

INTERNATIONAL LOAD LINE CONVENTION

Note: The Convention was concurred in by the Senate, SR. No. 96, May 19, 1949. Philippine instrument of accession was signed by the President, September 30, 1949 and was deposited with the UK Government, September 30, 1949. The Convention entered into force January 1, 1933 and with respect to the Philippines, December 30, 1949. It was proclaimed by the President, Proc. No. 149 S. 1949.

Reference: This Convention is also published in 135 LNTS, p. 303. The Presidential proclamation of the Convention is published in 45 O.G. 3749 (Sept. 1949).

CHAPTER I

PRELIMINARY

ARTICLE I-GENERAL OBLIGATION OF CONVENTION

So that the load lines prescribed by this Convention shall be observed, the Contracting Governments undertake to give effect to the provisions of this Convention, to promulgate all regulations, and to take all other steps which may be necessary to give this Convention full and complete effect.

The provisions of this Convention are completed by Annexes, which have the same force and take effect at the same time as this Convention. Every reference to this Convention implies at the same time a reference to the Rules annexed thereto.

ARTICLE II-SCOPE OF CONVENTION

1. This Convention applies to all ships engaged on international voyages, which belong to countries the Governments of which are Contracting Governments, or to territories to which this Convention is applied under Article 21, Except:

(a) Ships of war; ships solely engaged in fishing; pleasure yachts and ships not carrying cargo or passengers;

(b) Ships of less than 150 tons gross.

2. Ships when engaged on international voyages between the near neighboring ports of two or more countries may be exempted by the Administration to which such ships belong from the provisions of this Convention, so long as they shall remain in such trades, if the Governments of the countries in which such ports are situated shall be satisfied that the sheltered nature and conditions of such voyages between such ports make it unreasonable or impracticable to apply the provisions of this Convention to ships engaged in such trades.

3. All agreements and arrangements relating to load line or matters appertaining thereto at present in force between Contracting Governments shall continue to have full and complete effect during the terms thereof as regards:

(a) Ships to which this Convention does not apply;

(b) Ships to which this Convention applies in respect of matters for which it has not expressly provided.

To the extent, however, that such agreements or arrangements conflict with the provisions of this Convention, the provisions of this Convention shall prevail.

Subject to any such agreement or arrangement:

(a) All ships to which this Convention does not apply; and

(b) All matters which are not expressly provided for in this Convention; shall remain subject to the legislation of each Contracting Government to the same extent as if this Convention had not been made.

ARTICLE III-DEFINITIONS

In this Convention, unless expressly provided otherwise:

(a) A ship is regarded as belonging to a country if it is registered by the Government of that country;

(b) The expression "Administration" means the Government of the country to which the ship belongs;

(c) An "international voyage" is a voyage from a country to which this Convention applies to a port outside such country, or conversely, and for this purpose, every colony, overseas territory, protectorate or territory under suzerainty or mandate is regarded as a separate country;

(d) The expression "Rules" means the Rules contained in Annexes I, II and III;

(e) A "new ship" is a ship, the keel of which is laid on or after the 1st July, 1932, all other ships being regarded as existing ships.

(f) The expression "steamer" includes any vessel propelled by machinery.

ARTICLE IV-CASES OF "FORCE MAJEURE"

No ship, which is not subject to the provisions of this Convention at The time of its departure on any voyage, shall subject to the provisions of this Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.

In applying the provisions of this Convention, the Administration shall give due consideration to any deviation or delay caused to any ship owing to stress of weather or to any other cause of force majeure.

CHAPTER II

LOAD LINE: SURVEY AND MARKING

ARTICLE V-GENERAL PROVISIONS

No ship to which this Convention applies shall proceed to sea on an international voyage after the date on which this Convention comes into force, unless the ship, being:

A. A new ship:

- (a) Has been surveyed in accordance with the provisions of Annex I;
- (b) Complies with the provisions of Part II of Annex I; and
- (c) Has been marked in accordance with the provisions of this Convention.

B. An existing ship:

- (a) Has been surveyed and marked (whether before or after this Convention comes into force) in accordance with the conditions prescribed either in paragraph A of this Article or in one of the sets of Rules for the Assignment of Load Line particularized in Annex IV; and
- (b) Complies with the provisions of Part II of Annex I in principle, and also in detail, so far as is reasonable and practicable, having regard to the efficiency of (i) guard rails; (ii) the protection of openings; (iii) freeing ports and (iv) means of access to crews' quarters provided by the existing arrangements, fittings and appliances on the ship.

ARTICLE VI-PROVISIONS FOR STEAMERS CARRYING TIMBER DECK CARGOES

1. A steamer which has been surveyed and marked under Article V shall be entitled to be surveyed and marked with a timber load line under Part V of Annex I if, being:

A. A new ship, it complies with the conditions and provisions prescribed in Part V of Annex I;

B. An existing ship, it complies with the conditions and provisions of Part V and Annex I other than rule 80, and also in principle, so far as is reasonable and practicable, with the conditions and provision prescribed by Rule 80 provided that in assigning a timber load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable, having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rule 80.

