

2000 No. 1335

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Load Line) (Amendment)
Regulations 2000**

<i>Made - - - -</i>	<i>16th May 2000</i>
<i>Laid before Parliament</i>	<i>18th May 2000</i>
<i>Coming into force</i>	<i>8th June 2000</i>

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of the powers conferred by section 85(1)(a) and (b), (3) and (5) to (7) and section 86(1) and (2) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Load Line) (Amendment) Regulations 2000 and shall come into force on 8th June 2000.
2. The Merchant Shipping (Load Line) Regulations 1998(b) shall be amended as follows.
3. In regulation 2(1)—
 - (a) after the definition of “the 1966 Convention” there shall be inserted—
““the 1988 Protocol” means the Protocol of 1988 relating to the 1966 Convention(c);”;
 - (b) after the definition of “amidships” there shall be inserted—
““anniversary date” in relation to a certificate means the day and the month of each year which corresponds to the date of expiry of the certificate;”;
 - (c) in the definition of “appropriate load lines”—
 - (i) for ““appropriate load lines” means the load lines” there shall be substituted
““appropriate load line” means the load line”, and
 - (ii) before “an International” there shall be inserted “an International Load Line Certificate or”;
 - (d) in the definition of “appropriate certificate”, for “International Load Certificate 1966,” there shall be substituted “International Load Line Certificate or an International Load Line Certificate (1966),”;

(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.

(b) S.I. 1998/2241.

(c) Cmnd. 4419.

(e) in the definition of “Category A, B, C or D waters”, for “No. M. 1504” there shall be substituted “MSN 1719 (M)”;

(f) the definition of “column stabilised” shall be omitted;

(g) before the definition of “Convention country” there shall be inserted—

““conditions of assignment” means the conditions relating to construction, arrangement and stability with which a ship must comply in order to be assigned freeboards;”;

(h) in the definition of “Convention country”, for sub-paragraphs (a) and (b) there shall be substituted—

“(a) a country the Government of which is party to the 1966 Convention, or to the 1966 Convention as amended by the 1988 Protocol, or

(b) a territory to which the 1966 Convention, or the 1966 Convention as amended by the 1988 Protocol, extends;”;

(i) after the definition of “exclusive surveyor” there shall be inserted—

““Exemption Certificate” means an International Load Line Exemption Certificate or a United Kingdom Load Line Exemption Certificate;”;

(j) in the definition of “freeboard deck”—

(i) at the end of sub-paragraph (b) for “.” there shall be substituted “,”, and

(ii) for the paragraph beginning “When this lower deck is stepped” there shall be substituted, indented in line with the full-out part of the definition—

“a deck which is stepped being taken to consist for this purpose of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck;”;

(k) after the definition of “freeboard deck” there shall be inserted—

““International Load Line Certificate” means an International Load Line Certificate issued under the 1966 Convention as amended by the 1988 Protocol;

“International Load Line Certificate (1966)” means an International Load Line Certificate issued under the 1966 Convention before the relevant entry into force date (if any);

“International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the 1966 Convention as amended by the 1988 Protocol;

“International Load Line Exemption Certificate (1966)” means an International Load Line Exemption Certificate issued under the 1966 Convention before the relevant entry into force date (if any);”;

(l) for the definition of “length” and “(L)” there shall be substituted—

““length” and “(L)” in relation to a ship means the greater of the following distances—

(a) 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or

(b) the length from the fore-side of the stem to the axis of the rudder stock on that waterline.

Where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length and the fore-side of the stem respectively shall be taken at the vertical projection to that waterline of the aftermost point of the stem contour (above that waterline). In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;”;

(m) the definitions of “mobile offshore drilling unit” and “mobile offshore support unit” shall be omitted;

(n) after the definition of “rake of keel” there shall be inserted—

““relevant entry into force date” means the date when the 1988 Protocol enters into force in respect of the Government of the parent country of the ship in question;”;

(o) after the definition of “surveyor” there shall be inserted—

““United Kingdom Load Line Certificate” means a certificate issued under regulation 9(1) other than an International Load Line Certificate;

“United Kingdom Load Line Exemption Certificate” means a certificate issued under regulation 12(2);” and

(p) for the definition of “valid Convention certificate” there shall be substituted:

““valid Convention certificate” means—

- (a) an International Load Line Certificate (1966) or an International Load Line Exemption Certificate (1966), which is in force, or
- (b) an International Load Line Certificate or an International Load Line Exemption Certificate, which is in force;”.

