

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING
(APPLICABLE CONVENTIONS) LAW, 1987
(LAW 23 OF 1987)**

64

1

**THE MERCHANT SHIPPING
(APPLICABLE CONVENTIONS) LAW, 1987**

ARRANGEMENT OF SECTIONS

1. Short title and date of commencement.
2. Interpretation.

PART I - SAFETY CONVENTION

Construction and Equipment

3. Construction etc. rules.
4. Rules for life-saving appliances.
5. Entry in log-book etc. of boat-drill etc.
6. Radio rules.
7. Rules for direction-finders.
8. Further provisions as to radio navigational aids.

Certificates

9. Issue for passenger steamers of safety certificates and exemption certificates.
10. Cargo ship safety construction certificates and exemption certificates.
11. Issue for cargo ships of safety-equipment certificates and exemption certificates.
12. Issue for cargo ships of radio certificates and exemption certificates.
13. Issue of general safety certificates, etc. on partial compliance with rules.
14. Notice of alterations and additional surveys.
15. Prohibition on proceeding to sea without appropriate certificates.
16. Miscellaneous provisions as to surveys and certificates.

Safety Convention Ships not registered in the Islands

17. Certificates of Convention ships not registered in Islands.
18. Modified survey of passenger steamers holding Convention certificates.
19. Further provisions as to the production of Convention certificates.

Miscellaneous Provisions for furthering Safety of Life at Sea

20. Opening in passenger steamers' hulls and watertight bulkheads.
21. Signals of distress.

- 22. Obligation to assist ships, etc. in distress.
- 23. Reports of dangers to navigation.
- 24. Careful navigation near ice.
- 25. Carriage of dangerous goods.
- 26. Carriage of grain.

Supplemental

- 27. Removing persons in case of danger.
- 28. Power of Governor to exempt from safety requirements.
- 29. Exemption of certain ships from certain provisions of this Part.
- 30. Nuclear ship rules.

PART II - LOAD LINES CONVENTION

General Provisions

- 31. Interpretation.
- 32. Ships to which Part applies.
- 33. Load line rules.

Ships registered in the Islands

- 34. Compliance with load line rules.
- 35. Submersion of load lines.
- 36. Miscellaneous offences in relation to marks.
- 37. Issue of load line certificates.
- 38. Effect of load line certificate.
- 39. Duration, endorsement and cancellation of load line certificates.
- 40. Ships not to proceed to sea without load line certificate.
- 41. Publication of load line certificate and entry of particulars in log-book etc.

Ships not registered in the Islands

- 42. Valid Load Lines Convention certificates.
- 43. Compliance with load line rules.
- 44. Submersion of load lines.
- 45. Islands load line certificates.
- 46. Production of certificate to customs officer.

Inspection and detention under this Part

- 47. Provisions as to inspection.
- 48. Power to detain Islands ship, and procedure for detention.
- 49. Power to detain non-Islands ship, and procedure for detention.

(b) The Merchant Shipping (Wireless Telegraphy) Law (Revised).

(2) In the event of any inconsistency between any provision in this Law and any provision in the Merchant Shipping Act, 1894 of the United Kingdom applicable in or extended to the Islands, the provisions of that Act are repealed to the extent of such inconsistency.

Passed the Legislative Assembly this 18th day of September, 1987.

ALAN SCOTT
President.

GEORGETTE MYRIE
Clerk of the Legislative Assembly.

62

(2) An order under subsection (1), may include provision repealing or amending any provision of any enactment (other than this section) including an enactment which applies or enables the application of any legislation of the United Kingdom relating to merchant shipping, which is inconsistent with, or is unnecessary or requires modification in consequence of, this section, the order or any legislation of the United Kingdom applied to the Islands by the order.

(3) This section applies to the following legislation of the United Kingdom -

- (a) the Merchant Shipping Acts 1894 to 1986;
- (b) the Hovercraft Act 1968;
- (c) the Merchant Shipping (Liner Conferences) Act 1982;
- (d) any provision of an Act of Parliament, or of any instrument of a legislative character made under an Act of Parliament, amending or varying, directly or indirectly, any of the Acts of Parliament specified in paragraphs (a), (b) or (c);
- (e) any instrument of a legislative character made or having effect as if made under any of the Acts of Parliament specified in paragraphs (a), (b) and (c);
- (f) any provision of an Act of Parliament, or of any instrument of a legislative character made under an Act of Parliament, which relates, directly or indirectly, to merchant shipping.

(4) The Governor shall, as soon as is practical after the coming into operation of an order under subsection (1), cause a text to be prepared of the legislation of the United Kingdom applied by the order incorporating the exceptions, adaptations and modifications specified in the order.

(5) The Governor shall supply a copy of the text prepared under subsection (4) to any person requesting the same, at such reasonable charge as the Governor may determine.

79. Any order, rules or regulations made under this Law shall be made after consultation with the Secretary of State for Transport of the United Kingdom.

80. (1) The following Laws are repealed -

- (a) the Merchant Shipping (Life Saving Appliances) Law;

3

Exemptions

- 50. Power to make exemption orders.
- 51. Further powers to exempt ships.
- 52. Issue of exemption certificates.
- 53. Provisions relating to exemption certificates.
- 54. International load line exemption certificates.

Subdivision load lines and deck cargo

- 55. Subdivision load lines.
- 56. Deck cargo.
- 57. Application of Part in relation to certain overseas territories.
- 58. Load Lines Convention countries.

PART III - CONVENTIONS RELATING TO OIL POLLUTION

- 59. Conventions relating to oil pollution from ships etc.

PART IV - PROVISIONS AFFECTING PARTS I, II AND III

Provisions relating to Certificates

- 60. Transmission of certificates.
- 61. Cancellation of certificate.
- 62. Delivery up of certificate.
- 63. Posting up of certificate.
- 64. Documents to be handed over to successor on change of master.
- 65. Certificate admissable in evidence.

Court of Survey

- 66. Court of survey.
- 67. Power and procedure of court of survey.
- 68. Rules of procedure for court of survey, etc.

Surveyors of Ships

- 69. Surveyors of ships.
- 70. Power of surveyor for purpose of survey of ships.

Inspectors

- 71. Appointment of inspectors to report on accidents, etc.
- 72. Powers of inspectors.

Consultation with
Secretary of State.

Repeals.

Cap. 99.

73. Penalty for obstructing inspector in the execution of his duty.

Miscellaneous detention provisions

- 74. Enforcing detention of ship.
- 75. Notice to be given to consular officer.
- 76. Liability for costs and damages.

Regulations and repeals

- 77. Regulations.
- 78. Application of United Kingdom legislation.
- 79. Consultation with Secretary of State.
- 80. Repeals.

(2) The power conferred by subsection (1) to make provision for giving effect to an agreement includes power to provide for the provision to come into force although the agreement has not come into force.

(3) Regulations made under subsection (1) may -

- (a) make different provision for different circumstances and, in particular, make provision for an individual case;
- (b) be made so as to apply only in such circumstances as are prescribed by the regulations;
- (c) be made so as to extend outside the Islands;
- (d) contain such incidental and transitional provisions as the Governor considers appropriate.

(4) The Governor may by regulations -

- (a) make such repeals or other modifications of the provisions of this Law as he considers appropriate in consequence or in anticipation of the making of regulations under subsection (1);
- (b) make such repeals or other modifications of provisions of any enactment passed and any instrument made before the passing of this Law as he considers appropriate in connection with any modification made or to be made in pursuance of the preceding paragraph;
- (c) provide for anything done under a provision repealed or otherwise modified by virtue of either of the preceding paragraphs to have effect as if done under regulations made under subsection (1) and make such other transitional provision and such incidental and supplemental provision as he considers appropriate in connection with any modification made by virtue of either of those paragraphs.

Application of United Kingdom legislation.

78. (1) The Governor may, after consultation with the Secretary of State for Transport of the United Kingdom, by order apply to the Islands as part of the law of the Islands, subject to such exceptions, adaptations and modifications as may be specified in the order, any legislation of the United Kingdom to which this section applies.

66

(2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any surveyor of ships or any officer of customs, the owner and master shall each be liable to pay all expenses of an incidental to such officer or surveyor being so taken to sea, and also be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars, and the expenses ordered to be paid may be recovered in like manner as the fine.

(3) Where under this Law a ship is to be detained an officer of customs shall, and where under this Law a ship may be detained an officer of customs may, refuse to clear that ship outwards or to grant a transire to that ship.

Notice to be given to consular officer.

75. Where any ship not registered in the Islands is detained under this Law, or where any proceedings are taken under this Law against the master or owner, notice shall forthwith be served by the Governor or such person as he may authorize for the purpose on the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

Liability for costs and damages.

76. Where a ship is detained under any provision of this Law which provides for the detention of a ship until the production of a certificate or until an event specified in that provision occurs, the owner shall be liable to pay to the Financial Secretary costs of and incidental to the detention and survey of the ship, and those costs shall without prejudice to any other remedy, be recoverable as salvage is recoverable.

Regulations and repeals

Regulations.

77. (1) Without prejudice to any other provision of this Law, the Governor may make regulations making such provisions as he considers appropriate for all or any of the following purposes -

- (a) for securing the safety of ships registered in the Islands and persons on them and for protecting the health of persons on ship registered in the Islands;
- (b) for giving effect to any provisions of an international agreement ratified by the United Kingdom so far as the agreement relates to the safety of other ships or persons on them or to the protection of the health of persons on other ships;
- (c) for securing the safety of other ships and persons on them while they are within a port in the Islands.

CAYMAN ISLANDS

5

Law 23 of 1987

I Assent

ALAN SCOTT
Governor
29th November, 1987

A LAW TO MAKE PROVISION FOR THE SAFETY OF LIFE AT SEA AND AS TO LOAD LINES AND RELATED MATTERS, TO ENABLE EFFECT TO BE GIVEN TO CERTAIN INTERNATIONAL AGREEMENTS RELATING TO THE POLLUTION OF THE SEA, AND FOR PURPOSES CONNECTED WITH THOSE MATTERS.

ENACTED by the Legislature of the Cayman Islands.

Short title and date of commencement.

1. (1) This Law may be cited as the Merchant Shipping (Applicable Conventions) Law, 1987.
(2) The provisions of this Law shall come into force upon such date as the Governor may appointed in the Gazette and the Governor may appoint different dates for different provisions of this Law.

Interpretation.

