



Merchant Shipping (Safety and Load Line Conventions) Act 1932

1932 CHAPTER 9

PART I

SAFETY OF LIFE AT SEA.

Construction and Surveys.

1 Construction and survey regulations to implement Chapter II of Safety Convention.

- (1) The construction regulations applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions relating to construction, machinery, equipment and marking of load lines which are contained in Chapter II of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts):

Provided that—

- (a) the Board may treat any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, (not being a steamer converted to passenger service on or after that date) as complying with any such requirement, if the Board are satisfied that such steps, if any, as are reasonable and practicable have been taken to make the steamer comply with that requirement;
- (b) the Board may, as respects passenger steamers plying on any international coasting voyage, modify any such requirement, if and to the extent that they are satisfied that the risks incurred by passenger steamers plying on that voyage are such as to make it unreasonable or unnecessary to require steamers so plying to comply with that requirement;
- (c) the Board may, as respects steamers for the time being engaged in any passenger trade in which they are employed in the carriage of large numbers of

Status: This is the original version (as it was originally enacted).

unberthed passengers, modify any such requirement, if they are satisfied that compliance with that requirement by steamers so engaged is impracticable and to the extent that they are satisfied that modifications are required by the conditions of the trade; and

- (d) the Board may, as respects any steamer plying on short international voyages, modify any of the requirements of the construction regulations which implement the provisions of the Safety Convention contained in Regulations IX, X, XV and XIX thereof, if and to the extent that the Board are satisfied that that requirement is neither reasonable nor practicable in the case of that steamer.

(2) If it appears to the Board of Trade—

- (a) that passenger steamers plying on any international voyage incur exceptional risks owing to weather and traffic conditions; and
- (b) that owing to the small proportion of space allotted to cargo in any steamer constructed after the thirtieth day of June, nineteen hundred and thirty-one, or converted to passenger service after that date, the steamer can be sub-divided to a greater extent than is required by the Safety Convention;

the Board shall direct a ship surveyor to satisfy himself, before stating in a declaration of survey that the steamer is fit to ply on that voyage, that the steamer is subdivided to such greater extent as appears to the Board to be practicable and expedient in the interest of safety.

- (3) The survey regulations applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions relating to surveys which are contained in Chapter II of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts).

2 Amendments as to declarations of survey.

- (1) A declaration of survey made by a ship surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (d) of subsection (3) of section two hundred and seventy-two of the principal Act, state the voyages or class of voyages on which, as regards construction and equipment, the steamer is in the surveyor's judgment fit to ply.
- (2) A declaration of survey made by an engineer surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (e) of subsection (4) of the said section, state the voyages or class of voyages on which, as regards machinery, the steamer is in the surveyor's judgment fit to ply.
- (3) If in the judgment of any such surveyor a passenger steamer is fit to ply on international voyages while engaged in a special passenger trade only, his declaration of survey shall state that fact.

3 Alteration of ships and additional surveys.

- (1) The owner or master of a passenger steamer to which this section applies shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery which affects the efficiency thereof or the seaworthiness of the steamer, give written notice to the Board of Trade containing full particulars of the alteration, and, if notice

is not so given, the owner or master of the steamer shall for each offence be liable to a fine not exceeding fifty pounds.

(2) If the Board of Trade have reason to believe that since the making of the last declaration of survey in respect of a passenger steamer to which this section applies—

- (a) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamer; or
- (b) the hull, equipments or machinery of the steamer have sustained any injury or are otherwise insufficient;

the Board may, without prejudice to their powers under section two hundred and seventy-nine of the principal Act, require the steamer to be again surveyed to such extent as they think fit, and, if such requirement is not complied with, may cancel any certificate issued in respect of the steamer under section two hundred and seventy-four of the principal Act or under this Part of this Act.

(3) This section applies to every passenger steamer, whether British or foreign, in respect of which any such certificate as aforesaid is for the time being in force, and for the purpose of this section the expression "alteration" in relation to the hull, equipments or machinery of a steamer includes the renewal of any part thereof.

Life-Saving Appliances.

