



Isle of Man

Ellan Vannin

AT 24 of 1981

**MERCHANT SHIPPING (LOAD LINES) ACT
1981**



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**Isle of Man***Ellan Vannin*

MERCHANT SHIPPING (LOAD LINES) ACT 1981

Received Royal Assent: 28 October 1981
Passed: 15 December 1981
Commenced: 19 October 1984

AN ACT to make better provisions as to load lines and related matters, and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 Ships to which Act applies

[P1976/27/1]

This Act applies to all ships except —

- (a) ships of war;
- (b) ships solely engaged in fishing; and
- (c) pleasure yachts.

2 Compliance with load line rules

[P1967/27/3]

- (1) Subject to any exemption conferred by or under this Act, no ship to which this Act applies, being a ship registered in the Island shall proceed, or attempt to proceed, to sea unless —
 - (a) the ship has been surveyed in accordance with the load line rules;
 - (b) the ship is marked with a deck-line and with load lines in accordance with those rules;
 - (c) the ship complies with the conditions of assignment; and
 - (d) the information required by those rules to be provided as mentioned in section 2(4) of the 1967 Act is provided for the guidance of the master of the ship in the manner determined in accordance with those rules.

- (2) If any ship proceeds, or attempts to proceed, to sea in contravention of subsection (1) the owner and master of the ship shall be guilty of an offence and shall be liable —
 - (a) on conviction on information, to a fine;
 - (b) on summary conviction, to a fine not exceeding £5,000.
- (3) Any ship which, in contravention of subsection (1), attempts to proceed to sea without being surveyed and marked as mentioned in paragraphs (a) and (b) of that subsection may be detained until she has been so surveyed and marked.
- (4) Any such ship as is mentioned in subsection (1) which does not comply with the conditions of assignment shall be deemed to be unsafe for the purposes of section 1 of the Detention of Ships Act (detention of British ships).

3 Submersion of load lines

[P1967/27/4(1), (2) and (4)-(7)]

- (1) Where a ship to which this Act applies, being a ship registered in the Island is marked with load lines, the ship shall not be so loaded that —
 - (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged; or
 - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (2) If any ship is loaded in contravention of subsection (1), the owner and master of the ship shall, subject to subsection (4), be guilty of an offence and shall be liable —
 - (a) on conviction on information, to a fine;
 - (b) on summary conviction to a fine not exceeding £5,000 and to such additional fine, not exceeding an amount calculated in accordance with subsection (2A), as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention.¹
- (2A) Any additional fine imposed under subsection (2)(b) shall not exceed £5,000 for each complete centimetre by which —
 - (a) in a case falling within subsection (1)(a), the appropriate load line on each side of the ship was submerged, or
 - (b) in a case falling within subsection (1)(b), the appropriate load line on each side of the ship would have been submerged as therein mentioned.²
- (3) If a master of a ship takes the ship to sea when she is loaded in contravention of subsection (1), or if any other person, having reason to

believe that the ship is so loaded, sends, or is party to sending, her to sea when she is loaded in contravention of that subsection, then (without prejudice to any fine to which he may be liable in respect of any offence under subsection (2)), he shall be guilty of an offence under this subsection and shall be liable —

- (a) on conviction on information, to a fine;
 - (b) on summary conviction to a fine not exceeding £5,000.
- (4) Where a person is charged with an offence under subsection (2), it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was 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 preceding provisions of this section, any ship which is loaded in contravention of subsection (1) may be detained until she ceases to be so loaded.
- (6) For the purposes of the application of this section to a ship in any circumstances prescribed by the load line rules in accordance with section 2(2)(d) of the 1967 Act, “the appropriate load line” means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

4 Miscellaneous offences in relation to marks

[P1967/27/5]

Where a ship to which this Act applies, being a ship registered in the Island, is marked in accordance with any requirements as to marking imposed by or under this Act, then, if —

- (a) the owner or master of the ship fails without reasonable cause to keep the ship so marked; or
- (b) any person conceals, removes, alters, defaces or obliterates, or causes or permits any person under his control to conceal, remove, alter, deface or obliterate, any mark with which the ship is so marked, except where he does so under the authority of a person empowered under the load line rules to authorise him in that behalf,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

5 Issue of load line certificates

[P1967/27/6(1)-(3)]

- (1) Where a ship to which this Act applies, being a ship registered in the Island, has been surveyed and marked in accordance with the load line

rules, the appropriate certificate shall be issued to the owner of the ship on his application.

