



Merchant Shipping Act 1964

1964 CHAPTER 47

An Act to enable effect to be given to an International Convention for the Safety of Life at Sea signed in London on 17th June 1960; to amend section 271 of the Merchant Shipping Act 1894; and for purposes connected therewith. [10th June 1964]

Modifications etc. (not altering text)

- C1 Functions of Minister of Transport under this Act now exercisable by Secretary of State by virtue of S.I. 1965/145, art. 2, Sch. 1, 1970/1537, art. 2 and S.I. 1983/1127, art. 2(4)
- C2 Act amended by Merchant Shipping (Safety Convention) Act 1977 (c. 24), ss. 1(3)(c), 4(1)
- C3 Act extended by S.I. 1981/584, regs. 2–5
- C4 Act modified by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 47(2)(b), (with s. 58(4), Sch. 8 para. 1) and by S.I. 1989/1991, art. 10
- C5 Act excluded by S.I. 1989/1991, arts. 11–14

Application of Act of 1949 to new Convention

1 Application of Act of 1949 to Convention of 1960.

.....^{F1} the^{M1} Merchant Shipping (Safety Convention) Act 1949 (in this Act referred to as “the Act of 1949”) shall have effect as if—

- (a)^{F2}
- (b) references therein to that Act, except in subsections (1) and (4) of section 37 (commencement and citation), included references to this Act.

Textual Amendments

- F1 Words repealed by Merchant Shipping (Safety Convention) Act 1977 (c. 24), ss. 1(3)(a), 4(1)
- F2 S. 1(a) repealed by Merchant Shipping (Safety Convention) Act 1977 (c. 24), ss. 1(3)(a), 4(1)

Marginal Citations

- M1 1949 c. 43.

Status: Point in time view as at 01/05/1994.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1964. (See end of Document for details)

New requirements for cargo ships

^{F3}2

Textual Amendments

F3 S. 2 repealed (1.5.1994) by 1993 c. 22, s. 84, **Sch. 3 Pt.II**; S.I. 1993/3137, **art. 3(2) Sch.2**

3 Cargo ship safety construction certificates and exemption certificates.

- (1) If the Minister or such person as he may authorise for the purpose is satisfied, on receipt of declarations of survey in respect of a ship to which [^{F4}section 2 of this Act or the 1981 Regulations or the 1984 Regulations apply] and which is registered in the United Kingdom, that the ship complies with the cargo ship construction and survey rules applicable to the ship and such voyages as she is to be engaged on he shall, on the application of the owner, issue in respect of the ship—
 - (a) if the ship is of not less than five hundred tons gross tonnage and is to be engaged on international voyages, a certificate in the form prescribed by the Convention [^{F5}or by the Protocol of 1978 relating to the Convention;]
 - (b) in any other case, a certificate showing that she complies with the said rules; and any such certificate is in this Act referred to as a cargo ship safety construction certificate.
- (2) If the Minister, on receipt of declarations of survey in respect of such a ship, is satisfied that the ship is exempt, by virtue of any exercise by him of a power conferred on him by section 28 of the Act of 1949 or the cargo ship construction and survey rules, from any of the requirements of those rules applicable to the ship and to such voyages as she is to be engaged on, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of the ship—
 - (a) if she is of not less than five hundred tons gross tonnage and is to be engaged on international voyages—
 - (i) an exemption certificate stating which of the requirements of the Convention, being requirements implemented by the rules and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying on the voyages and complying with the other conditions (if any) specified in the certificate; and
 - (ii) a certificate showing that the ship complies with the rest of those requirements;
 - (b) in any other case, a certificate showing that the ship complies with such of the requirements of the cargo ship construction and survey rules applicable to the ship and to the voyages she is to be engaged on as she is not exempt from; and any certificate issued under paragraph (a)(ii) or paragraph (b) of this subsection is in this Act referred to as a qualified cargo ship safety construction certificate.
- (3) A certificate issued under this section, other than an exemption certificate, shall remain in force for five years or such shorter period as may be specified in it, but without prejudice to the Minister's power to cancel it; and an exemption certificate issued under this section shall remain in force for the same period as the corresponding qualified certificate.

