more than 3 miles from land nor more than 15 miles from their point of departure, unless the point of departure lies within Category A, B, C or D waters, when the distance of 15 miles shall be measured from the seaward boundary of such limits.
- (3) A ship referred to in paragraph (1)(e) falling within the class in paragraph (2)(d) shall be excepted from the provisions of these Regulations while carrying cargo in accordance with the terms, if any, of the ship's passenger certificate expressly authorising the carriage of cargo.

Exemptions

5.—(1) Subject to paragraph (4) below the Secretary of State may exempt from these Regulations—

- (a) any ship which embodies features of a novel kind if the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded if the ship had to comply with all the requirements of these Regulations.
 - (b) any ship plying on international voyages between near neighbouring ports if—
 - (i) in his opinion the sheltered nature and condition of the voyages makes it unreasonable or impracticable to apply these Regulations; and
 - (ii) he is satisfied the Government of the other country (or, as the case may be, of each of the other countries) concurs in that opinion.
- (2) Subject to paragraph (4) below the Secretary of State may exempt from these Regulations:
- (a) a ship which is not a Convention-size ship;
 - (b) any other ship which does not ply on international voyages.

(3) Subject to paragraph (4) below, where a United Kingdom ship does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Secretary of State may exempt the ship while engaged on that voyage.

(4) Any exemption conferred under this regulation may be conferred subject to such conditions as the Secretary of State thinks fit; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

General compliance

6.—(1) Subject to any exemption conferred under these Regulations, a ship shall not proceed, or attempt to proceed, to sea unless—

- (a) it has been surveyed in accordance with these Regulations;
- (b) it is marked with the appropriate marks;
- (c) it complies with the conditions of assignment applicable to it; and
- (d) the information required by regulation 32 and 33 is provided for the guidance of the master of the ship.

(2) Paragraph (1) above does not apply to a non-United Kingdom ship in respect of which a valid Convention certificate is produced.

(3) A ship shall not be so loaded that—

- (a) if the ship is in salt water and has no list the appropriate load line on each side of the ship is submerged; or
 - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (4) A ship shall not proceed to sea when it is in contravention of paragraph (3).
- (5) Before any ship proceeds to sea from any port in the United Kingdom, the master of that ship shall produce to an officer of customs from whom a clearance for the ship is demanded for an international voyage:
- (i) an appropriate certificate;
 - (ii) an International Load Line Exemption Certificate issued under the Convention; or
 - (iii) a United Kingdom Load Line Exemption Certificate issued pursuant to regulation 12,
- as the case may be, which is in force in relation to the ship.
- (6) For the purpose of this regulation, where a valid Convention certificate cannot be produced the freeboard deck and the freeboard shall be determined in accordance with these Regulations and the appropriate load line shall be the maximum depth to which the ship may be loaded in salt water.