- (2) For the purposes of this section, the appropriate certificate —
 - (a) in the case of an existing ship of not less than 150 tons gross tonnage, and, in the case of a new ship of not less than 24 metres in length, is a certificate to be called an “International Load Line Certificate (1966)”; and
 - (b) in the case of any other ship, is a certificate to be called a “Manx Load Line Certificate”.³
- (3) Subject to subsection (4), any certificate required by subsection (1) to be issued —
 - (a) shall be issued by the Department or by a person authorised in that behalf by the Department;⁴
 - (b) shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.
 - (c) [Repealed]⁵
- (4) The Department may request a Contracting Government to issue an International Load Line Certificate (1966) in respect of any ship to which this Act applies which is a ship registered in the Island and falling within subsection (2)(a) and the following provisions of this Act shall have effect in relation to such a certificate so issued, which contains a statement that it has been issued at the request of the Department, as they have effect in relation to an International Load Line Certificate (1966) issued by the Department.⁶

6 Effect of load line certificate

[P1967/27/7]

Where a certificate, issued in pursuance of section 5 and for the time being in force, is produced in respect of the ship to which the certificate relates —

- (a) the ship shall be deemed to have been surveyed in accordance with the load line rules; and
- (b) if lines are marked on the ship corresponding in number and description to the deck-line and load lines as required by the load line rules, and the positions of those lines so marked correspond to the positions of the deck-line and load lines as specified in the certificate, the ship shall be deemed to be marked as required by those rules.

7 Endorsement of load line certificates

[P1967/27/8(2)]

While any certificate issued under section 5 is in force in respect of a ship, there shall be endorsed on the certificate such information relating to —

- (a) periodical inspections of the ship in accordance with the load line rules; and
- (b) any extension of the period for which the certificate was issued, as may be prescribed by those rules.

8 Ships not to proceed to sea without load line certificate

[P1967/27/9]

- (1) Subject to any exemption conferred by or under this Act, no ship to which this Act applies, being a ship registered in the Island, shall proceed, or attempt to proceed, to sea unless the appropriate certificate is in force in respect of the ship.
- (2) Before any such ship proceeds to sea, the master of the ship shall produce the appropriate certificate to the officer of customs and excise from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.
- (3) If any ship proceeds, or attempts to proceed, to sea in contravention of this section, the master of the ship shall be guilty of an offence and shall be liable —
 - (a) on conviction on information, to a fine;
 - (b) on summary conviction, to a fine not exceeding £5,000.
- (4) In this section “the appropriate certificate” means the certificate which is the appropriate certificate for the purposes of section 5.

9 Publication of load line certificate

[P1967/27/10]

- (1) Where a certificate is issued in respect of a ship under section 5, the owner of the ship shall forthwith on receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and shall cause it to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use.
- (2) Before any ship to which this Act applies, being a ship registered in the Island, leaves any place for the purpose of proceeding to sea, the master of the ship shall cause a notice, in such form and containing such of those particulars as may be specified in the load lines (particulars of depth of loading) regulations, to be posted up in some conspicuous place on board the ship; and, where such a notice has been posted up, the master of the ship shall cause it to be kept so posted up and legible until the ship arrives at some other place.
- (3) If the owner or master of a ship fails to comply with any requirement imposed on him by the preceding provisions of this section or by the load lines (particulars of depth of loading) regulations, he shall, unless

exempted from that requirement by those regulations, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