2. (1) In this Law, except in so far as the context otherwise requires:-

“accepted Safety Convention certificate” has the meaning assigned to it by subsection (2) of section 17;

“alteration”, in Part II, includes deterioration;

“cargo ship construction and survey rules” means rules made under subsection (2) of section 3;

“clearance”, in Part II, includes a transire;

“conditions of assignment” means the rules or any of them, as the context requires, set out separately in the load line rules under the title “rules as to conditions of assignment” made under subsection (2) of section 33;

“consular officer”, when used in relation to another country, means the officer recognized by Her Majesty as a consular officer of that other country, and includes a consul-general, consul, vice-consul, consular agent and any person authorized to discharge the duties of consul-general, consul or vice-consul;

“contracting government” has the meaning assigned to it by subsection (2) of section 58;

“deck-line”, in Part II, means such a mark as is referred to in paragraph (c) of subsection (1) of section 33;

“declaration of survey” means a declaration made under subsection (2) of section 16;

“existing ship”, in Part II, means a ship which is not a new ship as defined in this Law;

“freeboard”, in Part II, means, in the case of a ship which is marked with a deck-line, the height from the water to the upper edge of the deck-line and in the case of any other ship, the height amidships from the water to the upper edge of the deck from which the depth of hold as stated in the register is measured;

“Governor” means the Governor in Council;

“inspector” means a person appointed as such under section 71;

“international voyage”, means a voyage -

- (a) in Part I, from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies;
- (b) in Part II, between -
 - (i) a port in the Islands and a port outside the Islands; or
 - (ii) a port in a Load Lines Convention country and a port, not being in the Islands, in any other country or territory (whether a Load Lines Convention country or not):

so however that for the purposes of the definition of “international voyage” in both Parts -

- (1) in determining what are the ports between

declaration of the truth of the statements made by him in his examination.

(2) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending a subpoena to give evidence before a summary court; and in case of any dispute as to the amount of those expenses, the same shall be referred to the Clerk of the Court who shall, on request made to him for that purpose under the hand of the inspector or of the person having the powers of an inspector, ascertain and certify the proper amount of those expenses.

(3) If any person refuses to attend as a witness before an inspector or before any person having the powers of an inspector, after having been required to do so in manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under subsection (2), or refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which an inspector or any person having the powers of an inspector is hereby empowered to require, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

Penalty for obstructing inspector in the execution of his duty.

73. If any person wilfully impedes an inspector or any person having the powers of an inspector in the execution of his duty, whether on board a ship or elsewhere, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars, and may be arrested without warrant by the inspector or by the person having the powers of an inspector, or by any person or persons whom that inspector or person may call to his assistance:

Provided that any person arrested under this section shall as soon as practicable be handed over by the person making the arrest to a constable or taken by him to a police station.

Miscellaneous detention provisions

Enforcing detention of ship.

74. (1) Where under this Law a ship is to be or may be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of customs may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master, the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars.

58

(5) If any person hinders any surveyor of ships from going on board any ship or otherwise impedes him in the execution of his duties under this Law, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

Inspectors

Appointment of inspectors to report on accidents, etc.

71. The Governor may as and when he thinks fit appoint any person as an inspector to report to him -

- (a) upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused;
- (b) whether the provisions of this Law or of any regulations made thereunder have been complied with; or
- (c) whether the hull and machinery of any ship are sufficient and in good condition.

Powers of inspectors.

72. (1) An inspector and any person having the powers of an inspector may -

- (a) go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof to which the provisions of this Law apply, not unnecessarily detaining or delaying her from proceeding on any voyage;
- (b) enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;
- (c) by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make;
- (d) require and enforce the production of all books, papers or documents which he considers important for the purpose of his report; and
- (e) administer oaths or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a

7

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 that neither the master, owner nor charterer (if any) could have prevented or forestalled; and

- (ii) any colony, protectorate or other dependency, any territory for whose international relations a government that has accepted the Safety Convention is separately responsible, and any territory for which the United Nations is the administering authority, shall be deemed to be a separate country;

“load line rules” means rules made under subsection (1) of section 33;

“load lines” means such lines as are referred to in paragraph (d) of subsection (1) of section 33;

“Load Lines Convention” means the International Convention on Load Lines, signed on behalf of the Government of the United Kingdom in London on the 5th day of April, 1966;

“Load Lines Convention country” has the meaning assigned to it by subsection (2) of section 58;

“master” includes every person (except a pilot) having command or charge of any ship;

“new ship”, in Part II, means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date; and for the purposes of this definition the material date -

- (a) in relation to a ship whose parent country is a Load Lines Convention country, is the date as from which it is declared under subsection (1) of section 58 either that the government of that country has accepted or acceded to the Load Lines Convention or that it is a territory to which that Convention extends; and
- (b) in relation to any other ship, is the date of the commencement of this Law;

“officer of customs” means an officer appointed under section 6 of the Customs Law (Second Revision), and includes a constable;

“parent country”, in Part II, 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;

“passenger” means any person carried in a ship, except -

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master, owner nor charterer (if any) could have prevented or forestalled; and
- (c) a child under one year of age;

“passenger steamer construction and survey rules” means rules made under subsection (1) of section 3;

“passenger steamer” means a ship carrying more than twelve passengers;

“pilot” means any person not belonging to a ship who has the conduct thereof;

“radio navigational aid” means radio apparatus on board a ship, being apparatus designed for the purpose of determining the position or direction of ships or other objects;

“radio rules” means rules made under subsection (1) of section 6;

(“Registrar” means the Registrar of Ships;)

“rules for direction-finders” means rules made under subsection (1) of section 7;

“rules for life-saving appliances” means rules made under subsection (1) of section 4;

“Safety Convention” means the International Convention for the Safety of Life at Sea, signed on behalf of the Government of the United Kingdom in London on the 1st day of November, 1974 and the Protocol relating thereto signed in London on the 17th day of February, 1978, together with the amendments thereto adopted on the 20th day of November, 1981 by the Maritime Safety Committee of the International Maritime Committee at its forty-fifth Session;

Power of surveyor for purpose of survey of ships.

(2) The Governor may remove any surveyor of ships and fix and alter his remuneration, and may make regulations as to the performance of his duties, and in particular as to the manner in which surveys are to be made, as to the amount and payment of emoluments and of any travelling or other expenses incurred by him in the execution of his duties.

(3) If a surveyor of ships demands or directly or indirectly receives any fee, remuneration or gratuity, in respect of any duties performed by him under this Law, otherwise than by the direction of the Governor, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars.

(4) Subject to this Law, the duties of a surveyor of ships shall be performed in accordance with regulations to be made by the Governor.

(5) The Governor may make regulations in respect of the matters mentioned in this section.

70. (1) A surveyor of ships in the execution of his duties may, when she is within the Islands, go on board any ship registered in the Islands to which this Law applies at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof, or any certificates to which the provisions of this Law or any of the regulations made thereunder apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if in consequence of any accident to the ship or for any other reason he considers it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

(2) Subject to sections 17 and 47, a surveyor of ships may inspect any ship for the purpose of seeing that the provisions of this Law have been complied with in respect of that ship, and for that purpose shall have all the powers of an inspector.

(3) If upon inspection of any ship a surveyor of ships finds that the passenger steamer construction and survey rules, the cargo ship construction and survey rules, the rules for life-saving appliances, the radio rules, the rules for direction-finders or the rules as to radio navigational aids have been contravened or not complied with, he shall give to the owner or master notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the deficiency.

(4) Every notice given under subsection (3) shall be communicated to the officer in charge of customs at any port at which the ship may seek to obtain a clearance; and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

67. (1) The court of survey shall hear every case in open court.

(2) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Law all the powers of an inspector.

(3) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.

(4) The judge of the court, any assessor of the court, and any person appointed by the judge of the court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipment and cargo, and may require the unloading or removal of any cargo, ballast or tackle, and any person who wilfully impedes such judge, assessor or person in the execution of the survey, or fails to comply with any requisition made by him shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

(5) The judge of the court shall have the same power as the Governor has to order the ship to be released of finally detained but, unless one of the assessors concurs in an order for the detention, she shall be released.

(6) The owner and master and any person appointed by the owner or master, and also any person appointed by the Governor or such person as he may authorize for the purpose, may attend at any inspection or survey made in pursuance of this section.

(7) The judge of the court shall send to the Governor or such person as he may authorize for the purpose such report as may be directed by the rules, and each assessor shall either sign the report or report to the Governor or such person as he may authorize for the purpose the reasons for his dissent.

68. The Rules Committee constituted by subsection (1) of section 21 of the Grand Court Law may make general rules to carry into effect the provisions of this Law with respect to a court of survey, and in particular with respect to the summoning of, and procedure before, the court, the requiring on an appeal of security for costs, the amount and application of fees, and the publication of the rules which shall have effect as if enacted in this Law.

Surveyors of Ships

69. (1) The Governor may appoint any person he think fit, either generally or for a particular purpose and either within the Islands or elsewhere, to be a surveyor of ships for the purposes of this Law.

“Safety Convention passenger steamer” means a passenger steamer registered in a country to which the Safety Convention applies;

“Safety Convention ship” means a ship registered in a country to which the Safety Convention applies;

“ship” includes every description of vessel or boat used in navigation not propelled by oars, other than a ship belonging to Her Majesty;

“short international voyage”, in Part I, means an international voyage (as defined for the purpose of Part I) -

- (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety; and
- (b) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

“surveyor of ships” means a person appointed as such under subsection (1) of section 69;

“valid Load Lines Convention certificate”, in Part II, has the meaning assigned to it by section 31.

(2) Any reference in this Law to failure to do any act or thing includes a reference to refusal to do that act or thing.

(3) The Governor may from time to time make such modifications of this Law as appear to him to be necessary to enable effect to be given to any amendment of the Safety Convention or of the Load Lines Convention or of any international agreement in respect of which regulations are made under subsection (1) of section 59 and, without prejudice to the generality of the foregoing, such power to make modifications shall include power so to amend this Law as to extend the scope of the rules or regulations which may be made under or by virtue of this Law, to make such transitional and consequential provisions as appear to the Governor to be appropriate and to vary or revoke any modification of this Law made under this subsection.

PART I - SAFETY CONVENTION

Construction and Equipment

Construction etc.
rules.

3. (1) The Governor may make rules -
- (a) prescribing the requirements with which the hull, equipment and machinery of and the fuel used in passenger steamers registered in the Islands shall comply;
 - (b) requiring the provision in passenger steamers registered in the Islands -
 - (i) of plans exhibited as provided by or under the rules, and of other information relating to the boundaries of watertight compartments, the openings therein, the means of closing such openings and the arrangements for correcting any list due to flooding; and
 - (ii) of information necessary for the guidance of the master in maintaining sufficient stability to enable the ship to withstand damage; and
 - (c) requiring passenger steamers registered in the Islands to be surveyed to such extent, in such manner and at such intervals as may be prescribed by the rules.
- (2) The Governor may make rules prescribing the requirements with which the hull, equipment and machinery of -
- (a) ships of not less than five hundred tons gross tonnage; and
 - (b) ships of not less than such lower tonnage and of such description as the Governor may by order specify,

other than passenger steamers shall comply and requiring any such ships which are registered in the Islands to be surveyed to such extent, in such manner and at such intervals as may be prescribed by such rules, except that this subsection applies to ships not registered in the Islands only while they are within a port in the Islands and are not exempted from such rules under any other provision of this Part.

