

SCHEDULES

SCHEDULE 3

Section 89.

LOAD LINES

GENERAL PROVISIONS

Ships to which Schedule applies

- 1 This Schedule applies to all ships except—
- (a) ships of war;
 - (b) ships solely engaged in fishing; and
 - (c) pleasure yachts.

Load Line rules

- 2 (1) The Secretary of State shall make rules in accordance with the following provisions of this Schedule (referred to as “the load line rules”); and in making those rules the Secretary of State shall have regard in particular to the Convention of 1966.
- (2) The load line rules shall make provision—
- (a) for the surveying and periodical inspection of ships to which this Schedule applies;
 - (b) for determining freeboards to be assigned from time to time to such ships;
 - (c) for determining, in relation to any such ship, the deck which is to be taken to be the freeboard deck of the ship, and for requiring the position of that deck to be indicated on each side of the ship by a mark of a description prescribed by the rules; and
 - (d) for determining, by reference to that mark and the freeboards for the time being assigned to any such ship, the positions in which each side of the ship is to be marked with lines of a description prescribed by the rules, indicating the various maximum depths to which the ship may be loaded in circumstances prescribed by the rules.
- (3) The load line rules shall include the following provisions—
- (a) provisions specifying such requirements in respect of the hulls, superstructures, fittings and appliances of ships to which this Schedule applies as appear to the Secretary of State to be relevant to the assignment of freeboards to such ships;
 - (b) provisions whereby, at the time when freeboards are assigned to a ship in accordance with the load line rules, such particulars relating to those requirements as may be determined in accordance with the rules are to be recorded in such manner as may be so determined; and
 - (c) provisions for determining by reference to those requirements and that record whether, at any time after freeboards have been so assigned to a ship

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and while they continue to be so assigned, the ship is for the purposes of this Schedule to be taken to comply, or not to comply, with the conditions of assignment;

and those provisions shall be set out separately in the load line rules under the title of “rules as to conditions of assignment”.

- (4) The load line rules shall also include provisions requiring such information relating to the stability of any ship to which freeboards are assigned thereunder, and such information relating to the loading and ballasting of any such ship, as may be determined in accordance with the rules to be provided for the guidance of the master of the ship in such manner as may be so determined.
- (5) In relation to any matter authorised or required by this Schedule to be prescribed by the load line rules, those rules may make different provision by reference to (or to any combination of) any of the following, that is to say, different descriptions of ships, different areas, different seasons of the year and any other different circumstances.
- (6) Except in so far as the context otherwise requires, in this Schedule “deck-line” means such a mark as is referred to in sub-paragraph (2)(c) above, and “load lines” means such lines as are referred to in sub-paragraph (2)(d) above.

UNITED KINGDOM SHIPS

COMPLIANCE WITH LOAD LINE RULES

- 3 (1) Subject to any exemption conferred by or under this Schedule, no United Kingdom ship to which this Schedule applies shall proceed or attempt to proceed to sea unless—
 - (a) the ship has been surveyed in accordance with the load line rules;
 - (b) the ship is marked with a deck-line and with load lines in accordance with those rules;
 - (c) the ship complies with the conditions of assignment; and
 - (d) the information required by those rules to be provided as mentioned in paragraph 2(4) of this Schedule is provided for the guidance of the master of the ship in the manner determined in accordance with the rules.
- (2) If any ship proceeds or attempts to proceed to sea in contravention of sub-paragraph (1) above, the owner or master of the ship shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (3) Any ship which in contravention of sub-paragraph (1) above attempts to proceed to sea without being surveyed and marked as mentioned in sub-paragraph (1)(a) and (b) above may be detained until it has been so surveyed and marked.
- (4) Any such ship as is mentioned in sub-paragraph (1) above which does not comply with the conditions of assignment shall be deemed to be dangerously unsafe for the purposes of sections 95, 96 and 97.