10 Inspection of ships

[P1967/27/13]

- (1) The surveyor may inspect any ship to which this Act applies, being a ship registered in the Island, for the purpose of seeing that the provisions of this Act have been complied with in respect of the ship.
- (2) For the purposes of any inspection pursuant to subsection (1), the surveyor shall have all the powers of an inspector under section 3 of the *Merchant Shipping Act 1985*.⁷

11 Compliance with load line rules

[P1967/27/13]

- (1) Subject to subsection (2) and to any exemption conferred by or under this Act, no ship to which this Act applies, not being a ship registered in the Island, shall proceed, or attempt to proceed, to sea from any place in the Island unless —
 - (a) the ship has been surveyed in accordance with the load line rules;
 - (b) the ship is marked with a deck-line and with load lines in accordance with those rules;
 - (c) the ship complies with the conditions of assignment; and
 - (d) the information required by those rules to be provided as mentioned in section 2(4) of the 1967 Act is provided for the guidance of the master of the ship in the manner determined in accordance with those rules.
- (2) Subsection (1) does not apply to a ship in respect of which a valid Convention certificate is produced.⁸
- (3) If any ship proceeds, or attempts to proceed, to sea in contravention of the preceding provisions of this section, the owner and master of the ship shall be guilty of an offence and shall be liable —
 - (a) on conviction on information, to a fine;
 - (b) on summary conviction, to a fine not exceeding £5,000.
- (4) Any ship which, in contravention of this section, attempts to proceed to sea without being surveyed and marked as mentioned in subsection (1)(a) and (b) may be detained until she has been so surveyed and marked.
- (5) If any such ship as is mentioned in subsection (1), not being a ship in respect of which a valid Convention certificate is produced, does not comply with the conditions of assignment, then —

- (a) if the ship is a British ship, she shall be deemed to be unsafe for the purposes of section 1 of the Detention of Ships Act (detention of British ships); or
- (b) if the ship is a foreign ship, section 2 of that Act (detention of foreign ships) shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.⁹

12 Submersion of load lines

[P1967/27/14]

- (1) Where a ship to which this Act applies, not being a ship registered in the Island, is within any place in the Island and is marked with load lines, the ship shall not be so loaded that –
 - (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged; or
 - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (2) Subject to subsection (3), subsections (2), (4) and (5) of section 3 shall have effect for the purposes of this section as if any reference in those subsections to subsection (1) of that section or to paragraph (a) or paragraph (b) of the said subsection (1) were a reference to subsection (1) or, as the case may be, to the corresponding paragraph of subsection (1) of this section.
- (3) In the case of a ship in respect of which a valid Convention certificate is produced, the ship shall not be detained, and no proceedings shall be brought by virtue of subsection (2) unless the ship has been inspected by the surveyor in pursuance of section 14.¹⁰
- (4) In relation to a ship in respect of which a valid Convention certificate is produced, “load line” in subsection (1) means a line marked on the ship in the position of a load line specified in that certificate; and, for the purposes of the application of the relevant provisions to such a ship in any circumstances for which a particular load line is specified in the certificate, the “appropriate load line” means the load line which, in accordance with the certificate, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.¹¹
- (5) Where a valid Convention certificate is not produced in respect of a ship, then, for the purposes of the application of the relevant provisions to that ship in any circumstances prescribed by the load line rules in accordance with section 2(2)(d) of the 1967 Act, “the appropriate load line” means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.¹²

- (6) In subsections (4) and (5), “the relevant provisions” means the provisions of subsection (1) and any provisions of section 3 as applied by subsection (2).

13 Production of certificate to customs and excise officer

[P1967/27/16]

- (1) Subject to any exemption conferred by or under this Act, before a ship to which this Act applies, not being a ship registered in the Island, proceeds to sea from any place in the Island, the master of the ship shall produce the appropriate certificate to the officer of customs and excise from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.
- (2) For the purposes of this section, the appropriate certificate is —
- (a) a valid Convention certificate; or¹³
 - (b) a Manx Load Line Certificate for the time being in force in respect of the ship.

