



Merchant Shipping (Load Lines) Act 1967

1967 CHAPTER 27

Miscellaneous and supplementary provisions

25 Increase of penalties for offences in connection with passenger steamers

- (1) A person who after the passing of this Act commits an offence under any of the enactments specified in column 1 of Schedule 1 to this Act shall (instead of being liable on summary conviction to the penalty specified in column 2 of that Schedule) be liable, on conviction as mentioned in column 3 of that Schedule, to the penalty specified in the said column 3.
- (2) Section 1 of this Act shall not have effect for the purposes of this section.

26 Provisions as to fees

- (1) In respect of any survey or inspection carried out in pursuance of the load line rules, and in respect of any certificate issued under this Act, there shall be paid such fee as may be prescribed by regulations made by the Board of Trade with the approval of the Treasury.
- (2) Subject to the next following subsection, any fees payable under the preceding subsection shall be paid into the Exchequer.
- (3) The last preceding subsection shall not apply to any fee paid in respect of—
 - (a) a survey or inspection which is carried out otherwise than by a surveyor of ships appointed under the Merchant Shipping Act 1894, or
 - (b) a certificate issued otherwise than by the Board of Trade.

27 Miscellaneous supplementary provisions

- (1) Without prejudice to the operation of section 34(2) of this Act, section 69 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 (notice to be given to consular officer where proceedings taken in respect of foreign ships) shall have effect as if any reference therein to that Act included a reference to this Act.

Status: This is the original version (as it was originally enacted).

- (2) Where a ship is detained under any provision of this Act which provides for the detention of a ship until an event specified in that provision occurs, section 460(2) of the Merchant Shipping Act 1894 (which relates to the costs of detention) shall apply as if the ship had been finally detained under that Act.
- (3) The provisions of section 280 of that Act (delivery up of certificate) and of section 282 of that Act (penalty for forgery of certificate or declaration) shall have effect in relation to any certificate which can be issued under this Act as they have effect in relation to a passenger steamer's certificate.
- (4) Section 436(3) of that Act (which provides for recording the draught of water and the freeboard of ships) shall not have effect in relation to ships to which this Act applies, except any such ship which, by virtue of any order made or exemption conferred under this Act, is exempt from all the provisions of this Act.
- (5) Any certificate issued under this Act shall be admissible in evidence.

28 Application of Act in relation to certain territories outside United Kingdom

- (1) Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations or modifications as may be specified in the Order, to—
 - (a) the Isle of Man ;
 - (b) any of the Channel Islands ;
 - (c) any colony;
 - (d) any territory outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction.
- (2) In respect of any territory falling within any of paragraphs (a) to (d) of the preceding subsection, Her Majesty may by Order in Council, specifying that territory, give either or both of the following directions, that is to say—
 - (a) that, with such exceptions, adaptations or modifications as may be specified in the Order, the provisions of this Act shall have effect as if references in this Act to a ship registered in the United Kingdom included references to a ship registered in that territory;
 - (b) that, with such exceptions, adaptations or modifications as may be so specified, the provisions of this Act shall have effect as if references in this Act to a port in the United Kingdom included references to a port in that territory.
- (3) If, in the case of any country or territory outside the United Kingdom, it appears to Her Majesty in Council—
 - (a) that the provisions which, as part of the law of that country or territory, have effect for marking ships with load lines, and for the issue of certificates in respect of ships so marked, are based on the same principles as the corresponding provisions of this Act and are equally effective, and
 - (b) that provision has been, or in pursuance of any agreement will be, made by the law of that country or territory for recognising United Kingdom load line certificates as having the like effect in ports of that country or territory as certificates issued under the provisions referred to in the preceding paragraph,Her Majesty may by Order in Council direct (subject to the next following subsection) that certificates issued under those provisions shall have the like effect for the purposes of this Act as if they were United Kingdom load line certificates.

- (4) An Order in Council under subsection (3) of this section shall not have effect in relation to any ship which—
- (a) plies on international voyages, and
 - (b) is a ship of a Convention country, and
 - (c) is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length.
- (5) In this section any reference to the provisions of this Act shall be construed as including a reference to the provisions of any rules or regulations made under this Act.

29 Application of Act to certain unregistered British ships

- (1) This section applies to ships which—
- (a) are British ships to which this Act applies, but
 - (b) are not registered, whether in the United Kingdom or elsewhere.
- (2) The Board of Trade may by order specify a class of ships to which this section applies and direct that, in such circumstances as may be specified in the order, the provisions of this Act relating to ships registered in the United Kingdom shall have effect in relation to ships of that class as if they were registered in the United Kingdom.

