

PART 1

GENERAL EFFECT OF THE MERCHANT SHIPPING LOAD LINES ACT 1995 PART IV AND THE REGULATIONS MADE THEREUNDER

1.1 General

1.1.1 The Merchant Shipping Act 1995 S.85 enables the Secretary of State to make regulations implementing safety provisions on ships which in particular continue to implement the 1966 International Load Line Convention as amended. The Merchant Shipping (Load Line) Regulations 1998 entirely replace the Merchant Shipping (Load Line) Rules 1968 and their amendments, without changing the effect of the Convention. They also enable similar provisions to be applied to ships which are not covered by the Convention.

1.1.2 These instructions are intended primarily for the use of the Maritime and Coastguard Agency (MCA) Surveyors but will serve as a guide to others concerned with the survey, marking and periodical inspection of ships for load line purposes and with the issue of load line certificates. Details are also included of the procedure for the approval of stability information. They should be considered as a supplement to and read in conjunction with the Act, the Load Line Regulations and other relevant instruments such as Merchant Shipping Notices.

1.1.3 The relevant legislation is:

- The Merchant Shipping (Load Line) Regulations 1998 (SI 1998 No 2241) as amended by the Merchant Shipping (Load Line) (Amendment) Regulations 2000
- Merchant Shipping Notice MSN 1752 (M) and any Merchant Shipping Notice amending that notice.

1.1.4 The forms designed for use with the 1998 Load Line Regulations are listed in Part 9 of these Instructions.

1.2 Definitions and Interpretation

1.2.1 In these Instructions the following terms have the meanings shown:

- "The Act" means the Merchant Shipping Act 1995 Part IV.
- "The Convention" means the International Convention on Load Lines 1966 and the Supplements thereto, as amended by the Protocol of 1988 relating to the International Convention on Load Lines 1966.

- "Convention Ship" means a new ship of not less than 24 metres in length or an existing ship of not less than 150 gross tons, registered in or flying the flag of a Convention Country.
- "The MCA" means the Maritime and Coastguard Agency.
- "Existing ship" means a ship which is not a "new ship".
- "New ship" in relation to a ship registered in the UK means a ship the keel of which was laid, or was at a similar stage of construction, on or after the 21st July 1968.
- "The Regulations" means the Merchant Shipping (Load Line) Regulations 1998 (SI 1998 No 2241), as amended by the Merchant Shipping (Load Line) (Amendment) Regulations 2000 (SI 2000 No 1335), and a reference to a particular Regulation means one of these Regulations.
- "Schedule" means a Schedule of Merchant Shipping Notice MSN 1752 (M)

1.2.2 Other expressions used in these Instructions have the same meaning as those ascribed to them in the Act, the Regulations and the relevant Merchant Shipping M Notices

1.2.3 References in the legislation to ships "proceeding to sea" are construed as references to those ships proceeding beyond Category D limits, or where there are no such limits, beyond Category A, B or C limits, all these terms having the meanings assigned to them in Merchant Shipping Notice No. M 1719 (M)

1.3 Application of the Regulations (Regulation 4)

1.3.1 Nothing in these Instructions should be read as applying to ships in the categories excepted in Regulation 4.

1.3.2 Vessels in commercial use for sport or pleasure (typically yachts) are required to comply with the MS (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 (S.I. 1998 No 2771) which disapply the MS (Load Line) Regulations 1988 (as amended).

1.3.3 Under the legislation all other ships, unless excepted or expressly exempted, are to be surveyed, marked with load lines and issued with the appropriate certificates.

1.3.4 Existing ships as so defined are not required to meet the conditions of assignment of the current Regulations and will continue to be assigned freeboards calculated in accordance with the 1959 Rules for which purpose they must comply with the conditions of assignment applicable to them under those Rules.

1.4 Her Majesty's Ships

Under S.308 of the Act Part XIII Her Majesty's ships are exempted from compliance with the Merchant Shipping Act. However Government ships which

belong to Her Majesty (but not part of Her Majesty's Navy) may be the subject of an Order in Council enabling them to be registered as British ships under Part II of the Act. If a Government ship is so registered it must comply with the Act subject to any exemptions and modifications prescribed in the Order. A check should be made with Headquarters before any action is taken in connection with the issue of load line or load line exemption certificates to a Government ship.