14 Provisions as to inspection

[P1967/27/17]

- (1) Subject to the following provisions of this section, the surveyor may inspect any ship to which this Act applies, not being a ship registered in the Island, while the ship is in any place in the Island; and, for the purposes of any such inspection, the surveyor shall have all the powers of an inspector under section 3 of the *Merchant Shipping Act 1985*.¹⁴
- (2) The surveyor may go on board any ship to which this Act applies and which is not registered in the Island, while the ship is in any place in the Island, for the purpose of demanding production of any valid Convention certificate for the time being in force in respect of the ship.¹⁵
- (3) If, on any such demand, a valid Convention certificate is produced to the surveyor in respect of the ship, the powers of the surveyor under subsection (1) shall be limited to seeing that —
- (a) the ship is not loaded beyond the limits allowed by the certificate;
 - (b) lines are marked on the ship in the positions of the load lines specified in the certificate;
 - (c) no material alterations have taken place in the hull or superstructures of the ship which affect the position in which any of those lines ought to be marked; and
 - (d) the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.¹⁶

- (4) If, on an inspection of a ship under this section, the ship is found to have been so materially altered in respect of the matters referred to in subsection (3)(c) or (d) that the ship is manifestly unfit to proceed to sea without danger to human life, then —
- (a) if the ship is a British ship, she shall be deemed to be unsafe for the purposes of section 1 of the Detention of Ships Act (detention of British ships); or
 - (b) if the ship is a foreign ship, section 2 of that Act (detention of foreign ships) shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.
- (5) Where a ship is detained under the provisions of the Detention of Ships Act as applied by subsection (4), the Department shall order the ship to be released as soon as it is satisfied that the ship is fit to proceed to sea without danger to human life.¹⁷

15 Load lines exemption order

[P1967/27/18(3)]

Where a load lines exemption order is made subject to conditions, the exemption conferred by the order shall not have effect in relation to a ship unless the ship complies with these conditions.

16 Power to exempt ships

[P1967/27/19]

- (1) In this section, any reference to exempting a ship is a reference to exempting the ship either —
- (a) from all the provisions of this Act and of the load line rules; or
 - (b) from such of those provisions as are specified in the instrument conferring the exemption.
- (2) On the application of the owner of a ship to which this Act applies, which is registered in the Island and is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length, the Department may exempt the ship if, in its opinion, the ship embodies features of a novel kind such that, if the ship had to comply with all the requirements of this Act and of the load line rules, the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded.¹⁸
- (3) On the application of the owner of a ship to which this Act applies, which is registered in the Island and is either —
- (a) an existing ship of less than 150 tons gross tonnage or a new ship of less than 24 metres in length; or
 - (b) a ship (not falling within paragraph (a)) which does not ply on international voyages,

the Department may exempt the ship.¹⁹

- (4) Without prejudice to subsection (3), where a ship to which this Act applies, which is registered in the Island and is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length, does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Department, on the application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.²⁰
- (5) Any exemption conferred under this section may be conferred subject to such conditions as the Department thinks fit; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.²¹

17 Issue of exemption certificate

[P1967/27/20]

- (1) Where the Department exempts a ship under section 16, the Department shall issue the appropriate certificate to the owner of the ship.²²
- (2) For the purposes of this section, the appropriate certificate —
 - (a) where the exemption is conferred under section 16(2) or (4), is a certificate to be called an “International Load Line Exemption Certificate”, and
 - (b) where the certificate is conferred under section 16(3), is a certificate to be called a “Manx Load Line Exemption Certificate”.²³
- (2A) Certificates issued as mentioned in section 22(1) of the 1967 Act shall be included among the certificates to be called “International Load Line Exemption Certificates”.²⁴
- (3) Any certificate issued under this section shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.