Submersion of load lines

- 4 (1) Where a United Kingdom ship to which this Schedule applies is marked with load lines, the ship shall not be so loaded that—

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- (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.
- (2) If any ship is loaded in contravention of sub-paragraph (1) above, the owner or master of the ship shall (subject to sub-paragraph (5) below) be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum and to such additional fine, not exceeding an amount calculated in accordance with sub-paragraph (3) below, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention;
 - (b) on conviction on indictment, to a fine.
- (3) Any additional fine imposed under sub-paragraph (2)(a) above shall not exceed £1,000 for each complete centimetre by which—
- (a) in a case falling within sub-paragraph (1)(a) above, the appropriate load line on each side of the ship was submerged, or
 - (b) in a case falling within sub-paragraph (1)(b) above, the appropriate load line on each side of the ship would have been submerged as therein mentioned.
- (4) If the master of a ship takes the ship to sea when it is loaded in contravention of sub-paragraph (1) above, or if any other person, having reason to believe that the ship is so loaded, sends or is party to sending the ship to sea when it is loaded in contravention of that sub-paragraph, then (without prejudice to any fine to which he may be liable in respect of an offence under sub-paragraph (2) above) he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (5) Where a person is charged with an offence under sub-paragraph (2) above, it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (6) Without prejudice to any proceedings under the preceding provisions of this paragraph, any ship which is loaded in contravention of sub-paragraph (1) above may be detained until it ceases to be so loaded.
- (7) For the purposes of the application of this paragraph to a ship in any circumstances prescribed by the load line rules in accordance with paragraph 2(2)(d) of this Schedule, “the appropriate load line” means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

Miscellaneous offences in relation to marks

- 5 Where a United Kingdom ship to which this Schedule applies is marked in accordance with any requirements as to marking imposed by or under this Schedule, then if—
- (a) the owner or master of the ship fails without reasonable excuse to keep the ship so marked, or

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- (b) any person conceals, removes, alters, defaces or obliterates, or causes or permits any person under his control to conceal, remove, alter, deface or obliterate, any mark with which the ship is so marked, except where he does so under the authority of a person empowered under the load line rules to authorise him for that purpose,

he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Issue of load line certificates

- 6 (1) Where a United Kingdom ship to which this Schedule applies has been surveyed and marked in accordance with the load line rules, the appropriate certificate shall be issued to the owner of the ship on his application.
- (2) For the purposes of this paragraph the appropriate certificate—
- (a) in the case of a pre-1966 Convention ship of not less than 150 tons gross tonnage, and in the case of a post-1966 Convention ship of not less than 24 metres in length, is a certificate which shall continue to be called an “International Load Line Certificate (1966)”, and
- (b) in the case of any other ship, is a certificate which shall continue to be called a “United Kingdom load line certificate”.
- (3) Subject to sub-paragraph (4) below, any certificate required by sub-paragraph (1) above to be issued—
- (a) shall be issued by the Secretary of State or by a person authorised for that purpose by the Secretary of State, and
- (b) shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.
- (4) The Secretary of State may request a Contracting Government, other than Her Majesty’s Government in the United Kingdom, to issue an International Load Line Certificate (1966) in respect of any ship to which this Schedule applies which is a United Kingdom ship falling within sub-paragraph (2)(a) above; and the following provisions of this Schedule shall have effect in relation to such a certificate so issued, which contains a statement that it has been issued at the request of Her Majesty’s Government in the United Kingdom, as they have effect in relation to an International Load Line Certificate (1966) issued by the Secretary of State.

Effect of load line certificate

- 7 Where a certificate, issued in pursuance of paragraph 6 and for the time being in force, is produced in respect of the ship to which the certificate relates—
- (a) the ship shall be deemed to have been surveyed in accordance with the load line rules, and
- (b) if lines are marked on the ship corresponding in number and description to the deck-line and load lines as required by the load line rules, and the positions of those lines so marked correspond to the positions of the deck-line and load lines so specified in the certificate, the ship shall be deemed to be marked as required by those rules.

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Duration, endorsement and cancellation of load line certificates

- 8 (1) The load line rules shall make provision for determining the period during which any certificate issued under paragraph 6 of this Schedule is to remain in force, including—
- (a) provision enabling the period for which any such certificate is originally issued to be extended within such limits and in such circumstances as may be prescribed by the rules, and
 - (b) provision for cancelling any such certificate in such circumstances as may be so prescribed.
- (2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to—
- (a) periodical inspections of the ship in accordance with the load line rules, and
 - (b) any extension of the period for which the certificate was issued,
- as may be prescribed by the rules.