4 Rules for life-saving appliances to implement Chapter III of Safety Convention.

The rules for life-saving appliances applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions of Chapter III of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts):

Provided that—

- (a) the Board may, on such conditions as they think fit, exempt any steamer constructed before the first day of July, nineteen hundred and thirty-one, from any such requirement, if and to the extent that they are satisfied that that requirement is either impracticable or unreasonable in the case of that steamer;
- (b) the Board may, as respects passenger steamers plying on any international coasting voyage, modify any such requirement, if and to the extent that they are satisfied that the risks incurred by steamers plying on that voyage are such as to make it unreasonable or unnecessary for such steamers to comply with that requirement;
- (c) the Board may, as respects passenger steamers engaged in any passenger trade in which they are employed in the carriage of large numbers of unberthed passengers, if they are satisfied that it is impracticable for steamers so engaged to comply with the said requirements, modify the said requirements in such manner as may appear to them to be necessary or expedient for the purpose of giving effect to the provisions of sub-paragraphs (a), (b) and (c) of paragraph 5 of Article twelve of the Safety Convention;
- (d) the Board may, as respects any passenger steamer plying on short international voyages, make such modifications of the said requirements as appear to them to be authorised by the provisions of the Safety Convention contained in sub-paragraph (b) of paragraph 2 of Article thirteen, paragraph (4) of Regulation

XXXVI, paragraph (11) of Regulation XXXVII, paragraph (2) of Regulation XXXVIII, and Regulation XXXIX.

5 Amendments of Merchant Shipping Acts as to lifesaving appliances.

- (1) The power of the Board of Trade under section four hundred and twenty-seven of the principal Act to make rules for life-saving appliances shall include power to make rules with respect to all or any of the following matters, namely :—
 - (a) the marking of boats, lifeboats, life-rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorised to be carried thereon;
 - (b) the manning of boats and lifeboats and the qualifications and certificates of lifeboat men;
 - (c) the provision to be made for mustering the passengers and crew and for embarking them in the boats and lifeboats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);
 - (d) the practising of boat drills;
 - (e) the assignment of specific duties to each member of the crew in the event of emergency;
 - (f) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire.
- (2) Subsection (1) of section four hundred and thirty of the principal Act (which imposes penalties for failure to comply with the rules for life-saving appliances) shall be amended by inserting after paragraph (d) thereof the following paragraph:—
 - “(e) if any provision of the rules for life-saving appliances applicable to the ship is contravened or not complied with.”
- (3) The following section shall be substituted for section four hundred and thirty-one of the principal Act:—
 - (1) A surveyor of ships may inspect any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in her case, and for the purpose of any such inspection shall have all the powers of a Board of Trade Inspector under this Act.
 - (2) If the surveyor finds that the rules for life-saving appliances have not been complied with, he shall give written notice to the owner or master stating in what respect the said rules have not been complied with, and what, in his opinion, is required to rectify the matter.
 - (3) Every notice so given shall be communicated in manner directed by the Board of Trade to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and a clearance or transire shall not be granted to the ship and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified.”
- (4) Subsection (4) of section two hundred and seventy-two of the principal Act (which relates to the statements to be made in the declaration of survey made by an engineer surveyor) shall be amended by substituting in paragraph (c) thereof the words " appliances for the prevention, detection and extinction of fire " for the words " fire

hose ", and subsection (2) of section two hundred and eighty-five of the principal Act shall cease to have effect.

- (5) Subsection (1) of section nine of the Merchant Shipping Act, 1906, (which requires the master of every British ship to enter in the official log book a statement of every occasion on which boat drill is practised on board the ship) shall be amended by inserting at the end thereof the words " and if, in the case of a passenger " steamer, boat drill is not practised on board the ship " in any week, the master shall enter a statement of " the reasons why boat drill was not practised in that " week."

Wireless Telegraphy.

6 Wireless telegraphy rules to implement Chapter IV of Safety Convention.

- (1) The wireless telegraphy rules applicable to ships plying on international voyages shall include such requirements as appear to the Board of Trade, after consultation with the Postmaster-General, to implement the provisions of Chapter IV of the Safety Convention (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts).
- (2) The wireless telegraphy rules shall further require that the wireless telegraph installation to be provided on passenger steamers of five thousand tons gross tonnage or upwards shall (after such date not being later than two years after the commencement of this Part of this Act as may be prescribed by the rules) include a wireless direction finding apparatus as required by Article forty-seven and paragraph 17 of Article thirty-one of the Safety Convention.

7 Amendments of 9 and 10 Geo. 5. c. 38.

- (1) The power of the Board of Trade, in consultation with the Postmaster-General, to make rules under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919, shall include power to make rules—
- (a) requiring the master of a ship to enter in the official log book such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service, as may be specified in the rules; and
 - (b) making provision as to the certificates to be held by, and the duties of, operators and watchers.
- (2) If the master of a British ship registered in the United Kingdom fails to comply with any such requirement, or if any operator or watcher on any such ship contravenes the said rules, he shall for each offence be liable to a fine not exceeding ten pounds.
- (3) The Board of Trade shall not, in pursuance of the powers conferred on them by the said Act, exempt from the obligations imposed by that Act any ship plying on international voyages, unless the exemption of the ship appears to the Board to be authorised by paragraph 2 of Article twenty-seven, or by Article twenty-eight, of the Safety Convention.
- (4) For the purposes of subsection (2) of section three of the said Act the expression " passengers " shall have the same meaning as it has for the purpose of Part III of the principal Act.