Status: Point in time view as at 01/05/1994.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1964. (See end of Document for details)

- (4) F6
- (5) Without prejudice to the power of extension conferred by section 13(5) of the Act of 1949, where a certificate under this section is in force in respect of a ship and the certificate was issued for a shorter period than is allowed under the foregoing provisions of this section, the Minister or any person authorised by him for the purpose may, if satisfied on receipt of declarations of survey in respect of the ship that it is proper to do so, grant an extension of the certificate for a period not exceeding one year, and not exceeding, together with the period for which it was issued and any period by which it has been previously extended under this subsection, the longest period for which it could have been issued under this section.
- (6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—
- (a) the provisions applied by section 13(8) of the Act of 1949 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister) except section 276 of the principal Act (transmission of certificates); and
 - (b) section 33 of the Act of 1949 (fees);
- shall apply as they apply in relation to certificates issued by the Minister, except that so much of the said section 33 as requires fees to be paid into the Exchequer shall not apply.
- (7) An order under subsection (4) of this section may be varied or revoked by a subsequent order.

Textual Amendments

- F4** Words substituted by virtue of S.I. 1985/212, reg. 3, Sch. 2
- F5** Words added by S.I. 1981/568, reg. 5, Sch. 2
- F6** S. 3(4) repealed by S.I. 1981/568, reg. 5, Sch. 2

4 Notice of alterations and additional surveys.

- (1) The duty of the owner or master of a ship under subsection (2) of section 11 of the Act of 1949 to notify alterations and renewals shall extend, in relation to any ship in respect of which a certificate under section 3 of this Act is in force, to the hull, machinery and any equipment other than that mentioned in that subsection, but may, if the certificate was issued by a person authorised under the said section 3, be discharged by notifying him instead of the Minister.
- (2) Subsection (4) of the said section 11 (additional survey and cancellation of certificates) shall have effect, in relation to any such ship, as if—
- (a) paragraph (a) thereof extended to any alteration or renewal which is notifiable by virtue of this section; and
 - (b) paragraph (b) and not paragraph (c) thereof were applicable, notwithstanding that the ship is not a passenger steamer;
- and the power of the Minister under that subsection to cancel such a certificate shall be exercisable also where the ship has not been submitted for survey as required by the cargo ship construction and survey rules.

Status: Point in time view as at 01/05/1994.

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5 Prohibition on proceeding to sea without appropriate certificates.

- (1) No ship to which [^{F7}section 2 of this Act or the 1981 Regulations or the 1984 Regulations apply] and which is registered in the United Kingdom shall proceed to sea unless there is in force in respect of the ship either—
 - (a) a cargo ship safety construction certificate; or
 - (b) a qualified cargo ship safety construction certificate and, if the ship is about to proceed on an international voyage, a corresponding exemption certificate; or
 - (c) such certificate or certificates as would be required if she were a passenger steamer,
 applicable to the ship and to the voyage on which she is about to proceed.
- (2) If any ship proceeds, or attempts to proceed, to sea in contravention of this section the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.
- (3) The master of every ship to which [^{F7}section 2 of this Act or the 1981 Regulations or the 1984 Regulations apply] and which is registered in the United Kingdom shall produce to the officer of customs from whom a clearance for the ship is demanded the certificate or certificates required by the foregoing provisions of this section; and the clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.

Textual Amendments
F7 Words substituted by virtue of S.I. 1985/212, reg. 3, **Sch. 2**

Modifications etc. (not altering text)
C6 S. 5(2) amended by Merchant Shipping Act 1979 (c. 39, SIF 111), s. 43(2), **Sch. 6 Pt. V** and Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 49(1)