Ships not to proceed to sea without load line certificate

- 9 (1) Subject to any exemption conferred by or under this Schedule, no United Kingdom ship to which this Schedule applies shall proceed or attempt to proceed to sea unless the appropriate certificate is in force in respect of the ship.
- (2) Before any such ship proceeds to sea, the master of the ship shall produce the appropriate certificate to the officer of customs and excise from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.
- (3) If any ship proceeds or attempts to proceed to sea in contravention of this paragraph, the master of the ship shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) In this paragraph “the appropriate certificate” means the certificate which is the appropriate certificate for the purposes of paragraph 6 of this Schedule.

Publication of load line certificate and entry of particulars in official log book

- 10 (1) Where a certificate is issued in respect of a ship under paragraph 6 of this Schedule the owner of the ship shall forthwith on receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and shall cause it to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use.
- (2) Before any United Kingdom ship to which this Schedule applies leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship, subject to sub-paragraph (4) below, shall cause a notice to be posted up in some conspicuous place on board the ship, which shall be in such form and containing such particulars relating to the depth to which the ship is for the time being loaded as may be specified in regulations made by the Secretary of State under this Schedule.
- (3) Where a notice required by sub-paragraph (2) above has been posted up, the master of the ship shall cause it to be kept posted up and legible as required by that sub-paragraph until the ship arrives at some other dock, wharf, harbour or place.

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- (4) The regulations may exempt ships employed in trading or going between places in the limited European trading area, or any class of such ships specified in the regulations, from the requirements as to notices contained in sub-paragraph (2) above.
- (5) If the owner or master of a ship fails to comply with any requirement imposed on him by the preceding provisions of this paragraph, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this paragraph “the limited European trading area” has the same meaning as in regulations under section 47.

Inspection of ships

- 11 A ship surveyor or engineer surveyor may inspect any United Kingdom ship to which this Schedule applies for the purpose of seeing that the provisions of this Schedule have been complied with in respect of the ship.

NON-UNITED KINGDOM SHIPS

VALID CONVENTION CERTIFICATES

- 12 (1) This paragraph applies to any non-United Kingdom ship to which this Schedule applies which—
- (a) is registered in a Convention country or, not being registered in any such country or elsewhere, flies the flag of a Convention country, and
 - (b) is either a pre-1966 Convention ship of not less than 150 tons gross tonnage or a post-1966 Convention ship of not less than 24 metres in length.
- (2) The Secretary of State may, at the request of the Government of the parent country of a ship to which this paragraph applies, issue in respect of the ship a certificate in such form as may be prescribed by the load line rules, if the Secretary of State is satisfied that he could properly issue a certificate in respect of the ship under paragraph 6(1) of this Schedule if the ship were a United Kingdom ship.
- (3) The load line rules shall make such provision as appears to the Secretary of State to be appropriate for securing that certificates which are issued as International Load Line Certificates (1966) in respect of ships to which this paragraph applies, and are so issued by Governments other than Her Majesty’s Government in the United Kingdom, shall be recognised for the purposes of this Schedule in such circumstances as may be prescribed by the rules.
- (4) Certificates issued as mentioned in sub-paragraph (2) or (3) above shall be included among the certificates called “International Load Line Certificates (1966)”.
- (5) In this Schedule “valid Convention certificate” means a certificate which either—
- (a) has been issued under sub-paragraph (2) above and is for the time being in force, or
 - (b) having been issued as mentioned in sub-paragraph (3) above, is produced in circumstances in which it is required by the load line rules to be recognised for the purposes of this Schedule.