8 Appointment of wireless telegraphy surveyors.

A person appointed to be a surveyor of ships under section seven hundred and twenty-four of the principal Act may be appointed as a wireless telegraphy surveyor:

Provided that the functions of the Board of Trade under the said section with respect to surveyors of ships shall not be exercised with respect to wireless telegraphy surveyors except with the approval of the Postmaster-General.

9 Survey of passenger steamers by wireless telegraphy surveyors.

- (1) The surveys of a passenger steamer required by the principal Act shall, in the case of every survey made after the commencement of this Part of this Act in respect of a sea-going steamer which is not exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, include a survey by a wireless telegraphy surveyor, and accordingly subsection (1) of section two hundred and seventy-two of that Act shall be amended by inserting after the words " engineer surveyor of ships " the words " and, in the case of a sea-going passenger steamer required to be provided with a wireless telegraph installation, by a wireless telegraphy surveyor."
- (2) The following subsection shall be inserted at the end of the said section two hundred and seventy two:—
 - “(5) The declaration of the wireless telegraphy surveyor shall contain statements of the following particulars, namely :—
 - (a) the voyages or class of voyages on which, as regards wireless telegraphy, the steamer is fit to ply;
 - (b) that, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the wireless telegraph installation complies with the wireless telegraphy rules;
 - (c) that the certificates of the wireless telegraphy operators and watchers are such as are required by those rules.”
- (3) Section two hundred and seventy-five of the principal Act (which provides for appeals to a court of survey by persons aggrieved by the declaration of survey of a ship or engineer surveyor) shall be amended by inserting the words " or wireless telegraphy surveyor " after the words " engineer surveyor" in both places where they occur.

10 Survey of ships other than passenger steamers by wireless telegraphy surveyors.

The owner of every British ship of sixteen hundred tons gross tonnage or upwards registered in the United Kingdom, not being a passenger steamer or a ship exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, shall, before the ship first proceeds to sea on an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act and once in each year thereafter, cause the ship to be surveyed by a wireless telegraphy surveyor in the same manner as if she were a passenger steamer required to be provided with a wireless telegraph installation, and the provisions of sections two hundred and seventy-two, two hundred and seventy-three and two hundred and seventy-five of the principal Act shall apply accordingly.

Certificates.

11 Issue of safety certificates and passenger steamers' exemption certificates.

- (1) If the Board of Trade, on receipt of declarations of survey in respect of a passenger steamer, are satisfied that the steamer complies with all the construction regulations, rules for life-saving appliances and wireless telegraphy rules applicable to passenger steamers plying on international voyages, the Board shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as " a general safety certificate."
- (2) If, on receipt of declarations of survey in respect of a passenger steamer in the case of which the Board of Trade have modified the construction regulations or the rules for life-saving appliances in pursuance of the foregoing provisions of this Act relating to steamers plying on short international voyages, the Board are satisfied that the steamer complies with the said regulations and rules as so modified, and also complies with the wireless telegraphy rules applicable to steamers plying on international voyages, the Board shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention applicable to a short international voyage, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as " a short voyage safety certificate."
- (3) If the Board of Trade, on receipt of declarations of survey in respect of a passenger steamer, are satisfied that the steamer—
 - (a) complies with all the construction regulations and rules for life-saving appliances applicable to passenger steamers plying on international voyages or with those regulations and rules as modified in her case in pursuance of the foregoing provisions of this Act relating to steamers plying on short international voyages, and also is exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act; or
 - (b) complies with the construction regulations and the rules for life-saving appliances applicable to steamers plying on any international coasting voyage or steamers engaged in any special passenger trade, and also either complies with the wireless telegraphy rules applicable to steamers plying on international voyages or is exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act;the Board shall, on the application of the owner of the steamer, issue in respect of the steamer—
 - (i) a safety certificate stating in what respects the steamer complies with the requirements of the Safety Convention; and
 - (ii) an exemption certificate stating that so long as the steamer plies on the voyages, and is engaged in the trades, and complies with the conditions (if any) specified in the certificate, the steamer is exempt in other respects from the requirements of the said Convention;and any safety certificate and exemption certificate issued under this subsection are hereafter in this Part of this Act respectively referred to as " a qualified safety certificate " and " a passenger steamer's exemption certificate. "
- (4) For the purposes of this section, the Board of Trade may treat—

- (a) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, (not being a steamer converted to passenger service on or after that date) as complying with the construction regulations applicable in the circumstances; and
- (b) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, as complying with the rules for life-saving appliances applicable in the circumstances;

if they are satisfied that such steps (if any) as are reasonable and practicable have been taken to make the steamer comply with those regulations or rules, as the case may be.

