



Merchant Shipping (Safety Convention) Act 1949

1949 CHAPTER 43 12 13 and 14 Geo 6

An Act to enable effect to be given to an International Convention for the Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight; to amend the provisions of the Merchant Shipping Acts, 1894 to 1948, relating to the construction of passenger steamers, to life-saving appliances, wireless and radio navigational aids and to other matters affected by the said Convention, and to amend the provisions of those Acts relating to fees. [14th July 1949]

Whereas a Convention (in this Act referred to as “the Safety Convention”) was signed on behalf of the government of the United Kingdom in London on the tenth day of June, nineteen hundred and forty-eight, for promoting safety of life at sea by establishing in common agreement uniform principles and rules thereto:

And whereas it is intended that the Safety Convention shall replace the International Convention for the Safety of Life at Sea 1929, which is set out in the First Schedule to the Merchant Shipping (Safety and Load Line Conventions) Act 1932:

And whereas it is expedient to enable effect to be given to the Safety Convention, and to amend the provisions of the Merchant Shipping Acts, 1894 to 1948, relating to the construction of passenger steamers, to life-saving appliances, wireless and radio navigational aids and to other matters affected by the Safety Convention, and to amend the provisions of those Acts relating to fees:

Modifications etc. (not altering text)

- C1 Act amended by [Merchant Shipping Act 1964 \(c. 47\), s. 1](#) and [Merchant Shipping \(Safety Convention\) Act 1977 \(c. 24\), ss. 1\(2\), 4](#)
- C2 Functions of Minister of Transport and Board of Trade under this Act now exercisable by Secretary of State by virtue of [S.I. 1965/145, art.2, Sch. 1](#), [1966/1410, art.2](#), [1970/1537, art.2](#) and [S.I. 1983/1127, art. 2\(4\)](#)
- C3 Act extended by [S.I. 1981/584, regs. 2–5](#)
- C4 Act amended by [S.I. 1983/708, regs. 1\(3\)\(4\)\(b\), 2](#)

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

C5 Act modified by Merchant Shipping Act 1988 (c. 12, SIF 111), **s. 47(2)(b)**, (with s. 58(4), Sch. 8 para. 1) and by S.I. 1989/1991, **art. 10**

C6 Act excluded by S.I. 1989/1991, **arts. 11–14**

Commencement Information

I1 Act not in force at Royal Assent see **s. 37(1)**; Act wholly in force at 19. 11. 1952.

Construction and Equipment

F1

Textual Amendments

F1 Ss. 1-6 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

F2

Textual Amendments

F2 Ss. 1-6 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

F3

Textual Amendments

F3 Ss. 1-6 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II** (subject to a saving for s. 3(5)(6) at the end of **Sch. 5 Pt. II**); S.I. 1993/3137, art. 3(2), **Sch.2**.

F4

Textual Amendments

F4 Ss. 1-6 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

F5

Textual Amendments

F5 Ss. 1-6 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

F66

Textual Amendments

F66 Ss. 1-6 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

Certificates

F77

Textual Amendments

F77 S. 7 repealed (1.6.1995 with effect as mentioned in reg. 1(5) of the amending S.I.) by S.I. 1995/1210, **reg. 1(4)(d)(5)**

F88

Textual Amendments

F88 S. 8 repealed (1.6.1995) by S.I. 1995/1210, **reg. 1(4)(d)(5)**

F99

Textual Amendments

F99 S. 9 repealed (1.6.1995) by S.I. 1995/1210, **reg. 1(4)(d)(5)**

F1010

Textual Amendments

F1010 S. 10 repealed (1.6.1995) by S.I. 1995/1210, **reg. 1(4)(d)(5)**

F1111

Textual Amendments

F1111 S. 11 repealed (1.6.1995) by S.I. 1995/1210, **reg. 1(4)(d)(5)**

F1212

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

Textual Amendments

F12 S. 12 repealed (1.6.1995) by S.I. 1995/1210, reg. 1(4)(d)(5)

^{F13} **13**

Textual Amendments

F13 S. 13 repealed (1.6.1995) by S.I. 1995/1210, reg. 1(4)(d)(5)