1.5 Exemptions (Regulations 4 and 5)

1.5.1 The Regulations give automatic exemption from all the provisions to the ships listed in Regulation 4(1) and (2). Any cases of doubt as to whether or not a ship falls into one of these categories should be referred to Headquarters.

1.5.2 Regulation 5 gives powers to the MCA (but not to other Assigning Authorities) to exempt ships registered in the UK of any of the descriptions given in that Regulation from all or from specified provisions of the legislation.

1.5.3 In any case of exemption under Regulation 5 the appropriate certificate (see paragraph 1.8) must be issued by the MCA.

1.6 Periodical Inspections (Regulation 8(1)(c))

An annual survey is to be carried out not more than three months before or three months after each anniversary of the date of completion of the survey on the basis of which the certificate was issued. This survey shall in no case be more than 15 months from the date of the previous survey unless specifically agreed by Headquarters. A record of each survey must be endorsed on the certificate, and a report sent to Headquarters as soon as possible. See also paragraph 2.4.5.

1.7 Load Line Certificates --- Ships Registered In The United Kingdom (Regulation 9)

1.7.1 UK load line certificates should be used only for new ships of less than 24 metres in length or existing ships of less than 150 gross tons.

1.7.2 International load line certificates should be used for new ships not less than 24 metres in length or existing ships of not less than 150 gross tons, regardless of whether or not they ply internationally.

1.8 Load Line Exemption Certificates (Regulations 5 and 12)

1.8.1 UK load line exemption certificates should be used for ships that do not ply internationally or which are not convention ships.

1.8.2 International load line exemption certificates should be used for convention ships plying on international voyages. There are strict limitations to the circumstances in which these certificates can be issued (see paragraph 1.5.2).

1.8.3 Certain International load line exemption certificates require notification to IMO (under Article 6(3) of the Convention) of their conditions and the reasons for their application. Before such exemptions are first permitted in respect of any ship, reference should be made to Headquarters, who will undertake the required notification to IMO.

1.8.4 Where Dredgers are to undertake contracts outside the UK and reduced freeboards are required, reference should be made to Headquarters regarding the proper certification.

1.8.5 Where it is necessary to impose limits on the geographical area of operations for ships because of their design, the certificate should be endorsed specifying those limits.

1.9 Survey and Documentation

After the entry into force of the Merchant Shipping (Load Line) (Amendment) Regulations 2000 on 8 June 2000, the International Load Line Certificate (1966) and the International Load Line Exemption referred to in Annex III of the 1966 Load Line Convention are both superseded by the revised certificates referred to in Annex III of the 1988 Protocol to the 1966 Load Line Convention. In the case of United Kingdom registered ships the new style certificates should be used after completion of the first renewal survey after the above date.

1.9.1 The survey and documentation for the issue of load line certificates and load line exemption certificates should be exactly the same (see Part 2 for details): in either case all the appropriate forms should be completed and submitted to Headquarters on completion on the load line file except that in the case of a ship which is to make a single voyage (e.g. for delivery or scrapping) it is necessary to submit to Headquarters form FRE 10 only, on completion.

1.9.2 Headquarters will undertake a sampling check of surveys and documentation for issue of load line certificates by the MCA.

1.9.3 Exemption certificates may not be issued by any Assigning Authority other than the MCA. Within the MCA they may be issued either by Headquarters or by Marine Offices subject to paragraph 1.8.3.

1.9.4 In the case of renewals where:-

1.9.4.1 the ship has undergone no substantial alterations or major repairs since the date of issue of the previous certificate;

1.9.4.2 the fittings required by the Conditions of Assignment are in good condition and no changes have been made to them; and

1.9.4.3 the freeboards, period of validity, permitted area of operations and all other conditions shown on the previous certificate remain the same in all respects,

then it will not be necessary for the load line file to be submitted to Headquarters provided that a copy of the new certificate is forwarded to the load line section for record purposes with confirmation that a copy of the certificate has been placed on the file, forms FRE 6, FRE 7 and form FRE 8 or FRE 9 and FRE 10 are completed as necessary and placed on file.

1.9.5 A temporary covering letter of time-limited validity may be issued by the Marine Office to cover any short administrative delay in preparation of the certificate.