- (5) The provisions of this section shall, subject to the provisions hereafter contained in this Part of this Act, apply only to British passenger steamers registered in the United Kingdom.

12 Modification of safety certificates as respects life saving appliances.

- (1) If, on any international voyage, a British passenger steamer registered in the United Kingdom in respect of which a safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the Board of Trade, or any person authorised by them for the purpose, may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.
- (2) Every such memorandum shall be returned to the Board of Trade at the end of the voyage to which it relates, and, if it is not so returned, the master of the steamer shall be liable to a fine not exceeding twenty pounds.

13 Issue of wireless telegraphy certificates and wireless telegraphy exemption certificates.

- (1) On receipt of a declaration of survey by a wireless telegraphy surveyor in respect of a British ship registered in the United Kingdom not being a passenger steamer, the Board of Trade shall, if satisfied that the ship complies with the wireless telegraphy rules applicable to ships (other than passenger steamers) plying on international voyages, issue a certificate stating that the ship complies with the requirements of the Safety Convention relating to wireless telegraphy, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy certificate."
- (2) Where any such ship is exempted under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, the Board of Trade, on the application of the owner of the ship, shall issue an exemption certificate stating that the ship is exempted from the requirements of the Safety Convention relating to wireless telegraphy and specifying the voyages on which, and conditions (if any) on which, the ship is so exempted, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy exemption certificate."

14 Prohibition on proceeding to sea without certificate.

- (1) No ship to which this section applies shall proceed to sea on an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act, unless there is in force in respect of the ship—
 - (a) in the case of a ship being a passenger steamer, either—
 - (i) a general safety certificate; or
 - (ii) a short voyage safety certificate; or
 - (iii) a qualified safety certificate and passenger steamer's exemption certificate;
being a certificate or certificates which by the terms thereof is or are 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) in the case of a ship not being a passenger steamer, either—
 - (i) such certificate or certificates as would be required in her case by the foregoing provisions of this section if she were a passenger steamer;
or
 - (ii) a wireless telegraphy certificate; or
 - (iii) a wireless telegraphy exemption certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed.
- (2) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—
 - (a) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable for each offence to a fine not exceeding ten pounds for every passenger carried on board the steamer, and the master or owner of any tender by means of which passengers are taken on board the steamer shall for each offence be liable to a like penalty for every passenger so taken on board; and
 - (b) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.
- (3) The master of every ship to which this section applies shall produce to the officer of customs from whom a clearance for the ship is demanded for an international voyage, the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.
- (4) Where a passenger steamer's exemption certificate or wireless telegraphy exemption certificate issued in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.
- (5) This section applies to British ships registered in the United Kingdom, being passenger steamers or being ships of sixteen hundred tons gross tonnage or upwards.

15 Miscellaneous provisions as to certificates.

- (1) A safety certificate, wireless telegraphy certificate, or exemption certificate issued by the Board of Trade shall not be in force for more than one year from the date of its issue, nor after notice is given by the Board to the owner, agent, or master of the ship in respect of which it has been issued, that the Board have cancelled the certificate.
- (2) If a British ship registered in the United Kingdom, in respect of which any such certificate has been issued, is absent from the United Kingdom at the date when the certificate expires, the Board of Trade, or any person authorised by them for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to the United Kingdom, but no such extension shall have effect for a period exceeding five months from the said date.
- (3) Every such certificate shall be in such form as may be prescribed by rules made by the Board of Trade, and those rules shall make such provision as appears to the Board to be necessary for the purpose of giving effect to the provisions of Article fifty-one of the Safety Convention, and may provide for combining a safety certificate in one document with a passenger steamer's certificate.
- (4) Any such certificate, and any passenger steamer's certificate combined in one document with a safety certificate, may be signed on behalf of the Board of Trade by any person authorised by the Board for the purpose, and a certificate purporting to be so signed shall be admissible in evidence in like manner as if it had been signed by one of the persons mentioned in section seven hundred and nineteen of the principal Act.
- (5) The following provisions of the principal Act shall apply to and in relation to every such certificate issued by the Board of Trade in the same manner as they apply to and in relation to a passenger steamer's certificate, namely, section two hundred and seventy-six (which relates to the transmission of the certificate to the owner of the steamer), section two hundred and seventy-seven (which relates to the fees to be paid for the certificate), section two hundred and seventy-nine (which relates to the cancellation of the certificate), section two hundred and eighty (which relates to the delivery up of the certificate) and section two hundred and eighty-one (which relates to the posting up of the certificate on the ship).
- (6) The Board of Trade may request the Government of a country to which the Safety Convention applies to issue a general safety certificate, a short voyage safety certificate or a wireless telegraphy certificate in respect of a British ship registered in the United Kingdom, 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 Board.