18 Endorsement of load line exemption certificates

[P1967/27/21(2)]

While any certificate issued under section 17 is in force in respect of a ship, there shall be endorsed on the certificate such information relating to —

- (a) periodical inspections of the ship in accordance with the load line rules; and
 - (b) any extension of the period for which the certificate was issued,
- as may be prescribed by those rules.

19 Subdivision load lines

[P1967/27/23(1) and (2)]

- (1) Where, in pursuance of the construction rules, a passenger ship to which this Act applies, being a ship registered in the Island, is marked with subdivision load lines, and the lowest of those lines is lower than the line which, apart from this subsection, would be the appropriate load line for the purposes of section 3, that section shall have effect as if that subdivision load line were the appropriate load line for the purposes of that section.
- (2) Where, in pursuance of the construction rules or in pursuance of the Safety Convention or any law of any country made for the purpose of giving effect to that Convention, a passenger ship to which this Act applies, not being a ship registered in the Island, is marked with subdivision load lines, and the lowest of those load lines is lower than the line which apart from this subsection, would be the appropriate load line for the purposes of section 12, that section shall have effect as if that subdivision load line were the appropriate load line for the purposes of that section.²⁵

20 [Repealed]²⁶**21 [Repealed]²⁷****22 Miscellaneous supplementary provisions**

[P1967/27(1)-(3) and (5)]

- (1) Without prejudice to the operation of section 33(1), where any foreign ship is detained under this Act, and where any proceedings are taken under this Act against the master or owner of any such ship, notice shall forthwith be served on the consular officer for the country to which the ship belongs, at, or nearest to, the place where the ship is for the time being, and that notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.
- (2) Where a ship is detained under any provision of this Act which provides for the detention of a ship until an event specified in that provision occurs, section 3(2) of the Detention of Ships Act (costs of detention) shall apply as if the ship had been finally detained under that Act.
- (3) The provisions of section 12 of the Passenger Ships' Survey Act (delivery up of certificate) and of section 20 of that Act (penalty for false statement in relation to, or forgery of, certificate or declaration) shall have effect in relation to any certificate which can be issued under this Act as they have effect in relation to a passenger ship's certificate.
- (4) Any certificate issued under this Act shall be admissible in evidence.

23 Delegation of certain functions of the Department

[1979/11/24]

Without prejudice to section 12 of the *Boards of Tynwald Act 1952* (authority of Boards of Tynwald to delegate powers) or to section 33(1) of this Act, the Department may, with the concurrence of the Department of Trade of the United Kingdom, delegate to that Department any of its functions under this Act other than a power to make a public document.²⁸

24 Application to the Island of certain UK subordinate legislation

The subordinate legislation of the United Kingdom specified in Schedule 1 shall apply for the purposes of this Act subject to such modifications or exceptions, or both, as the Department, after consultation with the Secretary of State, may by order provide.²⁹

24A Unregistered Manx ships

- (1) This section applies to ships which —
 - (a) are Manx ships to which this Act applies, but
 - (b) are not registered, whether in the Island or elsewhere.
- (2) The Department may by order specify a class of ships to which this section applies and direct that, in such circumstances as may be specified in the order, the provisions of this Act relating to ships registered in the Island shall have effect in relation to ships of that class as if they were registered in the Island.³⁰

25 Power to amend Act by order

[1979/14/64(1) and (2)]

- (1) The Department may from time to time, with the concurrence of the Secretary of State, by order amend, vary, adapt or repeal any provision of this Act in such manner as may appear to the Department expedient for the purpose of making this Act correspond (subject to such modifications or exceptions, or both, as the Department may consider appropriate) with the like enactments from time to time operating in the United Kingdom; and any provision of any such order shall take effect from such day as may be specified in the order, not being earlier than the date on which the corresponding enactment has effect in the United Kingdom.³¹
- (2) Any order under this section shall have effect as if it were an Act of Tynwald.

26 Interpretation

The definitions and other matters specified in Schedule 2 shall have effect.