1.10 Duration and Extension of Certificates (Regulation 10)

1.10.1 The maximum period of validity of a load line certificate or load line exemption certificate is 5 years from the date of completion of survey (i.e. the final date of inspecting the ship in dry-dock or out of the water).

When the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of the completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing certificate.

Subject to this maximum the period of validity shall be determined, and may be extended, by the Assigning Authority, in accordance with paragraph 1.10.2.

1.10.2 The provisions on the reverse of the International load line and load line exemption certificates and the UK load line certificate for extending the certificate is to cater for:

- (a) when the certificate has been issued for a period of less than 5 years and it is desired to extend the period to 5 years, and where the annual surveys appropriate to a 5 year period of validity have been carried out, subject to any conditions which the surveyor who issued the original certificate may have imposed, or
- (b) the physical difficulty which may arise in getting a new certificate to the ship after completion of a full survey, when it enables the old certificate to be used until the new one is received, or
- (c) if, when the certificate expires, the ship is not in a port in which it is to be surveyed, to allow the ship to proceed to the port of survey.

1.11 Certificates Ceasing to be Valid, and Surrender and Cancellation of Certificates (Regulation 11)

1.11.1 The grounds for such eventualities are listed in regulation 11

Should a Surveyor become aware of any of the listed circumstances applying in relation to a ship having a load line or a load line exemption certificate he should inform Headquarters immediately.

1.11.2 Where it is found that the annual survey required by Regulation 8(1)(c) has not been completed within the stipulated three months after the anniversary date the reason why the certificate was allowed to lapse should be ascertained. With the agreement of Headquarters the validity of the certificate may be restored by carrying out an annual survey, the thoroughness and stringency of the survey having regard to the time elapsed from the due date. The certificate should in such cases be endorsed on completion of survey, but the anniversary date should remain unchanged.

1.12 Re-issue of Certificates

Where it is necessary for a load line certificate to be re-issued to incorporate a change, e.g. in freeboard or plying limits, relevant details of the change should be sent to Headquarters on completion of the load line file.

1.13 Publication of Load Line Certificate (Regulation 13)

The requirement to display a legible and valid certificate on board a UK ship may be met by placing the certificate behind glass in a frame fixed to a bulkhead in the wheelhouse. The notification of draughts (Regulation 13(2)) should be posted in a position reasonably protected from weather.

1.14 Load Line Certificates - Ships not Registered in the United Kingdom (Regulation 14)

1.14.1 Load line Convention ships belonging to countries which are parties to the 1966 Load Line Convention are provided with International load line certificates or International load line exemption certificates in the form prescribed in Annex III to the Convention. A list of these countries is given at paragraph 1.18.

1.14.2 At the request of the parent country, the MCA may issue an International load line certificate to a Convention ship, subject to satisfactory completion of survey in accordance with the Regulations.

1.14.3 A UK load line certificate may be issued to a ship not registered in the UK which has been surveyed and marked in accordance with the Regulations, but if the ship is a Convention ship, the certificate will remain valid only so long as it does not ply on international voyages.

1.15 Provisions as to Inspection (Section 258 of the Act)

1.15.1 MCA Surveyors may inspect any ship to which the Regulations apply whether or not the ship is registered in the UK.

1.15.2 In relation to ships not registered in the UK the Act empowers a Surveyor to go on board any ship whilst it is in a UK port for the purpose of requesting production of a valid load line certificate. If a valid Convention certificate is produced the powers of the Surveyor are limited to the specific items of inspection listed in paragraph 2.5.2.

1.15.3 Valid convention certificates

In order to be recognized as valid for the purposes of the Act, an International load line certificate or an International load line exemption certificate issued in respect of a Convention ship must meet the following conditions:

1.15.3.1 the certificate must show that it was issued by or on behalf of the Government of the country to which the ship belongs, which must be a party to the 1966 Convention (see paragraph 1.18);

1.15.3.2 the certificate must be in the official language of the country of issue and if this is neither English nor French must include a translation into one of those languages;

1.15.3.3 the certificate must be in the form prescribed by the Convention and contain all the required particulars;

1.15.3.4 the certificate must be currently in force and must be applicable to the voyage being undertaken;

1.15.3.5 the period for which the certificate is expressed to be valid must not exceed 5 years from the date of issue;

1.15.3.6 any extension of the period for which the certificate is expressed to be valid must have been duly endorsed on the certificate by the issuing authority; and

1.15.3.7 the required annual surveys must have been carried out and the appropriate endorsements made on the certificate by the issuing authority.

