STATUTORY INSTRUMENTS

2018 No. 155

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018

Made - - - -	*8th February 2018*
Laid before Parliament	*15th February 2018*
Coming into force - -	*9th March 2018*

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(**1**), and in exercise of the powers conferred by section 85(1) to (1B), (3) and (5) to (7), section 86(1), section 302(1) and section 306A of that Act, and with the consent of the Treasury(**2**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 and come into force on 9th March 2018.

Interpretation

2. In these Regulations—

"1966 Convention" means the International Convention on Load Lines 1966(**3**) as modified by the 1988 Protocol and as amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28)(**4**);

(**1**) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306(A) was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amending instruments but none is relevant.

(**2**) The consent of the Treasury is required to make these Regulations under section 302(1) of the Merchant Shipping Act 1995.

(**3**) Cmnd. 3708. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (http://treaties.fco.gov.uk/docs/pdf/1968/TS0058.pdf).

(**4**) The text of IMO Resolutions A.972(24), A.1082(28) and A.1083(28) may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or in Marine Information Note 560(M) issued by the Maritime and Coastguard Agency (MCA) and which is available in copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or on https://www.gov.uk. The Resolutions will also be made available on the Foreign and Commonwealth Office treaties database (http://treaties.fco.gov.uk/treaties/treaty.htm).

"1988 Protocol" means the Protocol of 1988 relating to the 1966 Convention(**5**) as amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93)(**6**);

"alteration" includes deterioration;

"amidships" in relation to a ship means the middle of the ship's length;

"Annex" has the meaning given to it in regulation 5;

"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 Convention certificate;

"annual survey" means a survey of a ship required under regulation 12(1)(c);

"applicable Convention requirements" means the requirements of the 1966 Convention, except where regulation 4(4) applies;

"appropriate load line" means the line directed to be marked on a ship indicating the maximum depth to which a ship may be loaded in a particular zone or area and seasonal period (as defined in Annex II) and which is calculated in accordance with Annex 1;

"appropriate marks" means the appropriate load lines, the deck-line and the load line mark;

"Assigning Authority" has the meaning given to it in regulation 3;

"Category A, B, C or D waters" means the waters specified as such in Merchant Shipping Notice 1837(M) Amendment 1, as amended or replaced as the Secretary of State considers to be relevant from time to time;

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

"constructed" means that the keel of the ship has been laid or is at a similar stage of construction;

"Contracting Government" means the Government of a State which is a party to the 1966 Convention or to the 1988 Protocol;

"Convention certificate" means an International Load Line Certificate or an International Load Line Exemption Certificate;

"Convention country" means a country or territory which is either—

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

(b) a territory to which the 1966 Convention or the 1988 Protocol extends whether or not it is subject to the amendments or reservations to either instrument;

"deck-line" means the line marked on a ship, the position of which is ascertained in accordance with the provisions of Annex 1;

"existing ship" means a ship which is not a new ship;

"fishing vessel" means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

"freeboard" means the distance measured vertically downwards at amidships from the upper edge of the deck-line to the upper edge of the related load line;

(**5**) Cmnd. 4829. The Protocol of 1988 may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (http://treaties.fco.gov.uk/docs/pdf/2000/TS0100.pdf).

(**6**) The text of the amendments to the Protocol may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or in Marine Information Note 560(M) issued by the MCA and available in copy from Spring Place, 105 Commercial Road, Southampton SO15 1EG or on https://www.gov.uk. Amendments will also be made available on the Foreign and Commonwealth Office treaties database (http://treaties.fco.gov.uk/treaties/treaty.htm).

"flag State", in relation to a ship, means the state whose flag the ship is entitled to fly;

"initial survey" means a survey of a ship required under regulation 12(1)(a);

"International Load Line Certificate" means an International Load Line Certificate issued under the 1966 Convention;

"International Load Line Exemption Certificate" means an International Load Line Exemption Certificate issued under the 1966 Convention;

"international voyage" means a voyage between—

(a) a port in the United Kingdom and a port outside the United Kingdom; or

(b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom;

"length" in relation to a ship means length as defined by the 1966 Convention(**7**);

"load line" means the line marked on a ship indicating the maximum depth to which a ship may be loaded;

"load line mark" means a ring with a width of 25 milimetres and an outer diameter of 300 milimetres and a horizontal line with a width of 25 milimetres and a length of 450 milimetres, the upper edge of which bisects the ring, and both of which are placed on the side of a ship at amidships port and starboard such that the assigned summer freeboard corresponds to the distance between the upper edge of the horizontal line and the upper edge of the deck-line;

"Merchant Shipping Notice" means a notice described as such, issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport), and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

"new ship" means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the 1966 Convention, or the 1988 Protocol for any State not also a party to the 1966 Convention, for each Contracting Government(**8**);

"non-United Kingdom ship" means any ship other than a United Kingdom ship within the meaning of section 85(2) of the Merchant Shipping Act 1995;

"pleasure vessel" means–

(a) any vessel which at the time it is being used is—

  (i) in the case of a vessel wholly owned by–

    (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

    (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

  (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure

(**7**) The definition of "length" can be found in regulation 3(1) of Annex I to the 1966 Convention.