4. In regulation 4(1)(e), for “80 tons register” there shall be substituted “80 net tons”.

5. In regulation 4(2), sub-paragraph (e) shall be omitted.

6. In regulation 6(5), for “(i) an appropriate certificate;” to the end of paragraph (5) there shall be substituted—

- “(a) in the case of a Convention-size ship, a valid Convention certificate, or
- (b) in the case of any other ship, a United Kingdom Load Line Certificate or a United Kingdom Load Line Exemption Certificate, which is in force in relation to the ship.”.

7. In the heading to regulation 8, for “Initial, periodical and annual surveys” there shall be substituted “Initial, renewal and annual surveys”.

8. In regulation 8(1)(b), after “years” there shall be inserted—

“(except where paragraph (2)(a), (5), (6) or (7) of regulation 10 is applicable)”.

9. For regulation 8(1)(c) there shall be substituted—

- “(c) An annual survey within the period of three months before or after each anniversary date of the appropriate certificate to ensure that—
 - (i) alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line;
 - (ii) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew’s quarters are maintained in an effective condition;
 - (iii) the appropriate marks are correctly and permanently indicated; and
 - (iv) information is provided in accordance with regulations 32 and 33.”.

10. In regulation 8(3), before “the International” there shall be inserted “the International Load Line Certificate,”.

11. In regulation 9(1), for “the appropriate certificate” there shall be substituted “an International Load Line Certificate in the case of a Convention-size ship, or a United Kingdom Load Line Certificate in the case of any other ship,”.

12. For regulation 9(2) there shall be substituted—

“(2) If the certificate is an International Load Line Certificate it shall be in the form prescribed by Annex III to the 1988 Protocol.”.

13. In regulation 9(3), for “MSN 1701 (M)” there shall be substituted “MSN 1752 (M)”.

14. In regulation 9(5), for “to issue or authorise the issue” to the end of the paragraph there shall be substituted—

- “(a) to issue or authorise the issue of, in respect of the ship, an International Load Line Certificate, or

- (b) in the case of an annual survey required under regulation 8(1)(c), to endorse or authorise the endorsement of the International Load Line Certificate, the International Load Line Certificate (1966) or, as the case may be, the United Kingdom Load Line Certificate accordingly;

and a certificate issued or an endorsement made in accordance with such a request, and containing a statement that it has been so issued or made, shall have the same effect as if it had been issued by the Secretary of State or made by a surveyor respectively.”.

15. In regulation 9(6)—

(a) “(1966)” shall be omitted, and

(b) for paragraph (a) there shall be substituted—

“(a) the ship has already been subjected to satisfactory initial, renewal and annual surveys, as appropriate;”.

16. For regulation 10 there shall be substituted—

“(1) Subject to paragraphs (2), (4), (5) and (6), the duration of any certificate issued under these Regulations shall not exceed a period of five years beginning with the date of completion of the initial or renewal survey referred to in regulation 8(1)(a) or (b) respectively.

(2)(a) When the renewal survey referred to in regulation 8(1)(b) is completed within three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate.

(b) When the renewal survey referred to in regulation 8(1)(b) is completed after the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the previous certificate.

(c) When the renewal survey referred to in regulation 8(1)(b) is completed more than three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the date of completion of the renewal survey.

(3) If a certificate is issued for a period of less than five years, the Assigning Authority may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (1), provided that the annual surveys applicable when a certificate is issued for a period of five years are carried out as appropriate.

(4) If, after the renewal survey, a new certificate cannot be issued to the ship before the expiry of the existing certificate, the Assigning Authority may extend the validity of the existing certificate for a period which shall not exceed five months. This extension shall be endorsed on the certificate, and shall be granted only where there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship’s freeboard.