Posting up of certificate.

Documents to be handed over to successor on change on master.

Certificate admissible in evidence.

Court of survey.

for each such offence shall be liable on summary conviction to a fine not exceeding one thousand dollars.

63. (1) The owner or master of every ship required to have a certificate shall forthwith on the receipt of the certificate by him or his agent cause the duplicate to be put up in some conspicuous place on board the ship, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force, and the ship is in use.

(2) If the owner or master fails without reasonable cause to comply with this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

(3) If a passenger steamer plies or goes to sea with passengers on board and this section is not complied with, then the owner and master shall be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of the owner, two thousand dollars and, in the case of the master, five hundred dollars.

64. If during the progress of a voyage the master if removed or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars; and his successor shall immediately on assuming the command of the ship enter in the log-book a list, or if there is no log-book cause other record to be kept, of the documents so delivered to him.

65. Any certificate issued under this Law shall be admissible in evidence.

Court of Survey

66. (1) A court of survey for the Islands shall consist of a judge sitting with two assessors.

(2) The judge of the court shall be a magistrate, and shall be appointed by the Governor.

(3) The assessors of the court shall be persons of nautical, engineering or other special skill and experience; one of them shall be appointed by the Governor, either generally or in each case, and the other shall be summoned, in accordance with rules made under section 68, by the judge, out of a list of persons periodically nominated for the purpose by the Port Authority of the Cayman Islands.

PART IV - PROVISIONS AFFECTING PARTS I, II AND III

Provisions relating to Certificates

Transmission of certificates.

Law 15 of 1976.

60. (1) The Governor or such person as he may authorize for the purpose shall transmit any certificate issued by him under this Law in duplicate to the Port Director (being the person appointed under subsection (6) of section 3 of the Port Authority Law) or to the person in charge at the port where the ship is for the time being, or at the port where the owner or his agent resides or where the ship has been surveyed.

(2) The Governor or such person as he may authorize for the purpose shall cause notice of the transmission to be given to the master or owner or his agent, and the Port Director or other person to whom the certificate has been transmitted shall deliver to him both copies of the certificate.

(3) In proving the issue of a certificate it shall be sufficient to show that it was duly received by the Port Director or other person, and that due notice of the transmission was given to the owner, master or agent.

Cancellation of certificate.

61. (1) The Governor or such person as he may authorize for the purpose may cancel a certificate issued by him under this Law where he has reason to believe that -

- (a) any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously;
- (b) the certificate has been issued upon false or erroneous information; or
- (c) since the making of the declaration, the hull, equipment or machinery have sustained any injury, or are otherwise insufficient.

(2) In every such case, the Governor or such person as he may authorize for the purpose may require the owner to have the hull, equipment or machinery of the ship surveyed again, and to transmit further declarations of survey, before he re-issues the certificate or grants a fresh one in lieu thereof.

Delivery up of certificates.

62. (1) The Governor or such person as he may authorize for the purpose may require any certificate issued by him under this Law, which has expired or been cancelled, to be delivered up as he directs.

(2) If any owner or master fails without reasonable cause to comply with such requirement, he shall be guilty of an offence and

Rules for lifesaving appliances.

(3) Rules made under subsections (1) and (2) shall include such requirements as appear to the Governor to implement the provisions of the Safety Convention relating to the matters mentioned in subsections (1) and (2), except so far as those provisions are implemented by the rules for life-saving appliances, the radio rules or the rules for direction-finders.

(4) If any of the rules made under this section is contravened or not complied with in any respect in relation to a ship, the owner or master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

4. (1) The Governor may, in relation to any ships to which this section applies, make rules with respect to all or any of the -

- (a) arranging of ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried;
- (b) number, description and mode of construction of the boats, life-rafts, line-throwing appliances, life-jackets and lifebuoys to be carried by ships, according to the classes in which the ships are arranged;
- (c) equipment to be carried by any such boats and rafts and the methods to be provided to get the boats and other life-saving appliances into the water, including oil for use in stormy weather;
- (d) provision in ships of a proper supply of lights inextinguishable in water, and fitted for attachment to lifebuoys;
- (e) quantity, quality and description of buoyant apparatus to be carried on board ships, either in addition to or in substitution for boats, life-rafts, life-jackets and lifebuoys;
- (f) position and means of securing the boats, life-rafts, life-jackets, lifebuoys and buoyant apparatus;
- (g) marking of the boats, life-rafts and buoyant apparatus so as to show their dimensions and the number of persons authorized to be carried on them;
- (h) manning of the lifeboats and the qualifications and certificates of lifeboat men;
- (i) provision to be made for mustering the persons on board, and for embarking them in the boats

(including provision for the lighting of, and the means of ingress to and egress from, different parts of the ship);

- (j) provision of suitable means situated outside the engine-room whereby any discharge of water into the boats can be prevented;
- (k) assignment of specific duties to each member of the crew in the event of emergency;
- (l) methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire;
- (m) requiring the provision in ships of plans or other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of fire;
- (n) practice in ships of boat-drills and fire-drills;
- (o) provision in ships of means of making effective distress-signals by day and by night;
- (p) provision, in ships engaged on voyages in which pilots are likely to be embarked, of suitable pilot-ladders, and of ropes, lights and other appliances designed to make the use of such ladders safe;
- (q) requiring the provision in such ships of plans exhibited as provided by or under the rules, and of other information, relating to the boundaries of watertight compartments, the opening therein, the means of closing such openings and the arrangements for correcting any list due to flooding;
- (r) requiring the provision in such ships of information necessary for the guidance of the master in maintaining sufficient stability to enable the ship to withstand damage; and
- (s) examination and maintenance at intervals to be prescribed by the rules of any appliances, equipment, plans or information required by the rules to be carried.

(2) The rules shall include such requirements as appear to the Governor to implement the provisions of the Safety Convention re-

modification of another such agreement.

(2) Without prejudice to the generality of subsection (1), such regulations may in particular include provision -

- (a) for applying section 25, subject to such modifications as may be therein prescribed;
- (b) with respect to the carrying out of surveys and inspections, for the issue, duration and recognition of certificates and the payment of fees in connection with any such survey, inspection or certificate;
- (c) with respect to the extra-territorial operation of any provision made thereunder;
- (d) for imposing penalties on summary conviction in respect of a contravention of any provision made thereunder not exceeding, in respect of any one contravention, a fine of five thousand dollars and imprisonment for a term of two years; and
- (e) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 74, 75 and 76, subject to such modifications as may be therein prescribed,

and nothing in any of paragraphs (a) to (e) shall be construed as prejudicing the generality of any other of those paragraphs and in particular paragraph (d) shall not prejudice paragraph (a).

(3) Regulations made under subsection (1) may -

- (a) apply to areas of land or sea or other waters within the territorial waters of the Islands, notwithstanding that the agreement in question does not relate to those areas;
- (b) include such transitional provisions as appear to the Governor to be expedient for the purposes of the regulations; and
- (c) authorize the making of regulations for any of the purposes of this section, except the purposes of paragraphs (a) and (e) of subsection (2).

the Governor may by order direct, subject to subsection (2) that certificates issued under those provisions shall have the like effect for the purposes of this Part as if they were Islands load line certificates.

(2) An order under subsection (1) shall not have effect in relation to any ship which -

- (a) plies on international voyages;
- (b) is a ship of a Load Lines Convention country; and
- (c) is either an existing ship of not less than one hundred and fifty tons gross tonnage or a new ship of not less than twenty-four metres in length.

Load Lines Convention countries.

58. (1) The Governor, if satisfied that -

- (a) the government of a country has accepted or acceded to, or has denounced, the Load Lines Convention; or
- (b) the Load Lines Convention extends, or has ceased to extend, to a particular territory,

may by order make a declaration to that effect.

(2) In this Part, "Load Lines Convention country" means a country or territory which is either -

- (a) a country the government of which has been declared under subsection (1) to have accepted or acceded to the Load Lines Convention, and has not been so declared to have denounced that Convention; or
- (b) a territory to which it has been so declared that the Load Lines Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend.

and "contracting government" means any such government as is referred to in paragraph (a).

PART III - CONVENTIONS RELATING TO OIL POLLUTION

Conventions relating to oil pollution from ships etc.

59. (1) The Governor may make regulations for the purpose of giving effect to any provision of any international agreement signed on behalf of the Government of the United Kingdom and applicable in or extended to the Islands which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships. For the purposes of this subsection and without prejudice to subsection (3) of section 2, the reference to an international agreement includes an international agreement which provides for the

lating to the matters mentioned in subsection (1).

(3) This section applies to -

- (a) ships registered in the Islands;
- (b) other ships while they are within any port in the Islands:

Provided that it does not apply to a ship by reason of her being within a port in the Islands if she would not have been in any such port but for stress of weather or any other circumstances that neither the master, owner nor charterer (if any) could have prevented or forestalled.

(4) If any of the rules made under this section is contravened or not complied with in relation to any ship, the owner or master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

Entry in log-book, etc. of boat-drill etc.

5. (1) The master of every ship registered in the Islands shall cause to be entered in the log-book a statement, or if there is no log-book cause other record to be kept, of every occasion on which boat-drill or fire-drill is practised on board the ship or on which the appliances and equipment required by the rules for life-saving appliances to be carried are examined to see whether they are fit and ready for use and of the result of any such examination; and if -

- (a) in the case of a passenger steamer, boat-drill or fire-drill is not practised on board the ship in any week ;
- (b) in the case of any other ship, boat-drill or fire-drill is not practised on board the ship in any month;
- (c) in the case of any ship, such appliances and equipment are not examined in any such period as is prescribed by the rules,

the master shall cause an entry to be made in the log-book or keep some other record to be kept of the reasons why the drill was not practised or the appliances and equipment were not examined in that week, month or period.

(2) If the master fails to cause an entry to be made in the log-book or to keep some other record in contravention of the requirements of subsection (1) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

Radio rules.

6. (1) The Governor may make rules requiring ships to which this section applies to be provided with a radio installation, other than a radio navigational aid, of such a nature as may be prescribed by the rules and to maintain such a radio service and to carry such number of radio officers or operators, of such grades and possessing

such qualifications, as may be so prescribed; and the rules may contain provisions for preventing so far as practicable electrical interference with the radio installation by other apparatus on board.

(2) The radio rules may prescribe requirements for such portable radio apparatus as boats or life-rafts may be required to carry by the rules of life-saving appliances.

(3) The radio rules shall include such requirements as appear to the Governor to implement the provisions of the Safety Convention relating to the radiotelegraphy and radiotelephony.

(4) The radio installation required under the radio rules to be provided for a passenger steamer, or for any other ship of sixteen hundred tons gross tonnage or upwards, shall be a radio-telegraph installation; and that required to be provided for a ship of less than sixteen hundred tons gross tonnage, other than a passenger steamer, shall be either a radiotelephone installation or a radiotelegraph installation, at the option of the owner.