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Compliance with load line rules

- 13 (1) Subject to sub-paragraph (2) below, and to any exemption conferred by or under this Schedule, no non-United Kingdom ship to which this Schedule applies shall proceed or attempt to proceed to sea from any port in the United Kingdom unless—
- (a) the ship has been surveyed in accordance with the load line rules;
 - (b) the ship is marked with a deck-line and with load lines in accordance with those rules;
 - (c) the ship complies with the conditions of assignment; and
 - (d) the information required by those rules to be provided as mentioned in paragraph 2(4) of this Schedule is provided for the guidance of the master of the ship in the manner determined in accordance with the rules.
- (2) Sub-paragraph (1) above does not apply to a ship in respect of which a valid Convention certificate is produced.
- (3) If any ship proceeds or attempts to proceed to sea in contravention of the preceding provisions of this paragraph, the owner or master of the ship shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) Any ship which in contravention of this paragraph attempts to proceed to sea without being surveyed and marked as mentioned in sub-paragraphs (1)(a) and (b) above may be detained until it has been so surveyed and marked.
- (5) If any such ship as is mentioned in sub-paragraph (1) above, not being a ship in respect of which a valid Convention certificate is produced, does not comply with the conditions of assignment it shall be deemed to be dangerously unsafe for the purposes of sections 95, 96 and 97.

Submersion of load lines

- 14 (1) Where a non-United Kingdom ship to which this Schedule applies is within any port in the United Kingdom, and is marked with load lines, the 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.
- (2) Sub-paragraphs (2), (3), (5) and (6) of paragraph 4 of this Schedule shall have effect for the purposes of this paragraph as if any reference in those sub-paragraphs to sub-paragraph (1) of that paragraph, or to sub-paragraph (1)(a) or (b) of that paragraph, were a reference to sub-paragraph (1), or (as the case may be) to the corresponding provision of sub-paragraph (1) of this paragraph, subject, however, to sub-paragraph (3) below.
- (3) In the case of a ship to which paragraph 12 of this Schedule applies, the ship shall not be detained, and no proceedings shall be brought by virtue of sub-paragraph (2) above, unless the ship has been inspected by a ship surveyor or engineer surveyor in pursuance of paragraph 17 of this Schedule.
- (4) In relation to a ship in respect of which a valid Convention certificate is produced, “load line” in sub-paragraph (1) above means a line marked on the ship in the position

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of a load line specified in that certificate; and for the purposes of the application of the relevant provisions to such a ship in any circumstances for which a particular load line is specified in the certificate, the “appropriate load line” means the load line which, in accordance with the certificate, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

- (5) Where a valid Convention certificate is not produced in respect of a ship, then, for the purposes of the application of the relevant provisions to that ship in any circumstances prescribed by the load line rules in accordance with paragraph 2(2)(d) of this Schedule, “the appropriate load line” means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.
- (6) In sub-paragraphs (4) and (5) above “the relevant provisions” means the provisions of sub-paragraph (1) above and any provisions of paragraph 4 of this Schedule as applied by sub-paragraph (2) above.

United Kingdom load line certificates

- 15 (1) Where a non-United Kingdom ship to which this Schedule applies has been surveyed and marked in accordance with the load line rules, then on the application of the owner of the ship a United Kingdom load line certificate shall be issued to him by the Secretary of State or by a person authorised for the purpose by the Secretary of State.
- (2) Subject to sub-paragraph (3) below, paragraphs 7 and 8 of this Schedule shall have effect in relation to a certificate issued under sub-paragraph (1) above as they have effect in relation to a certificate issued under paragraph 6 of this Schedule.
- (3) Any certificate issued under sub-paragraph (1) above in respect of a ship to which paragraph 12 of this Schedule applies shall be valid only so long as the ship is not plying on international voyages, and shall be cancelled by the Secretary of State if he has reason to believe that the ship is plying on international voyages.

Production of certificate to customs and excise officer

- 16 (1) Subject to any exemption conferred by or under this Schedule, before a non-United Kingdom ship to which this Schedule applies proceeds to sea from any port in the United Kingdom, the master of the ship shall produce the appropriate certificate to the officer of customs and excise from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.
- (2) For the purposes of this paragraph the appropriate certificate—
- (a) in the case of a ship to which paragraph 12 of this Schedule applies, where a clearance for the ship is demanded in respect of an international voyage, is a valid Convention certificate;
 - (b) in the case of any such ship, where a clearance for the ship is demanded in respect of any other voyage, is either a valid Convention certificate or a United Kingdom load line certificate for the time being in force in respect of the ship; and
 - (c) in any other case, is a United Kingdom load line certificate for the time being in force in respect of the ship.