(5) If, at the time when a certificate expires, a ship is not in a port in which it is to be surveyed, the Assigning Authority may extend the validity of the certificate but this extension shall be granted only where it appears proper and reasonable to the Assigning Authority to do so for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed. No certificate shall be extended for a period longer than three months beginning with the date of expiry, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(6) A certificate issued to a ship engaged on short voyages which has not been extended under paragraph (3), (4) or (5) of this regulation may be extended by the Assigning Authority for a period of not more than one month beginning with the date of its expiry. When the renewal survey is completed the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(7) In special circumstances, as determined by the Assigning Authority, a new certificate need not be dated from the expiry of the previous certificate before the extension was granted, as required by paragraphs (2), (5) and (6). In these special circumstances, the new certificate shall be valid for a period ending on a date which is not more than five years from the date of completion of the renewal survey.

(8) If an annual survey is completed before the period specified in regulation 8(1)(c) then:

- (a) a new anniversary date shall be endorsed on the certificate which shall not be more than three months later than the date on which the annual survey was completed;
- (b) the subsequent annual survey required by regulation 8(1)(c) shall be completed at the intervals prescribed by that regulation using the new anniversary date;
- (c) the expiry date of the certificate may remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 8(1)(c) are not exceeded.”.

17. For regulation 11 there shall be substituted—

“Certificates ceasing to be valid, and surrender and cancellation of certificates

11.—(1) An appropriate certificate issued in respect of a United Kingdom ship shall cease to be valid where—

- (a) material alterations have taken place in the hull or superstructures of the ship such as would necessitate the assignment of an increased freeboard;
- (b) the fittings and appliances mentioned in regulation 8(1)(c)(ii) are not maintained in an effective condition;
- (c) the certificate is not endorsed in accordance with regulation 8(3) to show the ship has been surveyed in accordance with regulation 8(1)(c);
- (d) the structural strength of the ship is lowered to such an extent that the ship is unsafe;
- (e) a new certificate is issued in respect of the ship; or
- (f) the ship ceases to be a United Kingdom ship.

(2) The Secretary of State may cancel an appropriate certificate issued in respect of a United Kingdom ship if he is satisfied that—

- (a) the certificate was issued on false or erroneous information;
- (b) information on the basis of which freeboards were assigned to the ship was incorrect in a material particular; or
- (c) the ship ceases to comply with the conditions of assignment relating to it.

(3) Where the Secretary of State proposes to cancel a certificate, he shall first notify the owner in writing, specifying the grounds for the proposed cancellation.

(4) Subject to paragraph (5), the Secretary of State shall not cancel the certificate until the owner has been given a reasonable opportunity to make representations, and the Secretary of State has considered any such representations made.

(5) Paragraph (4) shall not apply where the Secretary of State considers that urgent safety considerations so require.

(6) The Secretary of State may require any certificate issued under these Regulations which has expired, ceased to be valid, or been cancelled, to be surrendered as he directs.

- (7) The requirement that the notification referred to in paragraph (3) should be in writing is satisfied where the text of the notification—
- (a) is transmitted by electronic means,
 - (b) is received in legible form, and
 - (c) is capable of being used for subsequent reference.”.
- 18.** For regulation 12(1) there shall be substituted—
- “(1) Where a ship is exempted under regulation 5(1) or (3), an International Load Line Exemption Certificate in the form prescribed by the 1966 Convention as amended by Annex III to the 1988 Protocol shall be issued in respect of the ship by the Secretary of State.”.
- 19.** In regulation 12(2)—
- (a) the quotation marks around “United Kingdom Load Line Exemption Certificate” shall be omitted; and
 - (b) at the end there shall be added—
- “, and which shall be in the form prescribed in Schedule 8 of Merchant Shipping Notice MSN 1752 (M).”.
- 20.** In regulation 12(3), for paragraph (c) there shall be substituted—
- “(c) regulations 8 to 11 shall apply in relation to the Exemption Certificate as they apply in relation to an appropriate certificate,”.
- 21.** In regulation 13(2), for “MSN 1701 (M)” there shall be substituted “MSN 1752 (M)”.
- 22.** In regulation 14(1)—
- (a) after “1966 Convention” in both places it occurs, there shall be inserted “as amended by the 1988 Protocol”; and
 - (b) “(1966)” shall be omitted.
- 23.** In regulation 15(1), before “on each side” there shall be inserted “by the owner”.
- 24.** In regulation 15(2), before “in accordance with” there shall be inserted “by the owner”.
- 25.** In regulation 19(1)—
- (a) for “regulation 18(2)” there shall be substituted “regulation 18(1)”; and
 - (b) in sub-paragraph (d), for “forward” there shall be substituted “abaft”.
- 26.** In regulation 19(2), before “shall be the depth” there shall be inserted “line referred to in paragraph (1)”.
- 27.** In regulation 20, for “MSN 1701 (M)” there shall be substituted “MSN 1752 (M)”.
- 28.** In regulation 22, for paragraph (4) there shall be substituted—
- “(4) Where an Exemption Certificate is issued in association with the assignment of special freeboards which are less than those required by regulation 29, the load lines and the load line mark shall be marked on the ship by being painted in red on a contrasting background and shall comply with paragraph (2) above.”.
- 29.** For regulation 25 there shall be substituted—
- “**25.**—(1) Subject to paragraph (2), every ship to which freeboards are assigned under these Regulations shall comply with the conditions of assignment applicable to that ship and set out in Schedule 2 of Merchant Shipping Notice MSN 1752 (M).
- (2) An existing ship may, instead of complying with the conditions of assignment referred to in paragraph (1), comply with such of the requirements relevant to the