(5) Without prejudice to the generality of subsections (1), (2), (3) and (4), radio rules may -

- (a) prescribe the duties of radio officers and operators, including the duty of keeping a radio log-book;
- (b) require the master to cause to be entered in the log-book, or if there is no log-book cause other record to be kept of, such particulars relating to the operation of the radio installation, and the maintenance of the radio service, as may be specified in the rules.

(6) If the master fails to cause an entry to be made in the log-book or to keep some other record in contravention of rules made under paragraph (b) of subsection (5), or if any radio officer or operator contravenes any rules made under paragraph (a) of that subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars; and if any of the rules made under this section is contravened or not complied with in any other respect in relation to any ship, the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

(7) This section applies to -

- (a) ships registered in the Islands;
- (b) other ships while they are within any port in the Islands or in the territorial waters thereof.

51
which are to have effect only where a cargo of timber is so carried, then, without prejudice to the generality of subsection (1), the deck cargo regulations may prescribe special requirements to be complied with in circumstances where any such special freeboard has effect.

(3) In prescribing any such special requirements as are mentioned in subsection (2), the Governor shall have regard in particular to Chapter IV of the Load Lines Convention.

(4) If any provisions of the deck cargo regulations are contravened in the case of -

- (a) a ship registered in the Islands; or
- (b) any other ship while the ship is within any port in the Islands,

the master shall, subject to subsection (5), be guilty of an offence and liable on summary conviction to a fine not exceeding twenty thousand dollars.

(5) Where a person is charged with an offence under subsection (4), 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 any other circumstance that neither the master, owner nor charterer (if any) could have prevented or forestalled.

(6) For the purposes of securing compliance with the deck cargo regulations, any person authorized in that behalf by the Governor may inspect any ship to which this Part applies which is carrying cargo in any uncovered space on her deck; and for the purposes of any such inspection such person shall have all the powers of an inspector.

57. (1) If, in case of any country or territory outside the Islands, it appears to the Governor that -

- (a) the provisions which, as part of the law of that country or territory, have effect for marking ships with load lines, and for the issue of certificates in respect of ships so marked, are based on the same principles as the corresponding provisions of this Part and are equally effective; and
- (b) provision has been, or in pursuance of any agreement will be, made by the law of that country or territory for recognizing Islands load line certificates as having the like effect in ports of that country or territory as certificates issued under the provisions referred to in paragraph (a),

Application of Part in relation to certain overseas territories.

50

(b) any extension of the period for which the certificate was issued,

as may be prescribed by the rules.

International load line exemption certificates.

54. (1) The load line rules shall make such provision as appears to the Governor to be appropriate for securing that exemption certificates which, in accordance with the Load Lines Convention are issued in respect of ships to which section 42 applies, and are so issued by governments other than the Government of the Islands, shall be in such circumstances as may be prescribed by the rules have the like effect for the purposes of this Law as if they were valid Load Lines Convention certificates.

(2) Certificates issued as mentioned in subsection (1) shall be included among the certificates to be called “international load line exemption certificates”.

Subdivision load lines and deck cargo

Subdivision load lines.

55. (1) Where in pursuance of any rules for the time being in force under section 3 a passenger steamer to which this Part applies, being registered in the Islands, 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 35, 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 any such 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 steamer to which this Part applies, not being registered in the Islands, 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 44, that section shall have effect as if that subdivision load line were the appropriate load line for the purposes of that section.

Deck cargo.

56. (1) The Governor shall make regulations, in this section referred to as “the deck cargo regulations”, prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a ship to which this Part applies; and different requirements may be so prescribed in relation to different descriptions of ships, different descriptions of cargo, different voyages or classes of voyages, different seasons of the year or any other different circumstances.

(2) If the load line rules provide, either generally or in a particular case or class of case, for assigning special freeboards to ships

Rules for direction-finders.

7. (1) The Governor may make rules requiring ships to which this section applies to be provided with a direction-finder of such a nature as may be prescribed by the rules.

(2) The rules shall include such requirements as appear to the Governor to implement the provisions of the Safety Convention relating to direction-finders.

(3) Without prejudice to the generality of subsections (1) and (2), rules under this section may provide for the position of the direction-finder in the ship, for the communication between the direction-finder and the bridge, for testing the direction-finder at intervals and as occasion may require and for recording the result of the tests.

(4) If any of the rules made under this section is contravened or not complied with in relation to any ship, the owner or master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

(5) This section applies to -

- (a) ships registered in the Islands;
- (b) other ships while they are within any port in the Islands,

being ships of sixteen hundred tons gross tonnage or upwards.

Further provisions as to radio navigational aids.

8. (1) The Governor may make rules -

- (a) requiring ships to which this section applies to be provided with such radio navigational aids, other than direction-finders, as may be specified in the rules and prescribing requirements with which such radio navigational aids are to comply;
- (b) prescribing requirements with which radio navigational aids, other than direction-finders and other than such as are provided in pursuance of rules made under the preceding paragraph, are to comply when carried in ships to which this section applies;
- (c) prescribing requirements with which apparatus designed for the purpose of transmitting or reflecting signals to or from radio navigational aids is to comply if it is apparatus in the Islands or apparatus off the shores of the Islands but maintained from the Islands,

and the requirements prescribed under paragraphs (a) or (b) may

15

16
include requirements relating to the position and method of fitting of the radio navigational aids.

(2) If any ship to which this section applies proceeds, or attempts to proceed, to sea without carrying such navigational aids as it is required to carry by rules made under subsection (1) or carrying radio navigational aids not complying with rules made under that subsection, the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

(3) If any person establishes or operates any such apparatus as is mentioned in paragraph (c) of subsection (1), being apparatus that does not comply with the rules for direction-finders, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

(4) This section applies to -

- (a) ships registered in the Islands;
- (b) other ships while they are within any port in the Islands.

Certificates

9. (1) If the Governor or such person as he may authorize for the purpose, on receipt of declarations of a survey in respect of a passenger steamer registered in the Islands, is satisfied that she complies with the passenger ship construction and survey rules, the rules for life-saving appliances, the radio rules and the rules for direction-finders applicable to her and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of that passenger steamer a certificate showing -

- (a) that she complies with the requirements of the Safety Convention applicable to her;
- (b) the limits (if any) beyond which she is not fit to ply; and
- (c) the number of passengers which she is fit to carry, distinguishing, if necessary, the number to be carried in each part of her, and any conditions and variations to which the number is subject,

and any certificate issued under this subsection is in this Part referred to as a "passenger steamer safety construction certificate":

Provided that if the voyages on which the passenger steamer is to be engaged are short international voyages and she complies

49
circumstances, required to undertake a single international voyage, the Governor or such person as he may authorize for the purpose, on the application of the owner, specifying the international voyage in question, may exempt her while engaged on that voyage.

(5) Any exemption conferred under this section may be conferred subject to such conditions as the Governor or such person as he may authorize for the purpose thinks fits; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

52. (1) Where the Governor or such person as he may authorize for the purpose exempts a ship under section 51, he shall issue the appropriate certificate to the owner.

(2) For the purposes of this section, the appropriate certificate -

- (a) where the exemption is conferred under subsections (2) or (4) of section 51, is a certificate to be called an "international load line exemption certificate"; and
- (b) where the certificate is conferred under subsection (3) of that section, is a certificate to be called an "islands load line exemption certificate".

(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.

53. (1) The load line rules shall make provision for determining the period during which any exemption conferred under subsections (2), (3) or (4) of section 51, or any certificate issued under subsection (1) of section 52, is to remain in force, including provision -

- (a) enabling the period for which any such exemption or certificate is originally conferred or issued to be extended within such limits and in such circumstances as may be prescribed by the rules; and
- (b) for terminating any such exemption, and for cancelling any such certificate, in such circumstances as may be so prescribed.

(2) While any such certificate 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

Issue of exemption certificates.

Provisions relating to exemption certificates.

Issue for passenger steamers of safety certificates and exemption certificates.

government of the other country or territory (or, as the case may be, of each of the other countries or territories) concurs in that opinion, he may by order specifying those ports direct that ships plying on international voyages between those ports, or any class of such ships specified in the order, shall be exempt from the provisions of this Part.

(2) Any order under subsection (1) may be made subject to such conditions, as the Governor or such person as he authorized for the purpose thinks fit; and, where any such order is made subject to conditions, the exemption conferred by the order shall not have effect in relation to a ship unless she complies with those conditions.

Further powers to
exempt ships.

51. (1) In this section, any reference to exempting a ship is a reference to exempting her either from -

- (a) all the provision of this Part and of the load line rules; or
- (b) 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 Part applies, which is registered in the Islands and is either an existing ship of not less than one hundred and fifty tons gross tonnage or a new ship of not less than twenty-four metres in length, the Governor or such person as he may authorize for the purpose may exempt the ship if in his opinion she embodies features of a novel kind such that, if she had to comply with all the requirements of this Part and of the load line rules, the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded.

(3) On the application of the owner of a ship to which this Part applies, which is registered in the Islands and is either -

- (a) an existing ship of less than one hundred and fifty tons gross tonnage or a new ship of less than twenty-four metres in length; or
- (b) a ship, not falling within paragraph (a), which does not ply on international voyages,

the Governor or such person as he may authorize for the purpose may exempt her.

(4) Without prejudice to subsection (3), where a ship to which this Part applies, which is registered in the Islands and is either an existing ship of not less than one hundred and fifty tons gross tonnage or a new ship of not less than twenty-four metres in length, does not normally ply on international voyages but is, in exceptional

only with such of those rules as are applicable to those voyages, the certificate shall show that she complies with the requirements of the Safety Convention applicable to her as a passenger steamer plying on short international voyages; and any such certificate is in this Law referred to as a "passenger steamer short-voyage safety construction certificate".

(2) If the Governor or such person as he may authorize for the purpose, on receipt of declarations of survey in respect of any such passenger steamer is satisfied that she is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Part or by the rules in question, from any of the requirements of the passenger ship construction and survey rules, the rules for life-saving appliances, the radio rules or the rules for direction-finders applicable to her and to such international voyages as she is to be engaged on, whether short voyages or otherwise, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of that passenger steamer -

- (a) an exemption certificate stating which of the requirements of the Safety Convention applicable to the passenger steamer she is exempt from and that the exemption is conditional on her plying only on the voyages, being engaged only in the trades, and complying with the other conditions (if any) specified in the certificate; and
- (b) a certificate showing that she complies with the rest of those requirements,

and any certificate issued under paragraph (b) is in this Part referred to as a "passenger steamer qualified safety construction certificate" or a "passenger steamer qualified short-voyage safety construction certificate", as the case may be.

