



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

## 1932 CHAPTER 9

### PART I

#### SAFETY OF LIFE AT SEA.

*Provisions as to Safety Convention Ships not registered in the United Kingdom.*

#### **16 Certificates of Convention ships not registered in United Kingdom.**

- (1) The Board of Trade may, at the request of the Government of a country to which the Safety Convention applies, issue a general safety certificate, a short voyage safety certificate or a wireless telegraphy certificate in respect of a ship of that country if they are satisfied in like manner as in the case of a British ship registered in the United Kingdom that they can properly issue the certificate, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.
- (2) With a view to determining the validity in the United Kingdom of certificates purporting to have been issued in accordance with the Safety Convention in respect of Safety Convention ships not registered in the United Kingdom, the Board of Trade shall make such regulations as appear to the Board to be necessary for the purpose of giving effect to Article fifty-five of the Safety Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Safety Convention ships not registered in the United Kingdom, the expression "a valid Safety Convention certificate" means a certificate or certificates complying with such of those regulations as are applicable in the circumstances.
- (3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer, not registered in the United Kingdom, and there is attached to the certificate a memorandum which—
  - (a) has been issued by or under the authority of the Government of the country to which the steamer belongs; and

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- (b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances;

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

#### **17 Modifications as to survey of passenger steamers holding Convention certificate.**

- (1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—
  - (a) the provisions of the principal Act and of this Act as to the survey of passenger steamers by engineer and wireless telegraphy surveyors shall be deemed to have been complied with in the case of the steamer;
  - (b) the survey by the ship surveyor shall be limited to ascertaining the number of passengers which the steamer is fit to carry, and it shall not be necessary for the declaration of survey made by that surveyor to contain a statement of any further particulars than those set out in paragraph (e) of subsection (3) of section two hundred and seventy-two of the principal Act (which relates to the said number of passengers);
  - (c) on receipt of such a declaration, the Board of Trade shall issue a certificate under section two hundred and seventy-four of the principal Act containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.
- (2) Where there is produced in respect of any such passenger steamer a valid Safety Convention certificate, and also a certificate issued by or under the authority of the Government of the country to which the steamer belongs, showing the number of passengers which the steamer is fit to carry, and the Board of Trade are satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in the United Kingdom, the Board may if they think fit dispense with the survey of the steamer mentioned in the last foregoing subsection and direct that the last mentioned certificate shall have effect as a passenger steamer's certificate.

#### **18 Miscellaneous privileges of passenger steamers holding Convention certificate.**

Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

- (a) the steamer shall be exempt from the following enactments, namely, paragraphs (d) and (f) of subsection (1) of section two hundred and ninety of the principal Act (which relate to the equipment of emigrant ships), and sections four hundred and twenty-seven to four hundred and thirty-one of that Act (which relate to life-saving appliances); and
- (b) the steamer shall not be deemed to be unsafe for the purposes of sections four hundred and fifty-nine or four hundred and sixty-two of the principal Act by reason of the defective condition of her hull, equipment or machinery, unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond substantially with the particulars stated in the certificate.

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## **19 Wireless telegraphy provisions applicable to ships holding Convention certificate.**

- (1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—
  - (a) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to wireless telegraphy, the ship shall be exempt from the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919;
  - (b) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Convention, the following provisions of this section shall apply to the ship in lieu of the provisions of the said Act.
- (2) A surveyor of ships may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.
- (3) If it appears to the surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, the surveyor shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.
- (4) Every notice so given shall be communicated in manner directed by the Board of Trade to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire and to 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, and a clearance or transire shall not be granted to the ship, and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

## **20 Duty to produce Convention certificate.**

The master of every Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, shall produce a valid Safety Convention certificate to the officer of customs, from whom a clearance for the ship is demanded in respect of 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, and a clearance shall not be granted, and the ship may be detained, until such a certificate is so produced.

## **21 Modification of existing provisions for exemption of ships not registered in United Kingdom.**

- (1) The proviso to section four of the Merchant Shipping Act, 1906, (which provides for the exemption, in certain circumstances, of foreign ships from the provisions of the principal Act relating to life-saving appliances) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.

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- (2) The Merchant Shipping (Equivalent Provisions) Act, 1925, (which provides for the exemption, in certain circumstances, of foreign ships and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to—
- (a) Safety Convention ships, being passenger steamers plying on international voyages, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to the survey and certification of passenger steamers, to life-saving appliances or to wireless telegraphy ; and
  - (b) other Safety Convention ships so plying, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to wireless telegraphy.
- (3) Section two hundred and eighty-four of the principal Act (which provides for the recognition of colonial passenger steamers' certificates) and any Order in Council made thereunder, and section three hundred and sixty-three of that Act (which provides for the exemption of foreign passenger steamers from survey) shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.