30 Provisions as to orders, rules and regulations, and as to functions of Board of Trade

- (1) Any Order in Council, order, rules or regulations made under this Act may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty in Council, or (as the case may be) to the Board of Trade, to be appropriate.
- (2) Any power of the Board of Trade to make an order under this Act shall include power to revoke or vary the order by a subsequent order.
- (3) Any power to make orders under section 18 or section 29 of this Act, and any power to make rules or regulations under any provision of this Act, shall be exercisable by statutory instrument; and any statutory instrument containing any such order, rules or regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Without prejudice to the operation of section 34(2) of this Act, section 4 of the Merchant Shipping Act 1965 (exercise of powers of Board of Trade) shall have effect for the purposes of this Act as it has effect for the purposes of that Act.

31 Convention countries

- (1) Her Majesty, if satisfied—
- (a) that the Government of a country has accepted or acceded to, or has denounced, the Convention of 1966, or
 - (b) that the Convention of 1966 extends, or has ceased to extend, to a particular territory,
- may by Order in Council make a declaration to that effect.
- (2) In this Act " Convention country " means a country or territory which is either—

- (a) a country the Government of which has been declared under this section to have accepted or acceded to the Convention of 1966, and has not been so declared to have denounced that Convention, or
 - (b) a territory to which it has been so declared that the Convention of 1966 extends, not being a territory to which it has been so declared that that Convention has ceased to extend,
- and " Contracting Government" means any such Government as is referred to in paragraph (a) of this subsection.

32 Interpretation

- (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- " alteration " includes deterioration ;
 - " clearance " includes a transire;
 - " Convention country " and " Contracting Government " have the meanings assigned to them by section 31(2) of this Act;
 - " parent country ", in relation to a ship, means the country or territory in which the ship is registered, or, if the ship is not registered anywhere, means the country or territory whose flag the ship flies;
 - " valid Convention certificate " has the meaning assigned to it by section 12(5) of this Act.
- (2) In this Act, subject to the next following subsection, " international voyage " means a voyage between—
- (a) a port in the United Kingdom and a port outside the United Kingdom, or
 - (b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom.
- (3) In determining, for the purposes of the last preceding subsection, what are the ports between which a voyage is made, no account shall be taken of any deviation by a ship from her intended voyage which is due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled ; and for the purposes of that subsection any colony, protectorate or other dependency, any territory for whose international relations a Government is separately responsible, and any territory for which the United Nations are the administering authority, shall be taken to be a separate territory.
- (4) In this Act "new ship " means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date, and " existing ship " means a ship which is not a new ship; and for the purposes of this subsection the material date—
- (a) in relation to a ship whose parent country is a Convention country other than the United Kingdom, is the date as from which it is declared under section 31 of this Act either that the Government of that country has accepted or acceded to the Convention of 1966 or that it is a territory to which that Convention extends, and
 - (b) in relation to any other ship, is the date of the commencement of this Act.
- (5) Any reference in this Act to the gross tonnage of a ship shall be construed as a reference to the tonnage of the ship as ascertained in accordance with the tonnage regulations of the Merchant Shipping Act 1894; and, where in accordance with those regulations

alternative tonnages are assigned to a ship, the gross tonnage of the ship shall, for the purposes of this Act, be taken to be the larger of those tonnages.

- (6) For the purposes of this Act the length of a ship shall be ascertained in accordance with regulations made by the Board of Trade under this Act.
- (7) Any reference in this Act to any provision of the Convention of 1966 shall, in relation to any time after that provision has been amended in pursuance of Article 29 of that Convention, be construed as a reference to that provision as so amended.
- (8) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

33 Repeals and transitional provisions

- (1) Subject to the following provisions of this section, the enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The repeal effected by the preceding subsection shall not affect the operation of any enactment as part of the law of any territory outside the United Kingdom, and accordingly shall not affect any Order in Council made under subsection (1) of section 64 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932, or made by virtue of the Foreign Jurisdiction Act 1890 as modified by subsection (2) of that section, or any power to revoke or vary any such Order in Council.
- (3) Without prejudice to the last preceding subsection and to the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals), for the purposes of the transition from the law in force immediately before the commencement of this Act to the provisions of this Act the Board of Trade may by regulations provide that those provisions shall have effect subject to such transitional provisions as may be contained in the regulations.

34 Short title, construction, citation, commencement and extent

- (1) This Act may be cited as the Merchant Shipping (Load Lines) Act 1967.
- (2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1965, 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; and this Act shall be included among the Acts which may be cited together as the Merchant Shipping Acts 1894 to 1967.
- (3) Section 25 of, and Schedule 1 to, this Act shall come into operation on the passing of this Act; and all the other provisions of this Act shall come into operation on such day as Her Majesty may by Order in Council appoint.
- (4) For the purposes of the operation in relation to this Act of sections 36 and 37 of the Interpretation Act 1889 (which relate respectively to the meaning of " commencement " with reference to an Act and to the exercise of statutory powers between the passing and the commencement of an Act) the day appointed under the last preceding subsection shall be taken to be the date on which this Act comes into operation; and references in this Act to the commencement of this Act shall be construed accordingly.

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

(5) This Act extends to Northern Ireland.