(3) If, on an international voyage, a passenger steamer registered in the Islands in respect of which a safety construction certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the Governor or such person as he may authorize for the purpose may, at the request of the master, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purposes of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

(4) Every memorandum referred to in subsection (3) shall be returned to the Governor or such person as he may authorize for the purpose at the end of the voyage to which it relates, and, if it is not so returned, the master shall be guilty of an offence and liable

Cargo ship safety construction certificates and exemption certificates.

on summary conviction to a fine not exceeding five hundred dollars.

10. (1) If the Governor or such persons as he may authorize for the purpose, on receipt of declarations of survey in respect of a ship to which subsection (2) of section 3 applies and which is registered in the Islands, is satisfied that she complies with the cargo ship construction and survey rules applicable to her and to such voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of that ship -

- (a) if she is of not less than five hundred tons gross tonnage and is to be engaged on international voyages, a certificate in the form prescribed by the Safety Convention;
- (b) in any other case, a certificate showing that she complies with such rules,

and any such certificate is in this Part referred to as a "cargo ship safety construction certificate".

(2) If the Governor or such person as he may authorize for the purpose, on receipt of declarations of survey in respect of any such ship, is satisfied that she is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Part or by the cargo ship construction and survey rules, from any of the requirements of those rules applicable to the ship and to such voyages as she is to be engaged on, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of that ship -

- (a) if she is of not less than five hundred tons gross tonnage and is to be engaged on international voyages -
 - (i) an exemption certificate stating which of the requirements of the Safety Convention, being requirements implemented by the rules and applicable as aforesaid, she is exempt from and that the exemption is conditional on her plying only on the voyages and complying with the other conditions (if any) specified in the certificate; and
 - (ii) a certificate showing that she complies with the rest of those requirements;

Power to detain non-Islands ship, and procedure for detention.

the provisions of this Part with respect to the persons so appointed shall apply accordingly.

49. If the Governor or such persons as he may appoint for the purpose has reason to believe that any ship not registered in the Islands, not being a ship in respect of which a valid Load Lines certificate is produced, does not comply with the conditions of assignment, he may order her to be provisionally detained for the purpose of being surveyed in accordance with section 48, save that the following modifications to the provisions of section 48 shall apply -

- (a) a copy of the order for provisional detention shall be forthwith served in accordance with section 75;
- (b) the consular officer, on the request of the owner or master, may require that the person appointed to survey the ship shall be accompanied by such person as the consular officer may select; and in that case, if the Governor or such person as he may have authorize for the purpose and that person agree, the Governor or such person as he may have authorized for the purpose shall cause her to be detained or released accordingly, but if they differ, the Governor or such person as he may have authorized for the purpose may act as if the requisition had not been made, and the owner and master shall have the like appeal to the court of survey touching the report of the Governor or such person as he may have authorized for the purpose as is provided by subsection (4) of section 48 in the case of a ship registered in the Islands;
- (c) where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a ship registered in the Islands, would be appointed otherwise than by the Governor.

Exemptions

50. (1) If in the opinion of the Governor or such person as he may authorize for the purpose the sheltered nature and conditions of international voyages between -

- (a) near neighbouring ports in the Islands and in another Load Lines Convention country; or
- (b) near neighbouring ports in any two or more countries or territories outside the Islands,

make it unreasonable or impracticable to apply this Part to ships plying on such voyages, and a surveyor of ships is satisfied that the

Power to make exemption orders.

46
within seven days after that service the owner or master may appeal to the court of survey in manner directed by the rules of that court.

(5) Where a ship has been provisionally detained, the owner or master, at any time before the person appointed under paragraph (b) of subsection (2) to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case, if the Governor or such person as he may have authorized for the purpose and that person agree, the Governor or such person as he may have authorized for the purpose shall cause the ship to be detained or released accordingly, but if they differ, the Governor or such person as he may have authorized for the purpose may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is provided by subsection (4).

(6) The Governor or such person as he may authorize for the purpose may at any time, if satisfied that a ship detained under this section complies with the conditions of assignment, order her to be released either upon or without any conditions.

(7) Any person appointed by the Governor for the purpose (in this section referred to as "a detaining officer") shall have the same power as the Governor has under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and, if he thinks that a ship so detained by him complies with the conditions of assignment, he may order her to be released.

(8) A detaining officer shall forthwith report to the Governor or such person as he may authorize for the purpose any order made by him for the detention or release of a ship.

(9) An order for the provisional or final detention of a ship and any order varying such an order shall be served as soon as may be on the master.

(10) A ship detained under this section shall not be released by reason of her subsequently ceasing to be registered in the Islands.

(11) The Governor may appoint fit persons to act as detaining officers under this section, and may remove any such officer; and a detaining officer shall be paid such remuneration (if any) as the Governor may fix, and shall for the purpose of his duties have all the powers of an inspector.

(12) A detaining officer and a person authorized to survey a ship under this section shall for that purpose have the same power as a surveyor of ships appointed under subsection (1) of section 69 and

- 19
(b) in any other case, a certificate showing that she complies with such of the requirements of the cargo ship construction and survey rules applicable to her and to the voyages she is to be engaged on as she is not exempt from,

and any certificate issued under sub-paragraph (ii) of paragraph (a) or under paragraph (b) is in this Part referred to as a "qualified cargo ship safety construction certificate".

(3) A certificate issued under this section, other than an exemption certificate, shall remain in force for five years or such shorter period as may be specified in it, but without prejudice to the power of the Governor or such person as he may authorize for the purpose to cancel it; and an exemption certificate issued under this section shall remain in force for the same period as the corresponding qualified certificate:

Provided that the Governor may by order extend the period for which a certificate under this section may be issued to a period not exceeding six years.

(4) Without prejudice to the power of extension conferred by subsection (8) of section 16, where a certificate under this section is in force in respect of a ship and the certificate was issued for a shorter period than is allowed under the foregoing provisions of this section, the Governor or such person as he may authorize for the purpose may, if satisfied on receipt of declarations of survey in respect of the ship that it is proper to do so, grant an extension of the certificate for a period not exceeding one year, and not exceeding, together with the period for which it was issued and any period by which it has been previously extended under this subsection, the longest period for which it could have been issued under this section.

11. (1) If the Governor or such person as he may authorize for the purpose, on receipt of declarations of survey in respect of a ship registered in the Islands, not being a passenger steamer, is satisfied that she complies with the rules for life-saving appliances applicable to her and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of that ship a certificate showing that she complies with such of the requirements of the Safety Convention relating to those matters as are applicable; and any certificate issued under this subsection is in this Part referred to as a "safety-equipment certificate".

(2) If the Governor or such person as he may authorize for the purpose, on receipt of declarations of survey in respect of any such ship, is satisfied that she is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Part or by the rules for life-saving appliances, from any of the requirements of those rules applicable to the ship and to such international voyages

Issue for cargo ships
of safety equipment
certificates and
exemption certi-
ficates.

as she is to be engaged on, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of that ship -

- (a) an exemption certificate stating which of the requirements of the Safety Convention, being requirements the subject of the rules for life-saving appliances and applicable as aforesaid, she is exempt from and that the exemption is conditional on her plying only on the voyages and complying with the other conditions (if any) specified in the certificate; and
- (b) a certificate showing that she complies with the rest of those requirements,

and any certificate issued under paragraph (b) is in this Part referred to as a "qualified safety-equipment certificate".

12. (1) If the Governor or such person as he may authorize for the purpose, on receipt of declarations of survey in respect of a ship registered in the Islands not being a passenger steamer, is satisfied that she complies with the radio rules and the rules for direction-finders applicable to her and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of that ship a certificate showing that she complies with such of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders as are applicable as aforesaid; and any certificate issued under this subsection is in this Part referred to as a "radio certificate".

(2) If the Governor or such person as he may authorize for the purpose, on receipt of declarations of survey in respect of any such ship, is satisfied that she is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Part or by the rules in question, from any of the requirements of the radio rules or rules for direction-finders applicable to her and to such international voyages as she is to be engaged on, and that she complies with the rest of the requirements of the radio rules and the rules for direction-finders, he shall, on the application of the owner, issue in respect of that ship -

- (a) an exemption certificate stating which of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, being requirements applicable as aforesaid, that ship is exempt from and that the exemption is conditional on her plying only on the voyages and complying with the other conditions (if any) specified in the certificate; and

Issue for cargo ships of radio certificates and exemption certificates.

Power to detain Islands ship, and procedure for detention.

- (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 her in as effective a condition as they were in when the certificate was issued.

(5) If on an inspection of a ship to which section 42 applies she is found to have been so materially altered in respect of the matters referred to in paragraphs (c) or (d) of subsection (4) that she is manifestly unfit to proceed to sea without danger to human life, section 49 shall have effect in relation to her as if she did not comply with the condition of assignment.

(6) Where a ship has been detained under section 49, as applied by subsection (5), a surveyor ships shall order her to be released as soon as he is satisfied that she is fit to proceed to sea without danger to human life.

(7) For the purposes of any inspection made under this section, a surveyor of ships shall have all the powers of an inspector.

48. (1) If the Governor or such person as he may authorize for the purpose has reason to believe that any ship registered in the Islands does not comply with the conditions of assignment, he may order her to be provisionally detained for the purpose of being surveyed.

(2) Where a ship has been provisionally detained under subsection (1), the Governor or such person as he may authorize for the purpose -

- (a) shall forthwith serve on the master a written statement of the grounds of her detention;
- (b) if he thinks fit, may appoint some competent person or persons to survey her and report thereon to him; and
- (c) may, at any time, if he thinks it expedient, refer the matter to the court of survey.

(3) The Governor or such person as he may authorize for the purpose, on receiving the report made under paragraph (b) of subsection (2), may either order the ship to be released or, if in his opinion she does not comply with the conditions of assignment, may order her to be finally detained, either absolutely or until the performance of such conditions as he thinks necessary.

(4) Before the order for final detention is made under subsection (3), a copy for the report shall be served upon the master, and

44

(2) For the purposes of this section, the appropriate certificate -

- (a) in the case of a ship to which section 42 applies, where a clearance for her is demanded in respect of an international voyage, is a valid Load Lines Convention certificate;
- (b) in the case of any such ship, where a clearance for her is demanded in respect of any other voyage, is either a valid Load Lines Convention certificate or an Islands load line certificate for the time being in force in respect of her; and
- (c) in any other case, is an Islands load line certificate for the time being in force in respect of her.

Inspection and detention under this Part

47. (1) A surveyor of ships may inspect any ship to which this Part applies, being a ship registered in the Islands, for the purpose of seeing that the provisions of this Part have been complied with in respect of her.

(2) Subject to the following provisions of this section, a surveyor of ships may inspect any ship to which this Part applies, not being a ship registered in the Islands, while she is within any port in the Islands.

(3) A surveyor of ships may go on board any ship to which section 42 applies, while she is within any port in the Islands, for the purpose of demanding production of any international load line certificate or Islands load line certificate for the time being in force in respect of her.