assignment of freeboards to ships as were applicable to her under the law in force immediately before 21st July 1968.”.

30. In regulation 27(1), for “MSN 1701 (M)” there shall be substituted “MSN 1752 (M)”.
31. In regulation 29(1) for “Schedule 3 in Merchant Shipping Notice. MSN 1701 (M)” there shall be substituted “Schedule 4 of Merchant Shipping Notice MSN 1752 (M)”.
32. In regulation 29(2), for “the requirements of Schedule 2 of MSN 1701 (M)” there shall be substituted “the conditions of assignment set out in Schedule 2 of Merchant Shipping Notice MSN 1752 (M)”.
33. In regulation 31, for “load line certificate issued to the ship” there shall be substituted “appropriate certificate issued in respect of the ship”.
34. In regulation 32(2), for “Schedule 6 in Merchant Shipping Notice MSN 1701 (M)” there shall be substituted “Schedule 6 of Merchant Shipping Notice MSN 1752 (M)”.
35. In regulation 32(3), for “, for ships listed in paragraph (5),” there shall be substituted—
“, in the case of a ship listed in Part II of Schedule 6 of Merchant Shipping Notice MSN 1752 (M),”.
36. In regulation 32(4)(a), for “it is known that” there shall be substituted—
“the Secretary of State or, in the case of a ship listed in Part II of Schedule 6 of Merchant Shipping Notice MSN 1752 (M), the Assigning Authority is satisfied that”.
37. In regulation 32(5)(a), for paragraphs (i) to (vii) there shall be substituted—
“listed in Part II of Schedule 6 of Merchant Shipping Notice MSN 1752 (M),”.
38. In regulation 35(2), “, being an offence corresponding to the offence under paragraphs 4(2) and (3) and 14 of Schedule 3 to the Merchant Shipping Act 1995,” shall be omitted.
39. In regulation 35(6)—
 - (a) in sub-paragraph (a), for “23(1)” there shall be substituted “23(a)”; and
 - (b) in sub-paragraph (b), for “23(2)” there shall be substituted “23(b)”.
40. In regulation 36(1), for sub-paragraph (e) there shall be substituted—
“(e) fail to surrender as directed a certificate required to be surrendered under regulation 11(6); or”.
41. In regulation 37(3), for “33” there shall be substituted “35”.
42. In regulation 37(4), for “Lines)” there shall be substituted “Line)”.
43. In regulation 37(5), for “section 96(5)” there shall be substituted “section 96(5))”.

Signed by the authority of the Secretary of State
for the Environment, Transport and the Regions

Keith Hill
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

16th May 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Merchant Shipping (Load Line) Regulations 1998 (“the 1998 Regulations”) to incorporate the amendments made to the International Convention on Load Lines, 1966 by the Protocol of 1988 relating to the International Convention on Load Lines, 1966. The Protocol was adopted by the International Maritime Organization on 11th November 1988.
2. These Regulations also correct minor errors in the 1998 Regulations.
3. Copies of the International Convention on Load Lines, 1966 and of the Protocol of 1988 may be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR. Merchant Shipping Notices may be obtained from Eros Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN (telephone number 020 8957 5028).

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