



Merchant Shipping (Safety Convention) Act 1949

1949 CHAPTER 43

Supplemental

26 Definition of "passenger" and "passenger steamer"

- (1) In Part III of the principal Act, in the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and in this Act the expression "passenger" means any person carried in a ship, except—
 - (a) a person employed or engaged in any capacity on board the ship on the business of the ship,
 - (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, and
 - (c) a child under one year of age.
- (2) In the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and in this Act, the expression "passenger steamer" means a steamer carrying more than twelve passengers.

27 Removing persons in case of danger

Where the Minister for the purpose of enabling persons to be moved from any place in consequence of a threat to their lives has permitted more persons to be carried on board a ship than are permitted under the Merchant Shipping Acts apart from this section, the carriage of that excess of persons shall not be an offence under those Acts.

28 Power of Minister to exempt from safety requirements

- (1) The Minister may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or any rules or regulations made under this Act, either absolutely or subject to such conditions as he thinks fit.

- (2) Without prejudice to the preceding provisions of this section, where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Minister may, if he is of opinion that the ship complies with safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under the Merchant Shipping Acts.

29 Exemption of certain ships from certain provisions of this Act

- (1) Nothing in this Act—

- (a) prohibiting or preventing a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued by the Minister under this Act or the appropriate accepted Safety Convention certificates;
- (b) conferring powers on a surveyor of ships for the purpose of verifying the existence, validity or correctness of any Safety Convention certificate or that the conditions on which any such certificate was issued are complied with;
- (c) requiring information about a ship's stability to be carried on-board;
- (d) imposing a penalty for the contravention of any rules relating to openings in ships' hulls and watertight bulkheads,

shall, unless in the case of information about a ship's stability the Minister otherwise orders, apply to any troopship, pleasure yacht or fishing vessel, or to any ship of less than five hundred tons gross tonnage other than a passenger steamer or to any ship not propelled by mechanical means.

- (2) Nothing in the preceding subsection shall affect the exemption conferred by section seven hundred and forty-one of the principal Act on ships belonging to His Majesty.
- (3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in the United Kingdom while they are within any port in the United Kingdom, that provision shall not apply to a ship that would not be within any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

30 Application to colonies etc.

Section thirty-six of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932 (which enables Orders in Council to be made applying Part I of that Act to territories outside the United Kingdom), shall have effect as if references therein to Part I of that Act included references to this Act.

31 Countries to which Safety Convention applies

His Majesty, if satisfied—

- (a) that the government of any country has accepted, or denounced, the Safety Convention; or
 - (b) that the Safety Convention extends, or has ceased to extend, to any territory,
- may by Order in Council make a declaration to that effect.

32 Transitional provisions

Without prejudice to the effect of section thirty-eight of the Interpretation Act, 1889, the provisions of the First Schedule to this Act shall have effect for the purpose of the transition from the law in force before the commencement of this Act to the provisions of this Act.

33 Provision as to certain fees and fines under the Merchant Shipping Acts

- (1) There shall be paid in respect of any certificate issued by the Minister under this Act, including a certificate issued by him under subsection (1) of section fourteen of this Act, and in respect of any inspection of a ship under this Act for the purpose of seeing that she is properly provided with a radio installation and radio officers or operators in conformity with the radio rules, such fees as may be prescribed by regulations made by the Minister with the approval of the Treasury.
- (2) The Minister with the approval of the Treasury may make regulations prescribing the amount or the maximum amount of the fees payable under the enactments specified in the Second Schedule to this Act; and so much of those enactments as fixes the amount or the maximum amount of any such fees shall cease to have effect.
- (3) Any fees payable under subsection (1) of this section shall be paid into the Exchequer.
- (4) Subsection (2) of section seven hundred and sixteen of the principal Act (which provides for the application of fines) shall apply to fines under this Act as it applies to fines under that Act.

34 Rules and regulations

- (1) The power to make rules and regulations under the preceding provisions of this Act or the First Schedule to this Act, or to make rules for lifesaving appliances, shall be exercisable by statutory instrument.
- (2) Any statutory instrument by which any such power as aforesaid is exercised shall be subject to annulment in pursuance of a resolution of either House of Parliament.

35 Consequential amendments of Merchant Shipping Acts

- (1) In subsection (3) of section seven hundred and twenty-four of the principal Act, for the words " passenger steamers " there shall be substituted the word " ships. "
- (2) Where a ship is detained under any provision of this Act authorising the detention of a ship until the production of a certificate, subsection (2) of section four hundred and sixty of the principal Act (which makes the owner of a ship liable to pay to the Minister his costs in connection with her detention and survey) shall apply as if she had been finally detained under that Act.
- (3) So far as Part I of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, requires that any rules or regulations shall implement the International Convention for the Safety of Life at Sea, 1929, it shall cease to have effect.
- (4) Section sixty-nine of the said Act of 1932 (which requires notice to be given to a consular officer of the detention of a foreign ship, or of proceedings against her master or owner, under that Act), and subsection (3) of section seventy-three of that Act (which requires ships registered in the Channel Islands or the Isle of Man to be treated

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

for the purpose of any provisions of that Act relating to Safety Convention ships not registered in the United Kingdom as if they were registered in the United Kingdom), shall have effect as if any reference therein to that Act included a reference to this Act.

- (5) In subsection (1) of section two hundred and seventy-two of the principal Act and in subsection (1) of section nine of the said Act of 1932. for any reference to a wireless telegraph installation there shall be substituted a reference to a radio installation.
- (6) In subsection (1) of section nine of the said Act of 1932 (which relates to the survey of passenger steamers by radio surveyors), for any reference to an exemption under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, there shall be substituted a reference to an exemption from the obligations imposed by the radio rules.

36 Interpretation

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

" Accepted Safety Convention certificate " has the meaning assigned to it by section fourteen of this Act;

" Collision regulations " means regulations made under section four hundred and eighteen of the principal Act;

" Construction rules " means rules made under section one of this Act;

" Country to which the Safety Convention applies " means—

- (a) a country the government of which has been declared under section thirty-one of this Act to have accepted the Safety Convention, and has not been so declared to have denounced that Convention ;
- (b) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that that Convention has ceased to extend ;

" Declaration of survey " means a declaration made under section 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, and " short international voyage " means an international voyage—

- (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety and
- (b) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination; so however that for the purpose of the definitions contained in this paragraph—
- (i) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled ; and
- (ii) every colony, overseas territory, protectorate or other territory for whose international relations a government that has accepted the Safety Convention is responsible, or for which the United

Nations are the administering authority, shall be deemed to be a separate country ;

" The Merchant Shipping Acts " means the Merchant Shipping Acts, 1894 to 1948, and this Act;

" The Minister " means the Minister of Transport;

" The principal Act " means the Merchant Shipping Act, 1894;

" Radio navigational aid " means radio apparatus on board a ship being apparatus designed for the purpose of determining the position or direction of ships or other objects;

" Radio rules " means rules made under section three of this Act;

" Rules for direction-finders " means rules made under section five of this Act;

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

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

- (2) If any amendment of the Safety Convention comes into force, references in this Act to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended.

37 Commencement, construction, citation and repeal

- (1) This Act shall come into force on such day as His Majesty may by Order in Council appoint.
- (2) Except so far as the context otherwise requires, any reference in this Act, to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment including this Act.
- (3) Except so far as the context otherwise requires, this Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1948, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.
- (4) This Act may be cited as the Merchant Shipping (Safety Convention) Act, 1949, and the Merchant Shipping Acts, 1894 to 1948, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1949.
- (5) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.