



Merchant Shipping (Safety and Load Line Conventions) Act 1932

1932 CHAPTER 9

PART II

LOAD LINE AND LOADING.

Supplemental.

62 Amendment of ss. 436 and 454 of the principal Act.

- (1) In subsections (1) and (3) of section four hundred and thirty-six and in subsection (1) of section four hundred and fifty-four of the principal Act the expression " freeboard " shall be substituted for the expression " clear side. "
- (2) Subsection (3) of the said section four hundred and thirty-six shall cease to have effect with respect to load line ships.
- (3) The following subsection shall be substituted for subsection (5) of the said section four hundred and thirty-six, namely—
 - “(5) In this section the expression ' freeboard ' means, in the case of any ship which is marked with a deck-line, the height from the water to the upper edge of the deck-line, and, in the case of any other ship, the height amidships from the water to the upper edge of the deck from which the depth of hold as stated in the register is measured.”

63 Power to amend rules to correspond with amendments of Load Line Convention.

If any provision of the Load Line Convention to which the Board of Trade are required by this Part of this Act to give effect by any rules or regulations is amended in pursuance of Article twenty of that Convention, the Board may amend the rules or regulations accordingly.

64 Application of Part II to British possessions, protectorates and mandatory territories.

- (1) His Majesty may by Order in Council direct that the provisions of this Part of this Act, including any enactments for the time being in force amending or substituted for the said provisions, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any colony.
- (2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Part of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction.
- (3) His Majesty may by Order in Council direct—
 - (a) that any provision of this Part of this Act which is expressed to apply only to British ships registered in the United Kingdom shall apply to British ships registered in any country or part of His Majesty's dominions to which the provisions of this Part of this Act can be extended by virtue of the foregoing provisions of this section;
 - (b) that any reference in this Part of this Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid.

65 Countries to which the Load Line Convention applies.

His Majesty, if satisfied—

- (a) that the Government of any country has ratified, acceded to, or denounced the Load Line Convention; or
 - (b) that the Load Line Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article twenty-one thereof ;
- may by Order in Council make a declaration to that effect.

66 Interpretation of Part II.

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Country to which the Load Line Convention applies, " means—

- (a) a country the Government of which has been declared under the last foregoing section to have ratified, or acceded to, the Load Line Convention, and has not been so declared to have denounced that Convention;
- (b) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of Article twenty-one thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

" International voyage " means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Load Line Convention applies, so however that for the purpose of this definition—

- (a) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which

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

- neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
- (b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country;
- " Prescribed " means prescribed by the load line rules.

67 Commencement of Part II and repeal.

- (1) Subject to the provisions of this subsection, this Part of this Act shall come into operation on the appointed day:

Provided that—

- (a) where at the passing of this Act there is in force in respect of any ship a certificate issued under section four hundred and forty-three of the principal Act and that certificate ceases to be in force before the appointed day; or
- (b) where before the appointed day a load line certificate is issued in pursuance of this Part of this Act by or under the authority of the Board of Trade in respect of any ship;

this Part of this Act shall come into operation with respect to that ship as from the date on which the certificate ceases to be in force or is issued, as the case may be.

- (2) The enactments set out in Part II of the Fourth Schedule to this Act shall, to the extent specified in the third column of that Part of that Schedule, cease to have effect with respect to any ship as from the date when this Part of this Act comes into operation with respect to that ship and shall be repealed as from the appointed day:

Provided that any Order in Council in force immediately before the appointed day under section four hundred and forty-four or section four hundred and forty-five of the principal Act shall, until revoked, continue to have effect as if for references in the Order to Part V of the principal Act, or to the provisions of the principal Act relating to overloading or improper loading, as the case may be, there were substituted references to this Part of this Act, so however that no such Order shall continue to have effect with respect to Load Line Convention ships plying on international voyages.

- (3) For the purpose of this section the expression " the appointed day " means such day as His Majesty in Council may appoint.