27 Transitional provision

Nothing in section 2 shall prohibit a ship from going to sea without such a certificate as is required, or is equivalent to one required, by that section until the expiry of 3 months from the commencement of this Act.

28 [Repealed]³²**29 Proceedings for offences**

[1979/14/65]

Proceedings against a person for any offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, at any place in the Island.

30 Service of summons, etc

[1979/14/66]

Without prejudice to the provisions of any other enactment relating to the service of a summons or any other document, any summons or document in respect of any legal proceedings under this Act may, if the person to be served is serving on a ship, be served by leaving the summons or document on board the ship to which he belongs with the person being, or appearing to be, in command or charge of the ship.

31 Orders

No order made by the Department under this Act shall have effect until it has been approved by Tynwald.³³

32 Expenses

Any expenses incurred by the Department in the operation of this Act shall be defrayed out of money provided by Tynwald.³⁴

33 Short title, construction and commencement

- (1) This Act may be cited as the Merchant Shipping (Load Lines) Act 1981 and shall be construed as one with the Passenger Ships' Survey Act, and that Act and this Act may be cited together as the Merchant Shipping (Safety Regulations) Acts 1979 and 1981.
- (2) This Act shall come into force on such day as the Board may by order appoint.³⁵

SCHEDULE 1

U.K. SUBORDINATE LEGISLATION TO WHICH SECTION 24 APPLIES

Section 24³⁶

1. [Repealed]
2. The load line rules.
3. The load lines exemption order.
4. The load lines (length of ship) regulations.
5. The load lines (particulars of depth of loading) regulations.
6. The Load Lines Convention Orders.

SCHEDULE 2

INTERPRETATION

Section 26 [P1969/27/32(1)-(7)]

PART I – GLOSSARY OF TERMS

“**the 1967 Act**” means the Merchant Shipping (Load Lines) Act 1967 (an Act of Parliament);

“**alteration**” includes deterioration;

“**clearance**” includes a transire;

“**Contracting Government**” means such Government as is referred to in paragraph (a) of the definition of “Convention Country”;³⁷

“**the Convention of 1966**” means the International Convention on Load Lines 1966;³⁸

“**Convention Country**” means a country or territory which is either —

- (a) a country the Government of which has been declared under section 31 of the 1967 Act to have accepted or acceded to the Convention of 1966, and has not been so declared to have denounced that Convention, or
- (b) a territory to which it has been so declared that the Convention of 1966 extends, not being a territory to which it has been so declared that that Convention has ceased to extend;³⁹

“**construction rules**” means the regulations relating to the construction of passenger ships made under sections 1 and 2 of the *Merchant Shipping Act 1985* or any legislation of the United Kingdom applied to the Island under section 5 of that Act and which relates to those matters;⁴⁰

“**the Department**” means the Department for Enterprise;⁴¹

“**the deck cargo regulations**” [Repealed]⁴²

“**the Detention of Ships Act**” means the *Merchant Shipping (Detention of Ships) Act 1979*;

“**International Load Line Certificate (1966)**” has the meaning assigned to it by section 5(2)(a);⁴³

“**International Load Line Exemption Certificate**” has the meaning assigned to it by section 17(2)(a) and (2A);⁴⁴

“**the load line rules**” means rules made under section 2 of the 1967 Act and includes those rules as amended by the Merchant Shipping (Load Line) (Amendment) Rules 1990;⁴⁵

“**the Load Lines Convention Orders**” means Orders in Council under section 31 of that Act;⁴⁶

“**the load lines exemption order**” means an order made under section 18 of that Act;

“**the load lines (length of ship) regulations**” means regulations made under section 32(6) of that Act;

“**the load lines (particulars of depth of loading) regulations**” means regulations made under section 10 of that Act;

“**Manx load line certificate**” has the meaning assigned to it by section 5(2);

“**Manx load line exemption certificate**” has the meaning assigned to it by section 17(2);