(4) If on any demand made under subsection (3) a valid Load Lines Convention certificate is produced to a surveyor of ships in respect of the ship, the powers of the surveyor under subsection (2) shall be limited to seeing that -

- (a) she is not loaded beyond the limits allowed by the certificate;
- (b) lines are marked on her in the positions of the load lines specified in the certificate;
- (c) no material alterations have taken place in her hull or superstructure which affect the position in which any of those lines ought to be marked; and

- 21
- (b) a certificate showing that she complies with the rest of those requirements,

and any certificate issued under paragraph (b) is in this Part referred to as a "qualified radio certificate".

(3) Where any ship registered in the Islands is wholly exempt from the requirements of the radio rules and the rules for direction-finders, the Governor or such person as he may authorize for that purpose shall on the application of the owner issue an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders and specifying the voyages on which, and conditions (if any) on which, she is so exempt.

13. Where a ship complies with all the requirements of the passenger steamer construction and survey rules or the cargo ship construction and survey rules (as the case may be), the rules for life-saving appliances, the radio rules and the rules for direction-finders applicable to her and to the voyages on which she is to be engaged so far as those requirements are requirements of the Safety Convention applicable as in the preceding provisions of this Part, the Governor or such person as he may authorize for the purpose may issue in respect of that ship a safety construction certificate, short-voyage construction safety certificate, safety-equipment certificates or radio certificate, as the case may be, notwithstanding that she is exempt from, or for some other reason does not comply with, any requirement of those rules that is not an applicable requirement of the Safety Convention.

14. (1) The owner or master of any ship in respect of which any certificate issued under this Part is in force shall, as soon as possible after any alteration is made in her hull, equipment or machinery affecting the efficiency thereof or her seaworthiness including such appliances or equipment as she is required to have or carry by the rules for life-saving appliances, the radio rules or the rules for direction-finders, give written notice to the Governor or such person as he may authorize for the purpose containing full particulars of the alteration.

(2) If notice of any alteration is not given as required by this section, the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

(3) If the Governor or such person as may be authorized for the purpose has reason to believe that since the making of the last declaration of survey in respect of any ship -

- (a) any such alteration has been made as is mentioned in subsection (1); or

Issue of general safety certificates, etc. on partial compliance with rules.

Notice of alterations and additional surveys.

Provisions as to inspection.

- (b) any part of the hull, equipment or machinery of the ship, including such appliances or equipment as she is required to have or carry by the rules for life-saving appliances, the radio rules and the rules for direction finders has sustained any injury or are otherwise insufficient,

he may require her to be surveyed again to such extent as he thinks fit and, if such requirement is not complied with, may cancel any certificate issued in respect of her under this Part.

(4) The power of the Governor or such person as he may authorize for the purpose under subsection (3) to cancel such a certificate shall be exercisable also where the ship has not been submitted for survey as required by the passenger steamer construction and survey rules or the cargo ship construction and survey rules.

(5) In this section, "alteration", in relation to anything, includes the renewal of any part of it.

15. (1) No ship registered in the Islands shall proceed to sea on an international voyage unless there is in force in respect of her -

- (a) if she is a passenger steamer, a passenger steamer safety construction certificate, a passenger steamer short-voyage safety construction certificate, a passenger steamer qualified safety construction certificate or a passenger steamer qualified short-voyage safety certificate which, subject to the provisions of this section relating to short-voyage safety certificates, is applicable to the voyage on which she is about to proceed and to the trade in which she is for the time being engaged;
- (b) if she is not a passenger steamer, all of the following -
 - (i) a cargo ship safety construction certificate or a qualified cargo ship safety construction certificate;
 - (ii) a safety-equipment certificate or a qualified safety-equipment certificate; and
 - (iii) a radio certificate or a qualified radio certificate, or an exemption certificate stating that she is wholly exempt from the requirements of the

Prohibition on proceeding to sea without appropriate certificates.

Islands load line certificates.

Production of certificate to customs officer.

virtue of this subsection, unless she has been inspected by a surveyor of ships under section 47.

(3) In relation to a ship in respect of which a valid Load Lines Convention certificate is produced, "load line", in subsection (1), means a line marked on her 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 she may be loaded in salt water in those circumstances.

(4) Where a valid Load Lines Convention certificate is not produced in respect of a ship, then, for the purposes of the application of the relevant provisions to her in any circumstances prescribed by the load line rules in accordance with paragraph (d) of subsection (1) of section 33, "the appropriate load line" means the load line which, in accordance with those rules, indicates the maximum depth to which she may be loaded in salt water in those circumstances.

(5) In subsection (3) and (4), "the relevant provisions" means the provisions of subsections (1), and any provisions of section 35 as applied by subsection (2).

45. (1) Where a ship to which this Part applies, not being a ship registered in the Islands, has been surveyed and marked in accordance with the load line rules, then on the application of the owner an Islands load line certificate shall be issued to him by the Governor or such person as he may authorize for the purpose.

(2) Subject to subsection (3), sections 38 and 39 shall have effect in relation to a certificate issued under subsection (1) as they have effect in relation to a certificate issued under section 37.

(3) Any certificate issued under subsection (1) in respect of a ship to which section 42 applies shall be valid only so long as she is not plying on international voyages, and shall be cancelled by a surveyor of ships if he has reason to believe that she is plying on international voyages.

46. (1) Subject to any exemption conferred by or under this Law, before a ship to which this Part applies, not being a ship registered in the Islands, proceeds to sea from any port in the Islands, the master shall produce the appropriate certificate to the officer of customs from whom a clearance for her is demanded; and a clearance shall not be granted, and she may be detained, until the appropriate certificate is so produced.

42
a ship registered in the Islands, shall proceed or attempt to proceed to sea from any port in the Islands unless -

- (a) she has been surveyed in accordance with the load line rules;
- (b) she is marked with deck-line and with load lines in accordance with those rules;
- (c) she complies with the conditions of assignment; and
- (d) the information required by those rules to be provided as mentioned in subsection (4) of section 33 is provided for the guidance of her master in the manner determined in accordance with the rules.

(2) Subsection (1) does not apply to a ship in respect of which a valid Load Lines Convention certificate is produced.

(3) If any ship proceeds or attempts to proceed to sea in contravention of the preceding provisions of this section, the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

(4) Any ship which, in contravention of this section, attempts to proceed to sea without being surveyed and marked as mentioned in paragraphs (a) and (b) of subsection (1) may be detained until she has been so surveyed and marked.

44. (1) Where a ship to which this Part applies, not being a ship registered in the Islands, is within any port in the Islands and is marked with load lines, she shall not be so loaded that -

- (a) if she is in salt water and has no list, the appropriate load line on each side of her is submerged; or
- (b) in any other case, the appropriate load line on each side of her would be submerged if she were in salt water and had no list.

(2) Subsections (2), (3), (4), (6) and (7) of section 35 shall have effect for the purposes of this section as if any reference in those subsections to subsection (1) of that section or to paragraphs (a) or (b) of that subsection, were a reference to subsection (1), or (as the case may be) to the corresponding paragraph of subsection (1), of this section:

Provided that, in the case of a ship to which section 42 applies, she shall not be detained, and no proceedings shall be brought by

23
Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders:

Provided that this paragraph shall not prohibit such a ship from so proceeding to sea if there is in force in respect of her such certificate or certificates as would be required if she were a passenger steamer.

(2) In this section, a qualified certificate shall be deemed not to be in force in respect of a ship unless there is also in force in respect of her the corresponding exemption certificate; and an exemption certificate shall be of no effect unless it is by its terms applicable to the voyage on which she is about to proceed.

(3) If any ship proceeds, or attempts to proceed, to sea in contravention of this section -

- (a) if she is a passenger steamer, the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for every passenger carried on board, and the owner or master of any tender by means of which passengers have been taken on board the passenger steamer shall be guilty of an offence and liable on summary conviction to a like fine for every passenger so taken on board; and
- (b) if she is not a passenger steamer, her owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

(4) When clearance of a ship registered in the Islands is demanded for an international voyage from a port in the Islands, the master shall produce to the officer of customs from whom the clearance is demanded the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea; and the clearance shall not be granted, and she may be detained, until such certificate or certificates are so produced.

(5) Where the Governor or such person as may be authorized for the purpose permits any passenger steamer in respect of which there is in force a passenger steamer short-voyage safety construction certificate, whether or not qualified, to proceed to sea on an international voyage from a port in the Islands not exceeding twelve hundred nautical miles in length between the last port of call in the Islands and the final port of destination, the certificate shall for the purposes of this section be deemed to be applicable to the voyage on which

the steamer is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between those ports.

(6) Where an exemption certificate issued in respect of any ship registered in the Islands specifies any conditions on which the certificate is issued and any of those conditions is not complied with, the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

Miscellaneous provisions as to surveys and certificates.

16. (1) The owner of every ship shall cause the same to be surveyed by a surveyor of ships for the purpose of the issue under this Law of any certificate in respect of a ship.

(2) On completion of a survey under subsection (1), the surveyor, if satisfied on the survey that he can with propriety do so, shall deliver to the owner a declaration of survey.

(3) The owner of a ship so surveyed shall, within fourteen days after the receipt by him of a declaration of survey, transmit it to the Governor or such person as may be authorized to receive it for the purposes of this section, and in default thereof without reasonable cause shall be guilty of an offence and liable to summary conviction to a fine not exceeding one hundred dollars for every day during which the transmission is delayed.

(4) If the owner of a ship feels aggrieved by the declaration of survey or by the refusal of a surveyor to give such a declaration, he may appeal to the court of survey.

(5) On any such appeal the judge of the court of survey shall report to a surveyor of ships on the question raised by the appeal and the surveyor of ships, when satisfied that the requirements of the report and of the other provisions of this Law have been complied with, may grant a certificate. Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event.

(6) A certificate issued in respect of a passenger steamer under section 9, a radio certificate, and an exemption certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, shall be in force for one year; and a safety-equipment certificate shall be in force for two years, from the date of its issue, or for such shorter period as may be specified in the certificate:

Provided that -

- (a) no such certificate shall remain in force after notice is given by the Governor or such person as he may authorize for the purpose to the owner or master of the

- (b) subject to subsection (3), shall cause a notice, in such form and containing such of those particulars as may be specified in the regulations for the purposes of this paragraph, to be posted up in some conspicuous place on board the ship,

and, where such a notice has been posted up, the master shall cause it to be kept so posted up and legible until she arrives at some other place.

(3) If the owner or master fails to comply with any requirement imposed on him by subsections (1) or (2), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Ships not registered in the Islands

Valid Load Lines Convention Certificates.

42. (1) This section applies to any ship which, being a ship to which this Part applies and not being registered in the Islands, -

- (a) is registered in a Load Lines Convention country or, not being registered in any such country or elsewhere, flies the flag of a Load Lines Convention country; and
- (b) is either an existing ship of not less than one hundred and fifty tons gross tonnage or a new ship of not less than twenty-four metres in length.