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Provisions as to inspection

- 17 (1) Subject to the following provisions of this paragraph, a ship surveyor or engineer surveyor may inspect any non-United Kingdom ship to which this Schedule applies while the ship is within any port in the United Kingdom.
- (2) Any such surveyor may go on board any ship to which paragraph 12 of this Schedule applies, while the ship is within any port in the United Kingdom, for the purpose of demanding production of any International Load Line Certificate (1966) or United Kingdom load line certificate for the time being in force in respect of the ship.
- (3) If on any such demand a valid Convention certificate is produced to the surveyor in respect of the ship, the powers of the surveyor under sub-paragraph (1) above shall be limited to seeing—
- (a) that the ship is not loaded beyond the limits allowed by the certificate;
 - (b) that lines are marked on the ship in the positions of the load lines specified in the certificate;
 - (c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position in which any of those lines ought to be marked; and
 - (d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.
- (4) If on an inspection of a ship under this paragraph the ship is found to have been so materially altered in respect of the matters referred to in sub-paragraph (3)(c) or (d) above that the ship is manifestly unfit to proceed to sea without danger to human life, it shall be deemed to be dangerously unsafe for the purposes of sections 95, 96 and 97.
- (5) Where a ship is detained under the provisions of this Act as applied by sub-paragraph (4) above, the Secretary of State shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

EXEMPTIONS

POWER TO MAKE EXEMPTION ORDERS

- 18 (1) If in the opinion of the Secretary of State the sheltered nature and conditions of international voyages—
- (a) between near neighbouring ports in the United Kingdom and in another Convention country, or
 - (b) between near neighbouring ports in any two or more countries or territories outside the United Kingdom,
- make it unreasonable or impracticable to apply the provisions of this Schedule to ships plying on such voyages, and the Secretary of State is satisfied that the Government of the other country or territory (or, as the case may be, of each of the other countries or territories) concurs in that opinion, the Secretary of State may by order specifying those ports direct that ships plying on international voyages between those ports, or any class of such ships specified in the order, shall be exempt from the provisions of this Schedule.

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- (2) The Secretary of State may by order direct that ships under 80 tons register engaged solely in the coasting trade, or any class of such ships specified in the order, shall be exempt from the provisions of this Schedule while not carrying cargo, or (if the order so provides) shall be exempt from the provisions of this Schedule whether carrying cargo or not.
- (3) Any order under this paragraph may be made subject to such conditions as the Secretary of State thinks fit; and, where any such order is made subject to conditions, the exemption conferred by that order shall not have effect in relation to a ship unless the ship complies with those conditions.

Further powers to exempt ships

- 19 (1) In this paragraph any reference to exempting a ship is a reference to exempting the ship either—
 - (a) from all the provisions of this Schedule and of the load line rules, or
 - (b) from such of those provisions as are specified in the instrument conferring the exemption.
- (2) On the application of the owner of a United Kingdom ship to which this Schedule applies which is either a pre-1966 Convention ship of not less than 150 tons gross tonnage or a post-1966 Convention ship of not less than 24 metres in length, the Secretary of State may exempt the ship if in his opinion the ship embodies features of a novel kind such that, if the ship had to comply with all the requirements of this Schedule and of the load line rules, the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded.
- (3) On the application of the owner of a United Kingdom ship to which this Schedule applies which is either—
 - (a) a pre-1966 Convention ship of less than 150 tons gross tonnage or a post-1966 Convention ship of less than 24 metres in length, or
 - (b) a ship (not falling within (a) above) which does not ply on international voyages,
 the Secretary of State may exempt the ship.
- (4) Without prejudice to sub-paragraph (3) above, where a United Kingdom ship to which this Schedule applies which is either a pre-1966 Convention ship of not less than 150 tons gross tonnage or a post-1966 Convention ship of not less than 24 metres in length, does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Secretary of State, on the application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.
- (5) Any exemption conferred under this paragraph 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.

Issue of exemption certificates

- 20 (1) Where the Secretary of State exempts a ship under paragraph 19 of this Schedule, the Secretary of State shall issue the appropriate certificate to the owner of the ship.

