



# Merchant Shipping (Safety and Load Line Conventions) Act 1932

## 1932 CHAPTER 9

### PART I

#### SAFETY OF LIFE AT SEA.

##### *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—

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- (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

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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.