Provisions as to Safety Convention Ships not registered in the United Kingdom.

16 Certificates of Convention ships not registered in United Kingdom.

- (1) The Board of Trade may, at the request of the Government of a country to which the Safety Convention applies, issue a general safety certificate, a short voyage safety certificate or a wireless telegraphy certificate in respect of a ship of that country if they are satisfied in like manner as in the case of a British ship registered in the United Kingdom that they can properly issue the certificate, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

- (2) With a view to determining the validity in the United Kingdom of certificates purporting to have been issued in accordance with the Safety Convention in respect of Safety Convention ships not registered in the United Kingdom, the Board of Trade shall make such regulations as appear to the Board to be necessary for the purpose of giving effect to Article fifty-five of the Safety Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Safety Convention ships not registered in the United Kingdom, the expression "a valid Safety Convention certificate" means a certificate or certificates complying with such of those regulations as are applicable in the circumstances.
- (3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer, not registered in the United Kingdom, and there is attached to the certificate a memorandum which—
- (a) has been issued by or under the authority of the Government of the country to which the steamer belongs; and
 - (b) modifies for the purpose of any particular voyage, in view of the number of persons actually 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.

17 Modifications as to survey of passenger steamers holding Convention certificate.

- (1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—
- (a) the provisions of the principal Act and of this Act as to the survey of passenger steamers by engineer and wireless telegraphy surveyors shall be deemed to have been complied with in the case of the steamer;
 - (b) the survey by the ship surveyor shall be limited to ascertaining the number of passengers which the steamer is fit to carry, and it shall not be necessary for the declaration of survey made by that surveyor to contain a statement of any further particulars than those set out in paragraph (e) of subsection (3) of section two hundred and seventy-two of the principal Act (which relates to the said number of passengers);
 - (c) on receipt of such a declaration, the Board of Trade shall issue a certificate under section two hundred and seventy-four of the principal Act 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 a valid Safety Convention certificate, and also a certificate issued by or under the authority of the Government of the country to which the steamer belongs, showing the number of passengers which the steamer is fit to carry, and the Board of Trade are satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in the United Kingdom, the Board may if they think fit dispense with the survey of the steamer mentioned in the last foregoing subsection and direct that the last mentioned certificate shall have effect as a passenger steamer's certificate.

18 Miscellaneous privileges of passenger steamers holding Convention certificate.

Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

- (a) the steamer shall be exempt from the following enactments, namely, paragraphs (d) and (f) of subsection (1) of section two hundred and ninety of the principal Act (which relate to the equipment of emigrant ships), and sections four hundred and twenty-seven to four hundred and thirty-one of that Act (which relate to life-saving appliances); and
- (b) the steamer shall not be deemed to be unsafe for the purposes of sections four hundred and fifty-nine or four hundred and sixty-two of the principal Act by reason of the defective condition of her hull, equipment or machinery, unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond substantially with the particulars stated in the certificate.

19 Wireless telegraphy provisions applicable to ships holding Convention certificate.

- (1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—
 - (a) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to wireless telegraphy, the ship shall be exempt from the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919;
 - (b) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Convention, the following provisions of this section shall apply to the ship in lieu of the provisions of the said Act.
- (2) A surveyor of ships may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.
- (3) If it appears to the surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, the surveyor shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.
- (4) Every notice so given shall be communicated in manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire and to 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, and a clearance or transire shall not be granted to the ship, and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

20 Duty to produce Convention certificate.

The master of every Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or

upwards, shall produce a valid Safety Convention certificate to the officer of customs, from whom a clearance for the ship is demanded in respect of an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act, and a clearance shall not be granted, and the ship may be detained, until such a certificate is so produced.