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- (2) For the purposes of this paragraph the appropriate certificate—
 - (a) where the exemption is conferred under sub-paragraph (2) or sub-paragraph (4) of paragraph 19 of this Schedule, is an “International Load Line Exemption Certificate”, and
 - (b) where the certificate is conferred under sub-paragraph (3) of that paragraph, is a “United Kingdom load line exemption certificate”.
- (3) Any certificate issued under this paragraph shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.

*Duration and termination of exemptions, and duration,
endorsement and cancellation of exemption certificates*

- 21 (1) The load line rules shall make provision for determining the period during which any exemption conferred under paragraph 19 of this Schedule, or any certificate issued under paragraph 20 of this Schedule, is to remain in force, including—
 - (a) provision enabling the period for which any exemption or certificate is originally conferred or issued to be extended within such limits and in such circumstances as may be prescribed by the rules, and
 - (b) provision for terminating any such exemption, and for cancelling any such certificate, in such circumstances as may be so prescribed.
- (2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to—
 - (a) periodical inspections of the ship in accordance with the load line rules, and
 - (b) any extension of the period for which the certificate was issued,as may be prescribed by the rules.

International Load Line Exemption Certificates

- 22 (1) The load line rules shall make such provision as appears to the Secretary of State to be appropriate for securing that exemption certificates which, in accordance with the Convention of 1966, are issued in respect of ships to which paragraph 12 of this Schedule applies, and are so issued by Governments other than Her Majesty’s Government in the United Kingdom, shall in such circumstances as may be prescribed by the rules have the like effect for the purposes of this Schedule as if they were valid Convention certificates.
- (2) Certificates issued as mentioned in sub-paragraph (1) above shall be included among “International Load Line Exemption Certificates”.

SUBDIVISION LOAD LINES AND DECK CARGO

SUBDIVISION LOAD LINES

- 23 (1) Where in pursuance of safety regulations a United Kingdom passenger ship to which this Schedule applies is marked with subdivision load lines, and the lowest of those lines is lower than the line which, apart from this sub-paragraph, would be the appropriate load line for the purposes of paragraph 4 of this Schedule, the said paragraph 4 shall have effect as if that subdivision load line were the appropriate load line for the purposes of that paragraph.

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- (2) Where in pursuance of safety regulations a non-United Kingdom passenger ship to which this Schedule applies is marked with subdivision load lines, and the lowest of those load lines is lower than the line which, apart from this sub-paragraph, would be the appropriate load line for the purposes of paragraph 14 of this Schedule, that paragraph shall have effect as if that subdivision load line were the appropriate load line for the purposes of that paragraph.

Deck cargo

- 24 (1) The Secretary of State shall make regulations (in this paragraph referred to as “the deck cargo regulations”) prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a ship to which this Schedule applies; and different requirements may be so prescribed in relation to different descriptions of ships, different descriptions of cargo, different voyages or classes of voyages, different seasons of the year or any other different circumstances.
- (2) If the load line rules provide (either generally or in particular cases or classes of cases) for assigning special freeboards to ships which are to have effect only where a cargo of timber is so carried, then (without prejudice to the generality of sub-paragraph (1) above) the deck cargo regulations may prescribe special requirements to be complied with in circumstances where any such special freeboard has effect.
- (3) In prescribing any such special requirements as are mentioned in sub-paragraph (2) above, the Secretary of State shall have regard in particular to the provisions of Chapter IV of the Convention of 1966.
- (4) If any provisions of the deck cargo regulations are contravened—
- (a) in the case of a United Kingdom ship, or
 - (b) in the case of any other ship while the ship is within any port in the United Kingdom,
- the master of the ship shall (subject to sub-paragraph (5) below) be liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum;
 - (ii) on conviction on indictment, to a fine.
- (5) Where a person is charged with an offence under sub-paragraph (4) above, it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (6) For the purpose of securing compliance with the deck cargo regulations, any person authorised for the purpose by the Secretary of State may inspect any ship to which this Schedule applies which is carrying cargo in any uncovered space on its deck.

