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SCHEDULES

SCHEDULE 3

LOAD LINES

GENERAL PROVISIONS

MISCELLANEOUS PROVISIONS

NOTICE TO CONSULAR OFFICER OF PROCEEDINGS AGAINST FOREIGN SHIPS

- 25 (1) Where any non-United Kingdom ship is detained under this Schedule, and where any proceedings are taken under this Schedule against the master or owner of any such ship, notice shall forthwith be served on 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.
- (2) A notice under this paragraph shall specify the grounds on which the ship has been detained or the proceedings have been taken.

Delivery up of certificates

- 26 (1) The Secretary of State may require any certificate which can be issued under this Schedule, which has expired or been cancelled, to be delivered up as he directs.
- (2) If any owner or master of a ship fails without reasonable excuse to comply with such a requirement he shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

Penalty for false statements etc.

- 27 (1) If any person intentionally makes, or assists in making, or procures to be made, a false or fraudulent certificate which can be issued under this Schedule he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine.
- (2) In Scotland, if any person—
- (a) forges, assists in forging or procures to be forged,
 - (b) fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered,
- any certificate which can be issued under this Schedule he shall be liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both; or
 - (ii) on conviction on indictment, to a fine or to imprisonment or to both.

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Admissibility of certificates in evidence

28 Any certificate issued under this Schedule shall be admissible in evidence.

Convention countries

- 29 (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 Schedule “Convention country” means a country or territory which is either—
- (a) a country the Government of which has been declared under this paragraph 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 (a) above.

Orders, rules and regulations

30 Any Order in Council, order, rules or regulations made under this Schedule 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 Secretary of State, to be appropriate.

Interpretation

- 31 (1) In this Schedule, except in so far as the context otherwise requires—
- “alteration” includes deterioration;
 - “clearance” includes transire;
 - “the Convention of 1966” means the International Convention on Load Lines which was signed in London on 5th April 1966;
 - “Convention country” and “Contracting Government” have the meanings given to them by paragraph 29(2) of this Schedule;
 - “non-United Kingdom ship” means a ship which is not registered in the United Kingdom;
 - “post-1966 Convention ship” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date; and “pre-1966 Convention ship” means a ship which is not a post-1966 Convention ship;
 - “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 given to it by paragraph 12(5) of this Schedule.

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- (2) For the purposes of the definitions of pre-1966 and post-1966 Convention ship 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 paragraph 29 of this Schedule 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 21st July 1968.
- (3) In this Schedule, subject to sub-paragraph (4) below, “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.
- (4) In determining, for the purposes of sub-paragraph (3) above, what are the ports between which a voyage is made, no account shall be taken of any deviation by a ship from its 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 sub-paragraph any colony, protectorate or other dependency, and any territory for whose international relations a Government is separately responsible shall be taken to be a separate territory.
- (5) Any reference in this Schedule 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; 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 Schedule, be taken to be the larger of those tonnages.
- (6) For the purposes of this Schedule the length of a ship shall be ascertained in accordance with regulations made by the Secretary of State under this Schedule.
- (7) Any reference in this Schedule 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.