6 ^{F8}

Textual Amendments
F8 S. 6 repealed by S.I. 1981/568, reg. 5, **Sch. 2**

7 Penalty for non-compliance with rules and power to detain.

- (1) If the [^{F9}rules made under section 2 of this Act] are contravened in any respect in relation to a ship, the owner or master of the ship shall be liable on conviction on indictment to a fine not exceeding five hundred pounds, or on summary conviction to a fine not exceeding one hundred pounds.
- (2) A surveyor of ships may inspect any ship for the purpose of seeing that she complies with the provisions of the cargo ship construction and survey rules (other than those relating to survey) . . . ^{F10}; and if he finds that the ship fails to comply with those provisions he shall give to the owner or master notice in writing stating in what respect she fails to comply with them and what in his opinion is requisite to remedy the failure.
- (3) Every notice under subsection (2) of this section shall be communicated in manner directed by the Minister to the chief officer of customs of any port at which the ship

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may seek to obtain a clearance or transire; and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the failure has been remedied.

Textual Amendments

- F9** Words substituted by [S.I. 1980/539, reg. 3, Sch. 2](#)
- F10** Words repealed (1.10.1979) by [Merchant Shipping Act 1979 \(c. 39\), Sch. 7 Pt. II](#)

Modifications etc. (not altering text)

- C7** [S. 7\(1\)](#) amended by [Merchant Shipping Act 1979 \(c. 39, SIF 111\), s. 43\(2\), Sch. 6 Pt. V](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 49\(1\)](#)

Damage control and life-saving appliances

^{F11}8

Textual Amendments

- F11** [S. 8](#) repealed (1.5.1994) by [1993 c. 22, s. 84, Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\), Sch.2](#)

9 Subsection (1) of section 427 of the principal Act (which empowers the Minister of Transport to make rules for life-saving appliances) shall be amended as follows:—

- (a) ^{F12}
- (b) after paragraph (m) there shall be inserted the following paragraph:—
 - “(mm) the provision in ships of plans or other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of fire”;
- (c) in paragraph (q) (examination of appliances and equipment required by the rules to be carried) after the word “examination” there shall be inserted the words “and maintenance”.

Textual Amendments

- F12** [S. 9\(a\)](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. X](#)

Modifications etc. (not altering text)

- C8** The text of s. 9(b)(c) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Radio installations and certificates

^{F13}10

Status: Point in time view as at 01/05/1994.

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Textual Amendments

F13 S. 10 repealed (1.5.1994) by 1993 c. 22, s. 84 Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2), Sch.2

11 Radio installations.

For subsection (4) of section 3 of the Act of 1949 (which specifies the radio installations to be require under the radio rules) there shall be substituted the following subsection:—

- “(4) The radio installation required under the said rules to be provided—
 - (a) for a passenger steamer of whatever tonnage, or for any ship of sixteen hundred tons gross tonnage or upwards which is neither a passenger steamer nor a fishing vessel, shall be a radiotelegraph installation ; and
 - (b) for any other ship shall be either a radiotelephone installation or a radiotelegraph installation, at the option of the owner.”

Modifications etc. (not altering text)

C9 The text of s. 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

12 Renewal of radio certificates for small cargo ships.

Where a radio certificate or qualified radio certificate is in force in respect of a ship of less than five hundred tons gross tonnage, other than a passenger steamer, and the ship is surveyed by a radio surveyor at a time not earlier than two months before the end of the period for which the certificate is in force, then, if on receipt of the declaration of survey a new certificate is issued before the end of that period,—

- (a) the current certificate may be cancelled; and
- (b) the new certificate may, notwithstanding anything in section 13(3) of the Act of 1949, be issued for a period ending not later than twelve months after the end of the first-mentioned period.

Miscellaneous

13 Issue of exemption certificates where Convention country issues corresponding qualified certificates.

Where the Minister, under section 13(9) of the Act of 1949, requests the government of a country to which the Convention applies to issue in respect of a ship such certificates as he is authorised to issue under subsection (2) of section 7, 8 or 9 of that Act or under paragraph (a) of section 3(2) of this Act, and that government is willing to issue, in pursuance of that request, a qualified certificate thereunder but is not willing to issue the corresponding exemption certificate, the Minister may issue that exemption certificate in respect of the ship.