(**8**) The 1966 Convention came into force with respect to the United Kingdom on 21st July 1968. The 1988 Protocol came into force with respect to the United Kingdom on 8th June 2000.

of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

"renewal survey" means a survey of a ship required under regulation 12(1)(b);

"sea" in the United Kingdom does not include Category A, B, C or D waters;

"valid" in the context of an International Load Line Certificate or an International Exemption Certificate means in force.

Assigning Authorities

3.—(1) In these Regulations, "Assigning Authority" means the Secretary of State or any person authorised by the Secretary of State.

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally.

(3) Unless the Assigning Authority is the Secretary of State, the Assigning Authority must comply with regulation 2-1 of Annex I (authorisation of recognized organizations).

(4) The Assigning Authority must assign freeboards to a United Kingdom ship in accordance with the requirements of these Regulations.

(5) The Assigning Authority must in particular—

(a) determine the particulars of the freeboards to be assigned;

(b) determine which of the load lines described in Annex I are to be marked on the sides of the ship in accordance with the requirements of that Annex;

(c) determine the position where the appropriate marks are to be so marked; and

(d) complete a record of the conditions of assignment.

(6) Without prejudice to the generality of paragraph (2), conditions may impose limitations on any person's authorisation relating to—

(a) individual ships;

(b) classes of ships; and

(c) the extent of any survey to be carried out by that person.

(7) The Secretary of State may direct, in relation to an individual case or to a class of cases, that a survey, or part of a survey, is carried out by the Secretary of State and not by another Assigning Authority.

(8) An Assigning Authority other than the Secretary of State is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

Application

4.—(1) Subject to paragraphs (2) and (4), these Regulations apply to—

(a) United Kingdom ships engaged on international voyages, and

(b) non-United Kingdom ships while they are within United Kingdom waters and engaged on international voyages.

(2) These Regulations do not apply to—

(a) ships of war, naval auxiliaries or other ships owned or operated by the United Kingdom government and engaged only on governmental non-commercial service;

(b) new ships of less than 24 metres in length;

(c) existing ships of less than 150 gross tons;

(d) pleasure vessels;

(e) fishing vessels; and

(f) ships solely navigating–

(i) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees W;

(ii) the Caspian Sea; or

(iii) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay.

(3) Subject to paragraphs (4) and (6), a ship must comply with Annex I.

(4) Existing ships which do not fully comply with Annex 1 to the 1966 Convention must meet the requirements applicable to such ships engaged on international voyages under the law in force immediately before 21st July 1968(**9**).

(5) Where an existing ship requires a reduction in freeboard, that ship must comply with all the requirements under these Regulations applicable to new ships.

(6) New ships constructed on or after 21st July 1968 but before 1st January 2005 must comply with the requirements in Annex I to the 1966 Convention which were applicable to such ships engaged on international voyages and as they applied immediately before 1st January 2005(**10**).

(7) Any amendment to the 1966 Convention which relates to the structure of a ship applies only to ships the keels of which are laid, or which are at a similar stage of construction, on or after the date on which the amendment comes into force.

Ambulatory reference

5.—(1) In these Regulations, "Annex I", "Annex II" and "Annex III" mean Annex I, Annex II and Annex III of the 1966 Convention and any reference to Annex I, Annex II or Annex III is to be construed—

(a) as a reference to that Annex as modified from time to time;

(b) if that Annex is replaced by another instrument, as a reference to that instrument.

(2) For the purposes of paragraph (1) an Annex is modified if—

(a) omissions, additions or other alterations to the text take effect in accordance with Article 29 of the 1966 Convention or with Article VI of the 1988 Protocol; or

(b) supplementary provision made under Article 29 of the 1966 Convention or under Article VI of the 1988 Protocol takes effect.

(**9**) The relevant legislation in force immediately before 21st July 1968 was The Load Line Rules 1959 (S.I. 1959/2238). The Regulations lapsed on the repeal of the enabling authority, the Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9). A copy of the Regulations as made is available for inspection or in copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SW1A 0PW.

(**10**) Annex I to the 1966 Convention as it was in force immediately prior to 1st January 2005, is available in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR. It is also available in the Command Paper for the 1966 Convention (Cmnd. 3708), which is available on the Foreign and Commonwealth Office treaties database (http://treaties.fco.gov.uk/docs/pdf/1968/TS0058.pdf).