(2) The Governor or such person as he may authorize for the purpose may, at the request of the government of the parent country of a ship to which this section applies, issue in respect of her a certificate in such form as may be prescribed by the load line rules, if he is satisfied that he could properly issue a certificate in respect of her under subsection (1) of section 37 if she were registered in the Islands.

(3) The load line rules shall make such provision as appears to the Governor to be appropriate for securing that certificates which are issued as international load line certificates in respect of ships to which this section applies, and are so issued by governments other than the Government of the Islands, shall be recognized for the purposes of this Part in such circumstances as may be prescribed by the rules.

(4) Certificates issued as mentioned in subsections (2) or (3) shall be included among the certificates to be called "international load line certificates".

Compliance with load line rules.

43. (1) Subject to subsection (2) and to any exemption conferred by or under this Part, no ship to which this Part applies, not being

40
Ships not to proceed to sea without load line certificate.

Publication of load line certificate and entry of particulars in log-book etc.

(b) any extension of the period for which the certificate was issued,
as may be prescribed by the rules.

40. (1) Subject to any exemption conferred by or under this Part, no ship to which this Part applies, being a ship registered in the Islands, shall proceed or attempt to proceed to sea unless the appropriate certificate is in force in respect of her.

(2) Before any such ship proceeds to sea, the master shall produce the appropriate certificate to the officer of customs from whom a clearance 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 shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

(4) In this section "the appropriate certificate" means the certificate which is the appropriate certificate under section 37.

41. (1) Where a certificate is issued in respect of a ship under section 37 -

- (a) the owner 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; and
- (b) the master, before making any other entry in the log-book, or if there is no log-book before he causes any other record to be kept, shall enter in it or cause a record to be kept of the particulars as to the positions of the deck-line and the load lines which are specified in the certificate.

(2) Before any ship to which this Part applies, being a ship registered in the Islands, leaves any place for the purpose of proceeding to sea, the master -

- (a) shall enter in the log-book, or if there is no log-book cause other record to be kept of, such particulars relating to the depth to which she is for the time being loaded as may be prescribed by regulations made by the Governor under this Part; and

25
ship in respect of which it has been issued that the certificate has been cancelled; and

- (b) where a radio certificate or a qualified radio certificate is in force in respect of a ship of less than five hundred tons gross tonnage, other than a passenger steamer, and the ship is surveyed by a surveyor of ships at a time not earlier than two months before the end of the period for which the certificate is in force, then, if on receipt of the declaration of such a new certificate is issued before the end of that period -

- (i) the current certificate may be cancelled; and
- (ii) the new certificate may be issued for period ending not later than twelve months after the end of the first mentioned period.

(7) An exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, shall be in force for the same period as the corresponding qualified certificate.

(8) The Governor or any person authorized by him for the purpose may grant an extension of any certificate issued under this Part in respect of a ship registered in the Islands for a period not exceeding one month from the date when the certificate would, but for the extension, have expired or, if the ship is absent from the Islands on that date, for a period not exceeding five months from that date.

(9) The Governor or any person authorized by him for the purpose may request the government of a country to which the Safety Convention applies to issue in respect of a ship registered in the Islands any certificate the issue of which is authorized under this Law; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Law as if it had been issued by a surveyor of ships and not by the government of that country.

(10) Where the Governor or any person authorized by him for the purpose requests the government of a country to which the Convention applies to issue in respect of a ship such certificates as he is authorized to issue under subsection (2) of section 9 or under sections 10, 11 or 12, and that government is willing to issue, in pursuance of that request, a qualified certificate thereunder that is not willing to issue the corresponding exemption certificate, the

Certificates of Convention ships not registered in Islands.

Governor or any person authorized by him for that purpose may issue that exemption certificate in respect of the ship.

Safety Convention Ships Not Registered in the Islands

17. (1) The Governor or such person as he may authorise for the purpose may, at the request of the government of a country to which the Safety Convention applies, issue in respect of a ship registered in that country any certificate the issue of which in respect of ships registered in the Islands is authorized under the preceding provisions of this Part if he is satisfied that it is proper for him to do so; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been issued by such government and not by the Governor or such person as may have been authorized by him.

(2) The Governor shall make such regulations as appear to him to be necessary for the purpose of securing that certificates issued in accordance with the Safety Convention by the government of any country (other than the Government of the Islands) in respect of Safety Convention ships not registered in the Islands, or having effect under subsection (1) as if so issued, shall be accepted as having the same force as corresponding certificates issued by the Governor or such person as may have been authorized for the purpose under this Part; and any certificate required by those regulations to be so treated is in this Part referred to as an "accepted Safety Convention certificate".

(3) A surveyor of ships, for the purpose of verifying that -

- (a) there is in force in respect of a Safety Convention ship not registered in the Islands an accepted Safety Convention certificate;
- (b) the condition of the hull, equipment and machinery of any such Safety Convention ship corresponds substantially with the particulars shown in such a certificate;
- (c) except where such a certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy and radio-telephony, the number, grades and qualifications of radio officers or operators on board correspond with those shown in the certificate; or
- (d) any conditions on which such a certificate, being the equivalent of an exemption certificate, is issued are complied with,

shall have all the powers of an inspector.

(4) Where there is attached to an accepted Safety Convention

- (b) in such form, and issued in such manner, as may be prescribed by the load line rules.

(4) The Governor or such person as he may authorize for the purpose may request a contracting government to issue an international load line certificate in respect of any ship to which this Part applies which is a ship registered in the Islands and falling within paragraph (a) of subsection (2); and the following provisions of this Part 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 Government of the Islands, as they have effect in relation to an international load line certificate issued by the Governor or such person as he may have authorized for the purpose.

38. Where a certificate, issued under section 37 and for the time being in force, is produced in respect of the ship to which the certificate relates, -

- (a) she shall be deemed to have been surveyed in accordance with the load line rules; and
- (b) if lines are marked on her 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, she shall be deemed to be marked as required by those rules.

Effect of load line certificate.

Duration, endorsement and cancellation of load line certificates.

39. (1) The load line rules shall make provision for determining the period during which any certificate issued under section 37 is to remain in force, including provision -

- (a) enabling the period for which any such certificate is originally issued to be extended within such limits and in such circumstances as may be prescribed by the rules; and
- (b) for cancelling any such certificate in such circumstances as may be so prescribed.

(2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificates such information relating to -

- (a) periodical inspections of the ship in accordance with the load line rules; and

(6) Without prejudice to any proceedings under subsections (1) to (5) inclusive, any ship which is loaded in contravention of subsection (1) may be detained until she ceases to be so loaded.

(7) For the purposes of the application of this section to a ship in any circumstances prescribed by the load line rules in accordance with paragraph (d) of subsection (1) of section 33, "the appropriate load line" means the load line which, in accordance with those rules, indicates the maximum depth to which she may be loaded in salt water in those circumstances.

36. Where a ship to which this Part applies, being a ship registered in the Islands, is marked in accordance with any requirements as to marking imposed by or under this Part, then if -

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

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

37. (1) Where a ship to which this Part applies, being a ship registered in the Islands, has been surveyed and marked in accordance with the load line rules, the appropriate certificate shall be issued to the owner 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 one hundred and fifty tons gross tonnage, and in the case of a new ship of not less than twenty-four metres in length, is a certificate to be called an "international load line certificate"; and
- (b) in the case of any other ship, is a certificate to be called an "Islands load line certificate".

(3) Subject to subsection (4), any certificate required by subsection (1) to be issued shall be -

- (a) issued by the Governor or such person as he may authorize for the purpose; and

Miscellaneous offences in relation to marks.

Issue of load line certificates.

certificate in respect of a Safety Convention passenger steamer not registered in the Islands a memorandum which -

- (a) has been issued by or under the authority of the government of the country in which the steamer is registered; and
- (b) modifies for the purpose of any particular voyage, in view of the number of persons carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

18. (1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the Islands -

- (a) the steamer shall not be required to be surveyed by a surveyor of ships under this Part, except for the purpose of determining the number of passengers that she is fit to carry;
- (b) on receipt of any declaration of survey for that purpose, the Governor or such person as he may authorize for the purpose shall issue a certificate stating the number of passengers which she is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject; and a certificate so issued shall have effect as a passenger steamer safety construction certificate.

(2) Where there is produced in respect of any such passenger steamer an accepted Safety Convention certificate, and also a certificate issued by or under the authority of the government of the country in which the steamer is registered showing the number of passengers that the steamer is fit to carry, and the Governor or such person as he may authorize for the purpose is satisfied that that number has been determined substantially in the same manner as in the case of a passenger steamer registered in the Islands, he may if he thinks fit dispense with any survey of the steamer for the purpose of determining the number of passengers that she is fit to carry and direct that the last-mentioned certificate shall have effect as a passenger steamer safety construction certificate.

19. (1) The master of every Safety Convention ship not registered in the Islands shall produce to the officer of customs from whom a clearance of the ship is demanded in respect of an international

Modified survey of passenger steamers holding Convention certificates.

Further provisions as to the production of Convention certificates.

voyage from a port in the Islands, accepted Safety Convention certificates that are the equivalent of the certificates issued by the Governor or such person as he may have authorized for the purpose under this Part that would be required to be in force in respect of her if she were a ship so registered; and a clearance shall not be granted, and the ship may be detained, until such certificates are so produced.

(2) The production of an accepted Safety Convention certificate being the equivalent of -

- (a) a qualified certificate; or
- (b) an exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders,

shall not avail for the purposes of section 18 unless there is also produced the corresponding exemption certificate or qualified certificate as the case may be.

Miscellaneous Provisions for furthering Safety of Life at Sea

20. (1) The Governor may in relation to passenger steamers registered in the Islands make rules for -

- (a) closing and keeping closed the openings in steamers' hulls and in watertight bulkheads;
- (b) securing, keeping in place and inspecting contrivances for closing any such openings;
- (c) operating the mechanism of contrivances for closing any such openings and for drills in connection with the operation thereof; or
- (d) requiring entry to be made in the log-book or other record to be kept of any of the matters aforesaid.

(2) If any of these rules is not complied with in relation to any such steamer, the master shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

21. (1) The Governor may make rules prescribing what signals shall be used by ships as signals of distress and the circumstances in which, and the purposes for which, any such signals are to be used.

(2) If the master of a ship uses, displays, causes or permits any person under his authority to use or display -

Submersion of load lines.

35. (1) Where a ship to which this Part applies, being a ship registered in the Islands, is marked with load lines, she shall not be so loaded that -

- (a) if she is in salt water and has no list, the appropriate load line on each side of her is submerged; or
- (b) in any other case, the appropriate load line on each side of her would be submerged if she were in salt water and had no list.

(2) If any ship is loaded in contravention of subsection (1), the owner or master shall, subject to subsection (5), be guilty of an offence and liable on summary conviction to -

- (a) a fine not exceeding ten thousand dollars; and
- (b) such additional fine, not exceeding an amount calculated in accordance with subsection (3), 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.