Safety Convention Ships not registered in the United Kingdom

^{F14} **14**

Textual Amendments

F14 S. 14 repealed (1.6.1995) by S.I. 1995/1210, reg. 1(4)(d)(5)

^{F15} **15**

Textual Amendments

F15 S. 15 repealed (1.6.1995) by S.I. 1995/1210, reg. 1(4)(d)(5)

16 ^{F16}

Textual Amendments

F16 S. 14(2), 16 repealed by S.I. 1981/568, reg. 4, Sch. 1

^{F17} **17**

Textual Amendments

F17 S. 17 repealed (1.6.1995) by S.I. 1995/1210, reg. 1(4)(d)(5)

Miscellaneous Provisions for furthering Safety of Life at Sea

18 ^{F18}

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

Textual Amendments

F18 Ss. 18, 20 repealed by Merchant Shipping (Load Lines) Act 1967 (c. 27), s. 33, **Sch. 2**

^{F19}**19**

Textual Amendments

F19 S. 19 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

20 ^{F20}

Textual Amendments

F20 Ss. 18, 20 repealed by Merchant Shipping (Load Lines) Act 1967 (c. 27), s. 33, **Sch. 2**

^{F21}**21**

Textual Amendments

F21 S. 21 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II** (subject to a saving at the end of **Sch. 5 Pt. II**); S.I. 1993/3137, art. 3(2), **Sch.2**

^{F22}**22**

Textual Amendments

F22 S. 22 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), **Sch. 14** para. 1)

^{F23}**23**

Textual Amendments

F23 S. 23 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch.2**

[^{F24}**24** **Carriage of grain.**

- (1) Where grain is loaded on board any British ship registered in the United Kingdom, or is loaded within any port in the United Kingdom on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and if such precautions as aforesaid are not taken, the owner or the master of the ship, or

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any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the principal Act to be unsafe by reason of improper loading.

- (2) Where any ship, having been loaded with grain outside the United Kingdom without the taking of all necessary and reasonable precautions to prevent the grain from shifting, enters any port in the United Kingdom so laden, the owner or master of the ship shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the principal Act to be unsafe by reason of improper loading:

Provided that this subsection shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

- (3) Without prejudice to the generality of the two preceding subsections, any particular precaution prescribed by rules made by the Minister under this subsection, in relation to the loading of ships generally or of ships of any class, as being a precaution to be treated for the purposes of those subsections as a necessary or reasonable precaution to prevent grain from shifting, shall be so treated in the case of ships generally, or of ships of that class, as the case may be:

Provided that this subsection shall not apply where a ship is loaded in accordance in all respects with any provisions approved by the Minister as respects the loading in question other than rules made under this subsection.

- (4)^{F25}

- (5) On the arrival at a port in the United Kingdom from a port outside the United Kingdom of any ship carrying a cargo of grain, the master shall cause to be delivered to the proper officer of Customs in the United Kingdom, together with the report required by [^{F26}section 35 of the ^{M1}Customs and Excise Management Act 1979], a notice stating—

- (a) the draught of water and freeboard, as defined by Part V of the principal Act, of the said ship after the loading of her cargo was completed at the final port of loading; and
- (b) the following particulars of the grain carried, namely,
 - (i) the kind of grain and the quantity thereof, stated in cubic feet, quarters, bushels, or tons weight;
 - (ii) the mode in which the grain is stowed, and
 - (iii) the precautions taken to prevent the grain from shifting;

and if the master fails to deliver any notice required by this subsection, or if in any such notice he makes any statement that he knows to be false in a material particular or recklessly makes any statement that is false in a material particular, he shall be liable to a fine not exceeding [^{F27}[^{F28}level 3 on the standard scale]in the case of a failure and [^{F28}level 4 on the standard scale]in the case of a false statement].

- (6) Any person having a general or special authority in that behalf from the Minister may, for securing the observance of the provisions of this section, inspect any grain, and the mode in which it is stowed, and for that purpose shall have all the powers of a Ministry of Transport inspector under the principal Act.

- (7) In this section the expression “grain” includes wheat, maize, oats, rye, barley, rice, pulses and seeds [^{F29}whether in natural or processed form], . . .^{F30}].