MISCELLANEOUS PROVISIONS

NOTICE TO CONSULAR OFFICER OF PROCEEDINGS AGAINST FOREIGN SHIPS

- 25 (1) Where any non-United Kingdom ship is detained under this Schedule, and where any proceedings are taken under this Schedule against the master or owner of any such ship, notice shall forthwith be served on the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being.

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- (2) A notice under this paragraph shall specify the grounds on which the ship has been detained or the proceedings have been taken.

Delivery up of certificates

- 26 (1) The Secretary of State may require any certificate which can be issued under this Schedule, which has expired or been cancelled, to be delivered up as he directs.
- (2) If any owner or master of a ship fails without reasonable excuse to comply with such a requirement he shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

Penalty for false statements etc.

- 27 (1) If any person intentionally makes, or assists in making, or procures to be made, a false or fraudulent certificate which can be issued under this Schedule he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine.
- (2) In Scotland, if any person—
- (a) forges, assists in forging or procures to be forged,
 - (b) fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered,
- any certificate which can be issued under this Schedule he shall be liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both; or
 - (ii) on conviction on indictment, to a fine or to imprisonment or to both.

Admissibility of certificates in evidence

- 28 Any certificate issued under this Schedule shall be admissible in evidence.

Convention countries

- 29 (1) Her Majesty, if satisfied—
- (a) that the Government of a country has accepted or acceded to, or has denounced, the Convention of 1966, or
 - (b) that the Convention of 1966 extends, or has ceased to extend, to a particular territory,
- may by Order in Council make a declaration to that effect.
- (2) In this Schedule “Convention country” means a country or territory which is either—
- (a) a country the Government of which has been declared under this paragraph to have accepted or acceded to the Convention of 1966, and has not been so declared to have denounced that Convention, or
 - (b) a territory to which it has been so declared that the Convention of 1966 extends, not being a territory to which it has been so declared that that Convention has ceased to extend,

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and “Contracting Government” means any such Government as is referred to in (a) above.

Orders, rules and regulations

- 30 Any Order in Council, order, rules or regulations made under this Schedule may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty in Council, or (as the case may be) to the Secretary of State, to be appropriate.

Interpretation

- 31 (1) In this Schedule, except in so far as the context otherwise requires—
- “alteration” includes deterioration;
 - “clearance” includes transire;
 - “the Convention of 1966” means the International Convention on Load Lines which was signed in London on 5th April 1966;
 - “Convention country” and “Contracting Government” have the meanings given to them by paragraph 29(2) of this Schedule;
 - “non-United Kingdom ship” means a ship which is not registered in the United Kingdom;
 - “post-1966 Convention ship” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date; and “pre-1966 Convention ship” means a ship which is not a post-1966 Convention ship;
 - “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, means the country or territory whose flag the ship flies;
 - “valid Convention certificate” has the meaning given to it by paragraph 12(5) of this Schedule.
- (2) For the purposes of the definitions of pre-1966 and post-1966 Convention ship the material date—
- (a) in relation to a ship whose parent country is a Convention country other than the United Kingdom, is the date as from which it is declared under paragraph 29 of this Schedule either that the Government of that country has accepted or acceded to the Convention of 1966 or that it is a territory to which that Convention extends, and
 - (b) in relation to any other ship, is 21st July 1968.
- (3) In this Schedule, subject to sub-paragraph (4) below, “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.
- (4) In determining, for the purposes of sub-paragraph (3) above, 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 due solely 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; and for the purposes of that sub-paragraph any colony, protectorate or other dependency, and any territory for whose

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international relations a Government is separately responsible shall be taken to be a separate territory.

- (5) Any reference in this Schedule to the gross tonnage of a ship shall be construed as a reference to the tonnage of the ship as ascertained in accordance with the tonnage regulations; and, where in accordance with those regulations alternative tonnages are assigned to a ship, the gross tonnage of the ship shall, for the purposes of this Schedule, be taken to be the larger of those tonnages.
- (6) For the purposes of this Schedule the length of a ship shall be ascertained in accordance with regulations made by the Secretary of State under this Schedule.
- (7) Any reference in this Schedule to any provision of the Convention of 1966 shall, in relation to any time after that provision has been amended in pursuance of Article 29 of that Convention, be construed as a reference to that provision as so amended.