(3) Any additional fine imposed under paragraph (b) of subsection (2) shall not exceed two thousand dollars for each complete centimetre by which -

- (a) in a case falling within paragraph (a) of subsection (1), the appropriate load line on each side of the ship was submerged; or
- (b) in a case falling within paragraph (b) of that subsection, the appropriate load line on each side of the ship would have been submerged as therein mentioned.

(4) If the master takes the ship to sea when she is loaded in contravention of subsection (1), or if any other person, having reason to believe that she 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 an offence under subsection (2), he shall be guilty of an offence under this subsection and liable on summary conviction to a fine not exceeding fifty thousand dollars.

(5) 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 any other circumstance that neither the master, owner nor charterer (if any) could have prevented or forestalled.

Openings in passenger steamers' hulls and watertight bulkheads.

Signals of distress.

36
freeboards are assigned thereunder, and such information relating to the loading and ballasting of any such ship, as may be so determined in accordance with the rules to be provided for the guidance of the master in such manner as may be determined.

(4) In relation to any matter authorized by this Part to be prescribed by the load line rules, those rules may make different provision by reference to, or to any combination of, any of -

- (a) different description of ships;
- (b) different areas;
- (c) different seasons of the year; and
- (d) any other different circumstances.

(5) In making the load line rules, the Governor shall have regard in particular to the Load Lines Convention.

Ships registered in the Islands

34. (1) Subject to any exemption conferred by or under this Part, no ship to which this Part applies, being a ship registered in the Islands, shall proceed or attempt to proceed to sea unless -

- (a) she has been surveyed in accordance with the load line rules;
- (b) she is marked with a deck-line and with load lines in accordance with those rules;
- (c) she complies with the conditions of assignment; and
- (d) the information required by those rules to be provided as mentioned in subsection (3) of section 33 is provided for the guidance of her master in the manner determined in accordance with the rules.

(2) If any ship proceeds or attempts to proceed to sea in contravention of subsection (1), the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

(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.

- 29
- (a) any signal prescribed by rules made under this section, except in the circumstances and for the purposes prescribed by such rules; or
 - (b) any private signal, whether registered or not, that is liable to be mistaken for any signal so prescribed,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress; and that compensation may, without prejudice to any other remedy, be recovered in the same manner as salvage.

22. (1) The master of a ship registered in the Islands, on receiving at sea a signal of distress or information from any source that a ship or aircraft is in distress, shall proceed with all speed to the assistance of such ship or aircraft (informing it if possible that he is doing so) unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under subsections (3) or (4).

(2) Where the master of any ship in distress has requisitioned any ship registered in the Islands that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the ship in distress.

(3) A master shall be released from the obligation imposed by subsection (1) as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.

(4) A master shall be released from the obligation imposed by subsection (1) and, if his ship has been requisitioned, from the obligation imposed by subsection (2), if he is informed by the ship or aircraft in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(5) If a master fails to comply with subsections (1) or (2), he shall, subject to subsections (3) and (4), be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

(6) If the master of a ship registered in the Islands, on receiving at sea a signal of distress or information from any source that a ship or aircraft is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to proceed to the assistance of such ship or aircraft, he shall forthwith cause a

statement to be entered in the log-book, or if there is no log-book cause other record to be kept, of his reasons for not going to the assistance of that ship or aircraft, and if he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

(7) The master of every ship registered in the Islands shall enter or cause to be entered in the log-book, or if there is no log-book cause other record to be kept of, every signal of distress or message that a ship, aircraft or person is in distress at sea, and if he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

(8) Compliance by the master with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

Report of dangers to navigation.

23. (1) The master of any ship registered in the Islands, on meeting with dangerous ice, a dangerous derelict, a tropical storm, air temperatures below freezing-point associated with gale-force winds causing severe ice accretion on the superstructure of ships, winds of force 10 or above on the Beaufort scale for which no storm-warning has been received or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with rules to be made by the Governor for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.

(2) If the master fails to comply with subsection (1), he shall be guilty of an offence and liable on summary conviction for each offence to a fine not exceeding one thousand dollars.

Law 7 of 1975. (3) Every person in charge of a station, as defined in section 2 of the Radio Law, shall, on receiving the signal prescribed by such rules for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Governor or such person as he may authorize for the purpose, shall transmit the message in such manner as may be required by the Governor or such person as he may authorize for the purpose, and compliance with this subsection shall be deemed to be a condition of every licence for a radio or telegraph station or apparatus issued pursuant to regulations made under section 17 of the Radio Law.

(4) For the purposes of this section, "tropical storm" means a hurricane, typhoon, cyclone, or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

Load line rules.

35
33. (1) The Governor may make rules with respect to all or any of the following -

- (a) the surveying and periodical inspection of ships to which this Part applies;
- (b) determining freeboards to be assigned from time to time to such ships;
- (c) determining, in relation to any such ship, the deck which is to be taken to be her freeboard deck, and for requiring the position of that deck to be indicated on each side of her by a mark of a description prescribed by the rules; and
- (d) determining, by reference to that mark and the freeboards for the time being assigned to any such ship, the positions in which each side of her is to be marked with lines of a description prescribed by the rules, indicating the various maximum depths to which she may be loaded in circumstances prescribed by the rules.

(2) The load lines rules shall include provisions -

- (a) specifying such requirements in respect of the hulls, superstructures, fittings and appliances of ships to which this Part applies as appear to the Governor to be relevant to the assignment of freeboards to such ships;
- (b) whereby, at the time when freeboards are assigned to a ship in accordance with the load line rules, such particulars relating to those requirements as may be determined in accordance with those rules are to be recorded in such manner as may be so determined; and
- (c) for determining by reference to those requirements and that record whether, at any time after freeboards have been so assigned to a ship and while they continue to be so assigned, she is for the purposes of this Part to be taken to comply, or not to comply, with the conditions of assignment,

and such provisions shall be set out separately in the load line rules under the title of "rules as to conditions of assignment."

(3) The load line rules shall also include provisions requiring such information relating to the stability of any ship to which

34

- (i) to any ship of three hundred tons gross tonnage or upwards, of so much of the provisions of paragraphs (a) and (b) as relates to certificates issued under section II or equivalent accepted Safety Convention certificates;
- (ii) to any ship to which subsection (2) of section 3 applies and which is registered in the Islands, of so much of the provisions of paragraph (a) as relates to certificates issued under section 10,

by reason only that she is less than five hundred tons gross tonnage.

(2) Notwithstanding that any provisions of this Part is expressed to apply to ships not registered in the Islands while they are within any port in the Islands, that provision shall not apply to any ship not registered in the Islands that would not be within any such port but for stress of weather or any other circumstance that neither the master, owner nor chartered (if any) could have prevented or forestalled.

Nuclear ship rules.

30. For the purpose of enabling effect to be given to the provisions of Chapter VIII of the Annex to the Safety Convention, so far as those provisions are not implemented by or under any provision of any of the Merchant Shipping Acts of the United Kingdom applicable in or extended to the Islands, the Governor may make such regulations as he considers appropriate with respect to ships provided with nuclear power plants.

Interpretation.

31. In this Part, "valid Load Lines Convention certificate" means a certificate which either -

Ships to which Part applies.

32. This Part applies to all ships except-

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

Careful navigation near ice.

Carriage of dangerous goods.

Carriage of grain.

31

24. (1) The master of the ship registered in the Islands, when ice is reported on or near his course, shall at sight either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger.

(2) If the master of any such ship fails to comply with this section, he shall be guilty of an offence and liable on summary conviction for each offence to a fine not exceeding two thousand dollars.

25. (1) The Governor may make rules for regulating in the interests of safety the carriage of dangerous goods in ships to which this section applies.

(2) If any of the rules made in pursuance of this section is not complied with in relation to any ship, the owner or master shall be guilty of offence and liable on summary conviction to a fine not exceeding five thousand dollars.

(3) This section applies to -

- (a) ships registered in the Islands;
- (b) other ships while they are within any port in the Islands, or are embarking or disembarking passengers within the territorial waters of the Islands, or are loading or discharging cargo or fuel within those waters.

26. (1) Where grain is loaded on board any ship registered in the Islands, or is loaded within any port in the Islands 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 master, or any agent of the owner who was charged with the loading or with sending her to sea laden with the grain, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

(2) Where any ship, having been loaded with grain outside the Islands without the taking of all necessary and reasonable precautions to prevent the grain from shifting, enters any port in the Islands so laden, the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars:

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, owner nor charterer (if any) could have prevented or forestalled.

32

(3) The Governor may make rules for regulating in the interests of safety the carriage of grain in ships to which this section applies and, without prejudice to the generality of subsections (1) and (2), any particular precaution prescribed by such rules, 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 provision approved by the Governor as respects the loading in question other than rules made under this subsection.

(4) If any person causes or permits the contravention of or non-compliance with any of the rules made under subsection (3) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

(5) On the arrival at a port in the Islands from a port outside the Islands of any ship carrying a cargo of grain, the master shall cause to be delivered to an officer of customs, a notice stating -

- (a) the draught of water and freeboard of the ship after the loading of her cargo was completed at the final port of loading; and
- (b) the following particulars of the grain carried -
 - (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 guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

(6) Any person having a general or special authority in that behalf from a surveyor of ships 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 an inspector.

Removing persons in case of danger.

Power of Governor to exempt from safety requirements.

Exemption of certain ships from certain provisions of this Part.

33

(7) In this section, the expression "grain" includes wheat, maize, oats, rye, barley, rice, pulses and seeds, whether in natural or processed form.

Supplemental

27. Where the Governor or such person as he may authorize for the purpose, for the purpose of enabling persons to be moved from any place in consequence of a threat to their lives, has permitted more persons to be carried on board a ship than are permitted under this Part apart from this section, the carriage of that excess of persons shall not be an offence under this Part.

28. (1) The Governor or such person as he may authorize for the purpose may exempt any ship or class of ship from any requirements of the rules for life-saving appliances or any other rules or regulations made under this Part, either absolutely or subject to such conditions as he thinks fit.

(2) Without prejudice to subsection (1), where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Governor may, if he is of opinion that the ship complies with safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under this Part.

29. (1) Nothing in this Part -

- (a) prohibiting or preventing a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued by the Governor or such person as he may authorize for the purpose under this Part or the appropriate accepted Safety Convention certificates;
- (b) conferring powers on a surveyor of ships for the purpose of verifying the existence, validity or correctness of any Safety Convention certificate or that the conditions on which any such certificate was issued are complied with;
- (c) imposing a penalty for the contravention of any rules relating to openings in ships' hulls and watertight bulkheads,

shall apply to any troopship, pleasure yacht, ships solely engaged in fishing, or to any ship not propelled by mechanical means:

Provided that nothing in this subsection shall prevent the application -