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

Textual Amendments

- F24** S. 24 repealed by S.I. 1980/536, **regs. 1(3), 2, 5** and S.I. 1981/576, **reg. 2** (by reg. 2 of S.I. 1980/536, as amended by S.I. 1981/576, **reg. 2(2)**) it was provided that the 1980 regulations applied in relation to: (a) sea-going United Kingdom ships, and (b) other sea-going ships while they are within the United Kingdom or the territorial waters thereof, when loaded with grain in bulk; and by S.I. 1985/1217, **regs. 1(3), 2**, S.I. 1980/536 was revoked as therein mentioned)
- F25** S. 24(4) repealed by Merchant Shipping Act 1979 (c. 39), **Sch. 7 Pt. II**
- F26** Words substituted by Customs and Excise Management Act 1979 (c. 2), **Sch. 4 para. 12** Table Pt. I
- F27** Words substituted by Merchant Shipping Act 1979 (c. 39) Sch. 6 Pt. VI para. 14
- F28** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**; (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**
- F29** Words inserted by Merchant Shipping (Safety Convention) Act 1977 (c. 24), **ss. 1(5)(a), 4**
- F30** Words repealed by Merchant Shipping (Safety Convention) Act 1977 (c. 24), **ss. 1(5)(b), 4**

Modifications etc. (not altering text)

- C7** S. 24(1)(2) amended by Merchant Shipping Act 1979 (c. 39), s. 43(2), **Sch. 6 Pt. V**

Marginal Citations

- M1** 1979 c. 2.

^{F31}**25**

Textual Amendments

- F31** S. 25 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

Supplemental

^{F32}**26**

Textual Amendments

- F32** S. 26 repealed (1.6.1995) by S.I. 1995/1210, **reg. 1(4)(d)(5)**

^{F33}**27**

Textual Amendments

- F33** Ss. 27-30 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch. 2**

^{F34}**28**

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

Textual Amendments

F34 S. 28 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II** (subject to a saving at the end of **Sch. 5 Pt. II**); S.I. 1993/3137, art. 3(2), **Sch.2** (but s. 28(1) remains in force for the sole purpose specified by Sch. 2, Appendix para. 2(c) to that S.I.).

^{F35}**29**

Textual Amendments

F35 Ss. 27-30 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**

^{F36}**30**

Textual Amendments

F36 Ss. 27-30 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**

^{F37}**31**

Textual Amendments

F37 S. 31 repealed (1.6.1995) by S.I. 1995/1210, **reg. 1(4)(d)(5)**

^{F38}**32**

Textual Amendments

F38 S. 32 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

^{F39}**33**

Textual Amendments

F39 S. 33 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2** (but s. 33(2) remains in force for the sole purpose specified by Sch. 2, Appendix para. 2(d) to that S.I.).

^{F40}**34**

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

Textual Amendments

F40 S. 34 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

35 Consequential amendments of Merchant Shipping Acts.

- F41(1)
- F42(2)
- (3) **F43**
- F44(4)
- F42(5)
- F44(6)

Textual Amendments

- F41** S. 35(1) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F42** S. 35(2)(5) repealed (1.6.1995) by S.I. 1995/1210, **reg. 1(4)(d)(5)**
- F43** Ss. 35(3), 37(5) repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)
- F44** S. 35(4)(6) repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch. 2**.

Modifications etc. (not altering text)

C8 The “said Act of 1932” means **Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9)**

F45 **36**

Textual Amendments

F45 S. 36 (so far as unrepealed) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

F46 **37**

Textual Amendments

F46 S. 37 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

Section 32.

TRANSITIONAL PROVISIONS

F47 1

Textual Amendments

F47 Sch. 1 para. 1 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

2—4. F48

Textual Amendments

F48 Sch. 1 paras. 2–4 repealed by Merchant Shipping Act 1964 (c. 47), s. 18(4) (e)

F49 SECOND SCHEDULE

Textual Amendments

F49 Sch. 2 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2), Sch. 2

F50 F50 THIRD SCHEDULE

Textual Amendments

F50 Sch. 3 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

..... F50

Changes to legislation:

There are currently no known outstanding effects for the Merchant Shipping (Safety Convention) Act 1949.