



# Merchant Shipping Act 1965

## 1965 CHAPTER 47

An Act to amend the law relating to the measurement of the tonnage of merchant ships and the marking of load lines. [5th August 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Tonnage regulations**

- (1) The tonnage of any ship to be registered under the principal Act (whether under Part I or Part IV thereof) shall be ascertained in accordance with regulations made by the Board of Trade by statutory instrument; and those regulations shall, as respects anything done after the commencement of this Act, be taken to be the provisions referred to in the principal Act as the tonnage regulations of that Act.
- (2) Regulations under this section—
  - (a) may make different provision for different descriptions of ships or for the same description of ships in different circumstances;
  - (b) may make any provision thereof dependent on compliance with such conditions, to be evidenced in such manner, as may be specified in the regulations;
  - (c) may provide for the ascertainment of any space to be taken into account for the purposes of section 85 of the principal Act (payment of dues where goods carried in spaces not forming part of registered tonnage) and may exempt any space from being taken into account for those purposes; and
  - (d) may prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and may provide for making the master and the owner each liable to a fine not exceeding one hundred pounds where such a prohibition or restriction is contravened.
- (3) Regulations under this section may make provision for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other

provisions of the regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can be safely loaded, and for indicating on the ship, by such mark as may be specified in the regulations, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship may be loaded for the lower tonnage to be applicable.

- (4) Regulations under this section may provide for the measurement and survey of ships to be undertaken, in such circumstances as may be specified in the regulations and notwithstanding sections 6 and 86 of the principal Act, by persons appointed by such organisations as may be authorised in that behalf by the Board of Trade; and so much of section 83 of the principal Act and section 1 of the Merchant Shipping (Mercantile Marine Fund) Act 1898 as requires the payment of fees into the Exchequer shall not apply to fees payable under the said section 83 to persons appointed in pursuance of this subsection.
- (5) Regulations under this section may make provision for the alteration (notwithstanding section 82 of the principal Act) of the particulars relating to the registered tonnage of any ship registered before the coming into operation of the regulations.
- (6) Regulations under this section may provide for the issue of documents certifying the registered tonnage of any ship or the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in the United Kingdom.
- (7) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **2 Load lines indicating greater than minimum freeboard.**

Load line rules made under section 42 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 may provide for the marking of load lines, at the owner's request, in a position on a ship lower than that indicating the several maximum depths to which it can be safely loaded in various circumstances.

## **3 Transitional provision.**

The provisions made with respect to the ascertainment of tonnage by the Merchant Shipping (Fishing Boats Registry, Order 1927 shall have effect as if contained in, and accordingly may be amended or revoked by, regulations under this Act.

## **4 Exercise of powers of Board of Trade**

Any functions conferred on the Board of Trade by or under this Act may be exercised by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

## **5 Provisions as to Northern Ireland**

- (1) This Act extends to Northern Ireland.
- (2) In the application of this Act to Northern Ireland the amendment made by this Act in the Crown Proceedings Act 1947 is an amendment to that Act as it applies in Northern Ireland.

## **6 Application to British possessions, etc.**

Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) any colony, or any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or any territory consisting partly of one or more colonies and partly of one or more such countries or places.

## **7 Amendments and repeals**

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in relation thereto in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.
- (2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## **8 Interpretation, construction, citation and commencement**

- (1) In this Act " the principal Act" means the Merchant Shipping Act 1894.
- (2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1964.
- (3) This Act may be cited as the Merchant Shipping Act 1965, and the Merchant Shipping Acts 1894 to 1964 and this Act may be cited together as the Merchant Shipping Acts 1894 to 1965.
- (4) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint.

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

## SCHEDULES

### SCHEDULE 1

Section 7(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

Enactment amended	Amendment
<p><a href="#">The Merchant Shipping Act 1894</a> 57 &amp; 58 Vict. c. 60.</p>	<p>In section 84, there shall be added at the end of subsection (1) the words " and any space shown by the certificate of registry or other national papers of any such ship as deducted from the tonnage shall, where a similar deduction in the case of a British ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be deemed to comply with those conditions and to be so evidenced, unless a surveyor of ships certifies to the Board of Trade that the construction and the equipment of the ship as respects that space do not come up to the standard which would be required if the ship were a British ship registered in the United Kingdom ".</p> <p>In section 85, in subsection (1) after the words "forming the ship's registered tonnage " there shall be inserted the words " and not exempted by regulations under the Merchant Shipping Act 1965 ", and in subsection (3) for the words from " in manner directed " to " this Act" there shall be substituted the words " in accordance with regulations made under the Merchant Shipping Act 1965 ".</p> <p>In section 371, in subsection (1), the words from " in the case " to " any other case " shall be omitted.</p> <p>At the end of Part II of Schedule 1 there shall be added the words " Bill of sale "</p>
<p><a href="#">The Merchant Shipping (Safety and Load Line Conventions) Act 1932</a> 22 &amp; 23 Geo. 5. c. 9.</p>	<p>In section 43(1)(c) for the words " can be safely loaded " there shall be substituted the words " may be loaded ".</p>
<p><a href="#">The Crown Proceedings Act 1947</a> 10 &amp; 11 Geo. 6. c. 44.</p>	<p>In section 5(5)(a) for the words from " section seventy-seven" in the first place where they occur to " section seventy-seven" in the second place where they occur there shall be substituted the words " regulations</p>

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

Enactment amended	Amendment
	made under the Merchant Shipping Act 1965".

SCHEDULE 2

Section 7(2).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
<a href="#">57 &amp; 58 Vict. c. 60.</a>	The Merchant Shipping Act 1894.	In section 24(2) the words from " and shall be in " to " permit ". Sections 77 to 81. In section 84(1) the words from " and any space " to the end of the subsection. In section 371, in subsection (1) the words from " in the case " to " any other case " and subsections (2) and (3). In Schedule 1, in Part I, Form A—Bill of Sale. Schedule 2. In Schedule 6, paragraphs (2) to (5)
<a href="#">6 Edw. 7. c. 48.</a>	The Merchant Shipping Act 1906.	Sections 54 and 55.
<a href="#">7 Edw. 7. c. 52.</a>	The Merchant Shipping Act 1907.	The whole Act.
<a href="#">11 &amp; 12 Geo. 6. c. 44.</a>	The Merchant Shipping Act 1948.	In section 1, the proviso to subsection (3). In section 4, subsections (1) and (2)
<a href="#">14 Geo. 6. c. 9.</a>	The Merchant Shipping Act 1950.	Section 1(4). In Schedule 1, paragraph 12
<a href="#">2 &amp; 3 Eliz. 2. c. 18.</a>	The Merchant Shipping Act 1954.	The whole Act.