21 Modification of existing provisions for exemption of ships not registered in United Kingdom.

- (1) The proviso to section four of the Merchant Shipping Act, 1906, (which provides for the exemption, in certain circumstances, of foreign ships from the provisions of the principal Act relating to life-saving appliances) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.
- (2) The Merchant Shipping (Equivalent Provisions) Act, 1925, (which provides for the exemption, in certain circumstances, of foreign ships and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to—
 - (a) Safety Convention ships, being passenger steamers plying on international voyages, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to the survey and certification of passenger steamers, to life-saving appliances or to wireless telegraphy ; and
 - (b) other Safety Convention ships so plying, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to wireless telegraphy.
- (3) Section two hundred and eighty-four of the principal Act (which provides for the recognition of colonial passenger steamers' certificates) and any Order in Council made thereunder, and section three hundred and sixty-three of that Act (which provides for the exemption of foreign passenger steamers from survey) shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.

Miscellaneous Provisions for furthering Safety of Life at Sea.

22 Duties as to watertight doors and other contrivances.

The rules set out in the Third Schedule to this Act with respect to watertight doors and other contrivances shall be complied with in every British passenger steamer registered in the United Kingdom, and if any of the said rules is contravened in the case of any such steamer, the master thereof shall for each offence be liable to a fine not exceeding one hundred pounds.

23 Submersion of subdivision load lines.

- (1) Where—
 - (a) a British passenger steamer registered in the United Kingdom has been marked with subdivision load lines, that is to say, load lines indicating the

Status: This is the original version (as it was originally enacted).

depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers; and

- (b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under Part II of this Act to be loaded;

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

- (2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine not exceeding one hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.
- (3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.
- (4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.
- (5) The foregoing provisions of this section shall apply to passenger steamers not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British passenger steamers registered in the United Kingdom.

24 Report of dangers to navigation.

- (1) The master of any British ship registered in the United Kingdom, on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with rules to be made for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.
- (2) Rules for the purposes of this section shall be made by the Board of Trade and shall make such provision as appears to the Board to be necessary for the purpose of giving effect to the provisions of Article forty-four (so far as it relates to safety signals) and of Regulation XLVI of the Safety Convention.
- (3) If the master of a ship fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.
- (4) Every person in charge of a wireless telegraph station which is under the control of the Postmaster General, or which is established or installed under licence of the Postmaster General, shall, on receiving the signal prescribed by the said rules for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Board of Trade, shall transmit the message in such manner as may be required by the Board, and compliance with this subsection shall be deemed to be a condition of every licence granted by the Postmaster General under the Wireless Telegraphy Act, 1904:

Provided that nothing in this subsection shall interfere with the transmission by wireless telegraphy of any signal of distress or urgency prescribed under the next following section of this Act.

- (5) For the purposes of this section, the expression " tropical storm " means a hurricane, typhoon, cyclone, or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.
- (6) The Derelict Vessels (Report) Act, 1896, shall cease to have effect.

25 Provisions as to signals.

- (1) His Majesty in Council may prescribe what signals shall be signals of distress and urgency, and the signals so prescribed shall be deemed to be signals of distress and urgency respectively.
- (2) Rules may be made by the Board of Trade prescribing the circumstances in and the purposes for which any signal prescribed by Order in Council under the last foregoing subsection is to be used, the circumstances in which it is to be revoked and the speed at which any message sent by wireless telegraphy in connection with the signal is to be transmitted, and those rules shall make such provision as appears to the Board to be necessary for the purpose of giving effect to Articles forty-two and forty-three of the Safety Convention and to Article forty-four thereof so far as it relates to signals of distress and urgency.
- (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 Order in Council under this section except in the circumstances and for the purposes prescribed by the rules made under this section; or
 - (b) any private signal, whether registered or not, which is liable to be mistaken for any signal so prescribed by Order in Council;

he shall for each offence be liable to a fine not exceeding fifty pounds and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

- (4) Section four hundred and thirty-four of the principal Act shall cease to have effect, but nothing in this Part of this Act shall affect any rules made under that section which are in force at the commencement of this Part of this Act, and any such rules shall, until revoked, have effect as if they had been made under the foregoing provisions of this section.
- (5) In addition to the private signals which the Board of Trade may refuse to register under section seven hundred and thirty-three of the principal Act, the Board may refuse to register any private signal which in their opinion cannot easily be distinguished from signals of urgency or signals prescribed for indicating that a message is about to be sent relating to a danger to navigation, and the Board may revoke the registration of any such signal registered under the said section of the principal Act, if in their opinion it cannot easily be so distinguished.

