



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

## 1932 CHAPTER 9

### PART II

#### LOAD LINE AND LOADING.

##### *Marking and Submersion of Load Lines.*

#### **42 Load line rules.**

- (1) The Board of Trade shall make such rules (hereafter in this Act referred to as "the load line rules") as appear to them to be necessary for the purpose of giving effect to the provisions of Articles 6 to 10 of the Load Line Convention and Annex I and Annex II thereto.
- (2) Such of the load line rules as are made to give effect to Part II of Annex I to the said Convention are hereafter in this Act referred to as " the conditions of assignment."

#### **43 Marking of deck-line and load lines.**

- (1) No British load line ship registered in the United Kingdom, being a ship constructed after the thirtieth day of June, nineteen hundred and thirty-two, shall proceed to sea unless—
  - (a) the ship has been surveyed in accordance with the load line rules; and
  - (b) the ship complies with the conditions of assignment ; and
  - (c) the ship is marked on each side with a mark (hereafter in this Act referred to as a " deck-line ") indicating the position of the uppermost complete deck as defined by the load line rules, and with marks (hereafter in this Act referred to as " load lines ") indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load line rules; and

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- (d) the deck-line and load lines are of the description required by the load line rules, the deck-line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and
  - (e) the load lines are in the position required by such of the load line rules as are applicable to the ship.
- (2) No British load line ship registered in the United Kingdom, being a ship constructed before the first day of July, nineteen hundred and thirty-two, shall proceed to sea unless—
- (a) the ship has been surveyed and marked in accordance with paragraphs (a), (c) and (d) of the last foregoing subsection; and
  - (b) the ship complies with the conditions of assignment in principle and also in detail, so far as, in the opinion of the Board of Trade, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and
  - (c) the load lines are either in the position required by paragraph (e) of the last foregoing sub-section or in the position required by the tables used by the Board of Trade on the thirty-first day of December, nineteen hundred and six, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof, approved by the Board of Trade under section four hundred and thirty-eight of the principal Act, as were in force immediately before the fifth day of July, nineteen hundred and thirty.
- (3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine not exceeding one hundred pounds.
- (4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section four hundred and fifty-nine of the principal Act.

#### **44 Submersion of load line.**

- (1) A British load line ship registered in the United Kingdom shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded,
- (2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.
- (3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

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- (4) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (5) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

#### **45 Miscellaneous offences in relation to marks.**

If—

- (a) the owner or master of a British load line ship registered in the United Kingdom, which has been marked in accordance with the foregoing provisions of this Part of this Act, fails without reasonable cause to keep the ship so marked; or
- (b) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part of this Act, except with the authority of a person entitled under the load line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

#### **46 Inspection of ships with respect to load line.**

A ship surveyor or engineer surveyor may inspect any British load line ship registered in the United Kingdom for the purpose of seeing that the provisions of this Part of this Act have been complied with in the case of the ship, and for the purpose of any such inspection any such surveyor shall have all the powers of a Board of Trade inspector under the principal Act.