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Textual Amendments

F14 S. 14 repealed by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27\)](#), s. 33, [Sch. 2](#)

F15 15

Textual Amendments

F15 S. 15 repealed (1.5.1994) by [1993 c. 22](#), s. 84, [Sch. 5 Pt.II](#); [S.I. 1993/3137](#), [art. 3\(2\) Sch.2](#)

16 Extension of duty to report dangers to navigation.

The matters of which information is to be sent by the master of a ship in accordance with rules under section 24 of the ^{M2}Merchant Shipping (Safety and Load Line Conventions) Act 1932 shall include—

- (a) air temperatures below freezing point associated with gale force winds causing severe ice accretion on the superstructure of ships; and
- (b) winds of force 10 or above on the Beaufort Scale for which no storm warning has been received.

Marginal Citations

M2 [1932 c. 9](#).

17 Amendment of Merchant Shipping Act 1894, s. 271.

(1) For subsection (1) of section 271 of the principal Act (which prohibits passenger steamers carrying more than twelve passengers from sailing without a certificate of survey) there shall be substituted the following subsection:—

“(1) Every passenger steamer which carries more than twelve passengers shall be surveyed once at least in each year in the manner provided in this Part of this Act ; and no ship (other than a steam ferry boat working in chains) shall proceed to sea or on any voyage or excursion with more than twelve passengers on board, unless there is in force in respect of the ship a certificate as to survey under this Part of this Act, applicable to the voyage or excursion on which the ship is about to proceed, or that voyage or excursion is one in respect of which the Minister of Transport has exempted the ship from the requirements of this subsection.”

and at the end of subsection (2) of that section (which enables a passenger ship to be detained until such a certificate is produced) there shall be inserted the words. “ unless the voyage or excursion on which she is about to proceed is one in respect of which she has been exempted as aforesaid ”.

(2) References in the Merchant Shipping Acts to a passenger steamer shall be construed as including any ship while on or about to proceed on a voyage or excursion in any case where a passenger steamer’s certificate is required to be in force in respect of her.

Status: Point in time view as at 01/05/1994.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1964. (See end of Document for details)

Modifications etc. (not altering text)

- C10** The text of s. 17(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Supplementary

18 Transitional provisions and repeals.

- (1) **F16**
(4) **F17**

Textual Amendments

- F16** S. 18(1)–(3) repealed by Merchant Shipping (Safety Convention) Act 1977 (c. 24), ss. 1(3)(b), 4(1)
F17 S. 18(4) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

19 Commencement, construction, citation and extent.

- (1) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.
- (2) In the Act of 1949 “the Merchant Shipping Acts” shall mean the Merchant Shipping Acts 1894 to 1958 and this Act; and this Act shall be construed as one with those Acts.
- (3) This Act may be cited as the Merchant Shipping Act 1964, and the Merchant Shipping Acts 1894 to 1958 and this Act may be cited together as the Merchant Shipping Acts 1894 to 1964.
- (4) This Act extends to Northern Ireland.

Modifications etc. (not altering text)

- C11** 26.5.1965 appointed under s. 19(1) by S.I. 1965/317

[^{F18}Interpretation.]

Textual Amendments

- F18** S. 20 added by S.I. 1980/539, reg. 3, Sch. 2

[^{F19}20

In this Act—

[^{F20}“cargo ship construction and survey rules” means—

- (i) in relation to United Kingdom ships to which the 1981 Regulations apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and

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- (ii) [^{F21}in relation to United Kingdom ships to which the 1984 Regulations apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations;]
[^{F20}“the 1981 Regulations” means the Merchant Shipping (Cargo Ship, Construction and Survey) Regulations 1981]
[^{F22}“the 1984 Regulations” means the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984.]

Textual Amendments

- F19** S. 20 added by S.I. 1980/539, reg. 3, **Sch. 2**
F20 Definitions substituted in s. 20 by S.I. 1981/568, **Sch. 2**
F21 S. 20 para. (ii) substituted by S.I. 1985/212, reg. 3, **Sch. 2(a)**
F22 Definition added by S.I. 1985/212, reg. 3, **Sch. 2(b)**

Status:

Point in time view as at 01/05/1994.

Changes to legislation:

There are currently no known outstanding effects for the Merchant Shipping Act 1964.