26 Obligation to render assistance on receiving wireless distress call.

- (1) The master of a British ship registered in the United Kingdom, on receiving on his ship a signal of distress by wireless telegraphy from any other ship, shall proceed with all speed to the assistance of the persons in distress, 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) The master of any ship in distress may, after consultation so far as possible with the masters of the ships which answer his signal of distress, requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master of any British ship registered in the United Kingdom, which is so requisitioned, 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 by the master of the ship requisitioned, or where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are complying with the requisition.
- (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 receives information that assistance is no longer required.
- (5) If the master of a British ship registered in the United Kingdom fails to comply with the foregoing provisions of this section, he shall be guilty of a misdemeanour.
- (6) If the master of a British ship registered in the United Kingdom, on receiving on his ship a signal of distress by wireless telegraphy from another ship, 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 send a message by wireless telegraphy informing the master of that other ship accordingly, and enter in the official log-book 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 one hundred pounds.
- (7) Nothing in this section shall affect the provisions of section six of the Maritime Conventions Act, 1911, 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.

27 Signalling lamps.

No British ship registered in the United Kingdom, being a ship of over one hundred and fifty tons gross tonnage, shall proceed to sea on an international voyage, unless the ship is provided with a signalling lamp of a type approved by the Board of Trade, and if any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine not exceeding twenty pounds.

28 Carriage of dangerous goods.

- (1) The Board of Trade shall make such rules with respect to the carriage of goods on passenger steamers plying on international voyages, as appear to them to be necessary for the purpose of giving effect to the provisions of paragraph 1 of Article twenty-four of the Safety Convention.

- (2) If any of the rules made in pursuance of this section is contravened in the case of any British passenger steamer registered in the United Kingdom, the master or owner of the steamer shall for each offence be liable to a fine not exceeding three hundred pounds, and the steamer shall be deemed for the purposes of section four hundred and fifty-nine of the principal Act to be unsafe by reason of improper loading.
- (3) Any goods declared to be dangerous in their nature by the rules made under this section shall be deemed to be dangerous goods for the purpose of Part V of the principal Act.
- (4) The provisions of this section shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so however that nothing in this section shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.
- (5) The foregoing provisions of this section and the rules made thereunder shall apply to passenger steamers not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British passenger steamers registered in the United Kingdom.

29 Method of giving helm orders.

- (1) No person on any British ship registered in the United Kingdom shall when the ship is going ahead give a helm or steering order containing the word "starboard" or "right" or any equivalent of "starboard" or "right", unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word "port" or "left", or any equivalent of "port" or "left", unless he intends that the head of the ship shall move to the left.
- (2) Any person who contravenes the provisions of this section shall for each offence be liable to a fine not exceeding fifty pounds.

30 Careful navigation near ice.

- (1) The master of a British ship registered in the United Kingdom, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger.
- (2) If the master of any such ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

31 Notice of Atlantic routes.

- (1) The owner of any line of passenger steamers crossing the North Atlantic from or to any port in the United Kingdom by regular routes shall give public notice, in such manner as may be directed by the Board of Trade, of the routes which it is proposed that the ships belonging to the line should follow, and of any changes which may be made in those routes.
- (2) If the owner of any such line of passenger steamers fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

32 Contribution towards a service for watching ice and derelicts in the North Atlantic.

Any sums required for the contribution from the United Kingdom towards maintaining, in accordance with Articles thirty-six and thirty-seven of the Safety Convention, a service in the North Atlantic for the destruction or removal of derelicts, for the study and observation of ice conditions, and for ice patrol, shall be paid by the Board of Trade out of moneys provided by Parliament.

Supplemental.

33 Amendment of s. 267 of principal Act.

For the purposes of Part III of the principal Act, the expression " passenger" shall not include any person who is on board a ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled, and accordingly section two hundred and sixty-seven of the principal Act shall be amended by inserting after the words " family and servants " the words " and persons 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 which neither the master nor the " owner nor the charterer (if any) could have prevented " or forestalled."

34 Power to amend rules and regulations to correspond with amendments of Safety Convention.

Where the Board of Trade are required by this Part of this Act to give effect to, or implement, any provision of the Safety Convention by any rules or regulations, and that provision is amended in pursuance of Article sixty-one of that Convention, the Board may amend the rules or regulations accordingly.