1.15.4 Deck cargoes

Under Sections 256 and 258 of the Act (Part X) a Surveyor has the power to inspect any ship to which the Act applies, for the purpose of ensuring compliance with the Merchant Shipping (Carriage of Cargoes) Regulations 1997 (SI 1997/19), as amended. Such inspection should include any mandatory Cargo Securing Manual carried by the ship and appropriate sections of the Stability Information Booklet dealing with deck cargoes, to verify that agreed arrangements for securing such cargo are being implemented.

1.16 Enforcement (Regulations 26, 35 and 36)

Note: In all cases reference should be made to the relevant Regulation before any action is taken against an owner or master. Headquarters should be consulted where it is proposed to institute proceedings.

1.16.1 Regulation 26 deals with compliance with the conditions of assignment, details of which are contained in the Record of Particulars as specified in Regulation 27, a copy of which must be available on board.

1.16.2 Regulation 35 lists the penalties for non-compliance with those conditions, as well as the penalties for non-compliance with other Regulations.

1.16.3 The penalties for non-compliance with certification and survey requirements are dealt with in Regulation 36.

1.17 Detention (Regulation 37)

The procedure for detention under regulation 37 is specified in the Merchant Shipping (Port State Control) Regulations 1995 (1995 No. 3128).

1.18 Load Line Convention Countries

Below is a list of the countries, as of May 2000, which are parties to the International Convention on Load Lines, 1966, which entered into force on 21 July 1968. Those countries which are also parties to the Protocol of 1988 relating to the 1966 Load Line Convention, as of May 2000, are indicated by an asterisk:

Algeria	American Samoa
Angola	*Antigua and Barbuda
* Argentina	*Australia
Austria	Azerbaijan
*Bahamas	Bahrain
Bangladesh	Barbados
Belarus	Belgium
Belize	Benin
Bermuda	Brazil
Bolivia	
Brunei Darussalam	Bulgaria
Cambodia	Cameroon
Canada	Cape Verde
Cayman Islands	*Chile
*China	Colombia
Congo	Cote d'Ivoire
*Croatia	Cuba
*Cyprus	*Czech Republic
*Democratic People's Republic of Korea	*Denmark
Djibouti	Dominican Republic
Ecuador	*Egypt
*Equatorial Guinea	*Eritrea
Estonia	Ethiopia
Fiji	*Finland
*France	Gabon
Gambia	Georgia
*Germany	Ghana
Gibraltar	*Greece
Guam	Guatemala
Guinea	Guyana
Haiti	Honduras
Hungary	*Iceland
India	Indonesia

Ireland
Isle of Man
*Italy
*Japan
Jordan
Kazakhstan
Korea
Latvia
*Liberia
Lithuania
Madagascar
Maldives
*Malta
Mauritius
Midway Island
Morocco
Myanmar
New Zealand
*Nicaragua
*Norway
Pacific Islands
Panama
Peru
Poland
Puerto Rico
Romania
Saint Vincent and the Grenadines
Sao Tome and Principe
Senegal
Sierra Leone
*Slovakia
Somalia
*Spain
Sudan
*Sweden
Syrian Arab Republic
The Canal Zone
Tonga
*Tunisia
Tuvalu
Ukraine
*United Kingdom
*United States
*Vanuatu
Vietnam
Wake Island
Yugoslavia

Islamic Republic of Iran
Israel
Jamaica
Johnston Island

Kenya
Kuwait
Lebanon
Libyan Arab Jamahiriya
*Luxembourg
Malaysia
Mauritania
*Marshall Islands
*Mexico
Monaco
Mozambique
*Netherlands
*Netherlands Antilles Aruba
Nigeria
*Oman
Pakistan
Papua New Guinea
Philippines
Portugal
Qatar
The Russian Federation
Samoa
Saudi Arabia
*Seychelles
*Singapore
*Slovenia
South Africa
Sri Lanka
Surinam
Switzerland
Thailand
Togo
Trinidad and Tobago
Turkey

United Arab Emirates
United Republic of Tanzania
Uruguay
*Venezuela
Virgin Islands
Yemen
Zambia