“**Manx ship**” has the meaning assigned to it by section 1 of the *Merchant Shipping Registration Act 1991*;⁴⁷

“**parent country**”, in relation to a ship, means the country or territory in which the ship is registered, or, if the ship is not registered anywhere, means the country or territory whose flag the ship flies;

“**the Passenger Ships’ Survey Act**” means the *Merchant Shipping (Passenger Ships’ Survey) Act 1979*;

“**prescribed**” [Repealed]⁴⁸

“**Safety Convention**” means the International Convention for the Safety of Life at Sea signed in London on the 1st November 1974 as amended and the Protocol of 1978 relating to that Convention;⁴⁹

“**valid Convention certificate**” means a certificate which either —

- (a) has been issued under section 12(2) of the 1967 Act and is for the time being in force; or
- (b) having been issued as mentioned in section 12(3) of that Act, is produced in circumstances in which it is required by the load line rules to be recognised for the purposes of this Act.⁵⁰

PART II – SUPPLEMENTAL

1. In this Act, subject to paragraph 2 –

“**international voyage**” means a voyage between –

- (a) a place in the Island and a place outside the Island;
- (b) a place in a Convention country (other than the Island) and a place in any other country or territory (whether a Convention country or not) which is outside the Island.⁵¹

2. In determining, for the purposes of paragraph 1, what are the places between which a voyage is made, no account shall be taken of any deviation by a ship from her intended voyage which is due solely to stress of weather or any other circumstances which neither the master nor the owner, nor the charterer (if any), of the ship could have prevented or forestalled; and, for the purposes of that paragraph, any colony, protectorate or other dependency, any territory for whose international relations a Government is separately responsible, and any territory for which the United Nations are the administering authority, shall be taken to be a separate territory.

3. In this Act, “**a new ship**” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date, and “**existing ship**” means a ship which is not a new ship; and for the purposes of this paragraph, the material date –

- (a) in relation to a ship whose parent country is a Convention country (other than the Island) is the date as from which it is declared by a Load Lines Convention Order either that the Government of that Country has accepted or acceded to the Convention of 1966 or that it is a territory to which that Convention extends; and⁵²
- (b) in relation to any other ship, is the 21st July 1968.

4. Any reference in this Act to the gross tonnage of a ship shall be construed as a reference to the tonnage of a ship as ascertained in accordance with tonnage regulations made under the *Merchant Shipping Registration Act 1991*; and where, in accordance with those regulations, alternative tonnages are assigned to a ship, the gross tonnage of the ship shall, for the purposes of this Act, be taken to be the larger of those tonnages.⁵³

5. For the purposes of this Act, the length of a ship shall be ascertained in accordance with the load lines (length of ship) regulations.

6. Any reference in this Act to any provision of the Convention of 1966 shall, in relation to any time after that provision has been amended in pursuance of Article 29 of that Convention, be construed as a reference to that provision as so amended.⁵⁴

SCHEDULE 3⁵⁵

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
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Table of Endnote References

¹ Para (b) substituted by Fines Act 1986 Sch 2.

² Subs (2A) inserted by Fines Act 1986 Sch 2.

³ Subs (2) substituted by Merchant Shipping Act 1985 Sch 1.

⁴ Para (a) amended by GC190/86.

⁵ Subs (3) amended by Merchant Shipping Act 1985 Sch 1. Para (c) repealed by Merchant Shipping Act 1985 Sch 1.

⁶ Subs (4) added by Merchant Shipping Act 1985 Sch 1 and amended by GC190/86.

⁷ Subs (2) amended by Merchant Shipping Act 1985 Sch 1.

⁸ Subs (2) amended by Merchant Shipping Act 1985 Sch 1.

⁹ Subs (5) amended by Merchant Shipping Act 1985 Sch 1.

¹⁰ Subs (3) amended by Merchant Shipping Act 1985 Sch 1.

¹¹ Subs (4) amended by Merchant Shipping Act 1985 Sch 1.