35 Certain rules and regulations to be laid before Parliament.

- (1) Where any of the construction regulations, survey regulations or rules for life-saving appliances applicable to passenger steamers plying on international voyages, or any of the wireless telegraphy rules applicable to ships plying on international voyages, being a regulation or rule made after the passing of this Act and in force at the commencement of this Part of this Act, contains, in the opinion of the Board of Trade, a requirement which—
 - (a) is at variance with any specific requirement of the Safety Convention; and
 - (b) was not contained in the regulations or rules in force at the passing of this Act;the regulation or rule, as the case may be, shall be laid before each House of Parliament as soon as may be after the commencement of this Part of this Act.
- (2) Where any of the construction regulations, survey regulations or wireless telegraphy rules, being a regulation or rule applicable as aforesaid and made after the commencement of this Part of this Act, contains, in the opinion of the Board of Trade, such a requirement as aforesaid, it shall be laid before each House of Parliament as soon as may be after it is made.

- (3) All rules for life-saving appliances made after the commencement of this Part of this Act shall be laid before each House of Parliament as soon as may be after they are made, together with a report stating whether any, and if so which, of the rules applicable to passenger steamers plying on international voyages contains, in the opinion of the Board of Trade, such a requirement as aforesaid, and all rules for life-saving appliances made before the commencement of this Part of this Act, which have not come into force before the commencement of this Part of this Act, shall be laid before each House of Parliament as soon as may be after the commencement of this Part of this Act, together with such a report as aforesaid.
- (4) If either House within the next subsequent twenty days on which that House has sat after—
- (a) any regulation or rule is laid before it in pursuance of subsection (1) or subsection (2) of this section; or
 - (b) any rule is laid before it which is reported in pursuance of subsection (3) of this section to contain such a requirement as aforesaid;
- resolves that the regulation or rule shall be annulled, the regulation or rule shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new regulation or rule.
- (5) Subsection (2) of section four hundred and twenty-seven of the principal Act shall cease to have effect.

36 Application of Part I to British possessions, protectorates and mandated territories.

- (1) His Majesty may by Order in Council direct that the provisions of this Part of this Act and (so far as may appear to His Majesty to be expedient for the purpose of giving effect to the provisions of this Part of this Act) the provisions of any other Act relating to Merchant Shipping, including any enactments for the time being in force amending or substituted for the provisions of this Part of this Act or any other such Act, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any colony.
- (2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Part of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction.
- (3) His Majesty may by Order in Council direct—
- (a) that any provision of this Part of this Act, which is expressed to apply only to British ships or passenger steamers registered in the United Kingdom, shall apply to British ships or passenger steamers, as the case may be, registered in any country or part of His Majesty's dominions to which the provisions of this Part of this Act can be extended by virtue of the foregoing provisions of this section;
 - (b) that any reference in this Part of this Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid.

37 Countries to which Safety Convention applies.

His Majesty, if satisfied—

- (a) that the Government of any country has ratified, acceded to, or denounced, the Safety Convention; or
- (b) that the Safety Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article sixty-two thereof;

may by Order in Council make a declaration to that effect.

38 Interpretation of Part I.

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" Construction regulations " means such of the regulations made under section seven hundred and twenty-four of the principal Act as prescribe the matters with respect to which a surveyor of ships must be satisfied before he states in a declaration of survey that a passenger steamer is fit to ply on any particular voyages or class of voyages specified in the regulations;

" Country to which the Safety Convention applies " means—

- (a) a country the Government of which has been declared under the last foregoing section to have ratified, or acceded to, the Safety Convention, and has not been so declared to have denounced that Convention;
- (b) a country to which it has been so declared that the Safety Convention has been applied under the provisions of Article sixty-two thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

" Declaration of survey " means a declaration made under section two hundred and seventy-two of the principal Act;

" 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, " short international voyage " means an international voyage in the course of which a ship does not go more than two hundred miles from land, and " international coasting voyage " means an international voyage in the course of which a ship does not go more than twenty miles from land, so however that for the purpose of this provision—

- (a) 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 which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
- (b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country;

" Rules for life-saving appliances " means the rules made under section four hundred and twenty-seven of the principal Act;

" Safety Convention ship " means a ship belonging to a country to which the Safety Convention applies, and the expression "Safety Convention passenger steamer" shall be construed accordingly;

" Special passenger trade " means a trade in relation to which the Board of Trade have modified the construction regulations or the rules for life-saving appliances in pursuance of this Part of this Act;

" Survey regulations " means such of the regulations made under section seven hundred and twenty-four of the principal Act as prescribe the manner in which surveys of passenger steamers are to be made;

" Wireless telegraphy rules " means the rules made under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919.

39 Commencement of Part I and repeal.

- (1) This Part of this Act shall come into operation on such date as His Majesty in Council may appoint.
- (2) The enactments set out in Part I of the Fourth Schedule to this Act shall be repealed, to the extent specified in the third column of that Part of that Schedule, as from the commencement of this Part of this Act.