2. A steamer when using the timber load line shall comply with Rules 84, 85, 86, 88 and 89.

ARTICLE VII-PROVISIONS FOR TANKERS

A steamer which has been surveyed under Article V shall be entitled to be surveyed and marked as a tanker under Part VI of Annex I if, being:

A. A new ship, it complies with the conditions and provisions prescribe in Part VI of Annex I;

B. An ship, it complies with the conditions and provisions in Rules 93, 96, 97 and 98 and 99, and also in principle so far as is reasonable and practicable with Rules 94, 95 and 100, provided that in assigning a tanker load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rules 94,95 and 100.

ARTICLE VIII-PROVISIONS FOR SHIPS OF SPECIAL TYPES

For steamers over 300 feet in length, possessing constructional features similar to those of a tanker which afford extra invulnerability against the sea, a reduction in freeboard may be granted.

The amount of such reduction shall be determined by the Administration in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the conditions of assignment laid down for these ships, and the degree of subdivision provided.

The freeboard assigned to such a ship shall in no case be less than would be assigned to the ship as a tanker.

ARTICLE IX-SURVEY

The survey and marking of ships for the purpose of this Convention shall be carried out by officers of the country to which the ships either to Surveyors nominated for this purpose, or to organizations recognized by it. In every case the Government concerned fully guarantees the completeness and efficiency of the survey and marking.

ARTICLE X-ZONES AND SEASONAL AREAS

A ship to which this Convention applies shall conform to the conditions applicable to the zones and seasonal areas described in Annex II to this Convention.

A port standing on the boundary line between two zones shall be regarded as within the zone from or into which the ship arrives or departs.

CHAPTER III

CERTIFICATES

ARTICLE XI-ISSUE OF CERTIFICATES

A certificate called "International Load Line Certificate," shall be issued to every ship which has been surveyed and marked in accordance with this Convention, but not otherwise.

An International Load Line Certificate shall be issued either by the Government of the country to which the ship belongs or by any person or organization duly authorized by that Government, and in every case the Government assumes full responsibility for the certificate.

ARTICLE XII-ISSUE OF CERTIFICATES BY ANOTHER GOVERNMENT

The Government of a country to which this Convention applies may, at the request of the Government of any other country to which this Convention applies, cause any ship which belongs to the last-mentioned country, or (in the case of an unregistered ship) which is to be registered by the Government of that country, to be surveyed and marked, and, if satisfied that the requirements of this Convention are complied with, issue an International Load Line Certificate to such ship, under its own responsibility. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country to which the ship belongs, or of the Government by whom the ship is to be registered, as the case

may be, and it shall have the same force and receive the same recognition as a certificate issued under Article II of this Convention.

ARTICLE XIII-FORM OF CERTIFICATE

The International Load Line Certificate shall be drawn up in the official language or languages of the country by which they are issued.

The form of the certificate shall be that of the model given in Annex III, subject to such modifications as may, in accordance with Rule 78, be made in the case of ships carrying timber deck cargoes.

ARTICLE XIV-DURATION OF CERTIFICATE

(1) An International Load Line Certificate shall, unless it is renewed in accordance with the provisions of paragraph 2 of this Article, expire at the end of such period as may be specified therein by the Administration which issues it: but the period so specified shall not exceed five years from the date issue. (2) An International Load Line Certificate may be renewed from time to time by the Administration which issued it for such period, not exceeding five years on any occasion) as the Administration thinks fit after a survey not less effective than the survey required by this Convention before the issue of the certificate, and any such renewal shall be endorsed on the certificates. (3) An Administration shall cancel any International Load Line Certificate issued to a ship belonging to its country: (a) If material alterations have taken place in the hull and superstructures of the ship which effect the calculations of freeboard. (b) If the fittings and appliances for the (i) protection of openings (ii) guard rails, (iii) freeing ports and (iv) means of access to crews' quarters are not maintained in as effective a condition as they were in when the certificate was issued. (c) If the ship is not inspected periodically at such times and under such conditions as the Administration may think necessary for the purpose of securing that the hull and superstructures referred to in Condition A are not altered and that the fittings and appliances referred to in Condition B are maintained as therein provided throughout the duration of the certificate.

ARTICLE XV-ACCEPTANCE OF CERTIFICATES

International Load Line Certificate issued under the authority of a Contracting Government shall be accepted by the other Contracting Government as having the same force as the certificates issued by them to ships belonging their respective countries.

ARTICLE XVI-CONTROL

1. A ship to which this Convention applies, when in a port of a country to which it does not belong, is in any case subject to control with respect to load line as follows: An officer duly authorized by the Government of that country may take such steps as may be necessary for the purpose of seeing that there is on board a valid International Load Line Certificate. If there is such a certificate on board the ship, such control shall be limited to the purpose of securing:

(a) That the ship is not loaded beyond the limits allowed by the certificate;

(b) That the position of the load line on the ship corresponds with the certificate; and