¹² Subs (5) amended by Merchant Shipping Act 1985 Sch 1.

¹³ Para (a) amended by Merchant Shipping Act 1985 Sch 1.

¹⁴ Subs (1) amended by Merchant Shipping Act 1985 Sch 1.

¹⁵ Subs (2) amended by Merchant Shipping Act 1985 Sch 1.

¹⁶ Subs (3) amended by Merchant Shipping Act 1985 Sch 1.

¹⁷ Subs (5) amended by GC190/86.

¹⁸ Subs (2) amended by GC190/86.

¹⁹ Subs (3) amended by GC190/86.

²⁰ Subs (4) amended by Merchant Shipping Act 1985 Sch 1 and by GC190/86.

²¹ Subs (5) amended by GC190/86.

²² Subs (1) amended by GC190/86.

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- ²³ Subs (2) substituted by Merchant Shipping Act 1985 Sch 1.
- ²⁴ Subs (2A) inserted by Merchant Shipping Act 1985 Sch 1.
- ²⁵ Subs (2) amended by Merchant Shipping Act 1985 Sch 1.
- ²⁶ S 20 repealed by SD667/97.
- ²⁷ S 21 repealed by Merchant Shipping (Miscellaneous Provisions) Act 1996 Sch 2.
- ²⁸ S 23 amended by GC190/86.
- ²⁹ S 24 amended by GC190/86.
- ³⁰ S 24A inserted by GC254/92.
- ³¹ Subs (1) amended by GC190/86.
- ³² S 28 repealed by Statute Law Revision Act 1992 Sch 2.
- ³³ S 31 amended by GC190/86.
- ³⁴ S 32 amended by GC190/86.
- ³⁵ ADO (whole Act) 19/10/1984 (by order dated 14/9/84).
- ³⁶ Sch 1 amended by Merchant Shipping Act 1985 Sch 1 and by SD667/97.
- ³⁷ Definition of “Contracting Government” inserted by Merchant Shipping Act 1985 Sch 1.
- ³⁸ Definition of “the Convention of 1966” inserted by Merchant Shipping Act 1985 Sch 1.
- ³⁹ Definition of “Convention Country” inserted by Merchant Shipping Act 1985 Sch 1.
- ⁴⁰ Definition of “construction rules” inserted by Merchant Shipping Act 1985 Sch 1.
- ⁴¹ Definition of “the Department” inserted by SD155/10 Sch 2 and amended by SD2017/0325.
- ⁴² Definition of “the deck cargo regulations” repealed by SD667/97.
- ⁴³ Definition of “International Load Line Certificate (1966)” inserted by Merchant Shipping Act 1985 Sch 1.
- ⁴⁴ Definition of “International Load Line Exemption Certificate” inserted by Merchant Shipping Act 1985 Sch 1.
- ⁴⁵ Definition of “the load line rules” amended by GC361/92.
- ⁴⁶ Definition of “the Load Lines Convention Orders” inserted by Merchant Shipping Act 1985 Sch 1.
- ⁴⁷ Definition of “Manx Ship” inserted by GC254/92.
- ⁴⁸ Definition of “prescribed” repealed by Merchant Shipping Act 1985 Sch 1.
- ⁴⁹ Definition of “Safety Convention” added by Merchant Shipping Act 1985 Sch 1.
- ⁵⁰ Definition of “valid Convention certificate” added by Merchant Shipping Act 1985 Sch 1.
- ⁵¹ Subpara (b) substituted by Merchant Shipping Act 1985 Sch 1.
- ⁵² Subpara (a) substituted by Merchant Shipping Act 1985 Sch 1.
- ⁵³ Para 4 amended by Merchant Shipping Registration Act 1991 Sch 5.
- ⁵⁴ Para 6 added by Merchant Shipping Act 1985 Sch 1.
- ⁵⁵ Sch 3 repealed by Statute Law Revision Act 1992 Sch 2.

