

South Africa

Merchant Shipping Act, 1951

Act 57 of 1951

Legislation as at 1 January 1960

Note: This Act has not yet come into force in full. See the commencements table for more information.

Note: This is not the latest available version of this Act. [View it online.](#)

There may have been updates since this file was created.

PDF created on 31 August 2024 at 14:23.

[View online](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Collection, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.lawlibrary.org.za | info@lawlibrary.org.za

www.laws.africa | info@laws.africa

FRBR URI: /akn/za/act/1951/57/eng@1960-01-01

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Merchant Shipping Act, 1951 (Act 57 of 1951)
 Contents

Preliminary 2

 1. Repeal and amendment of laws 2

 2. Definitions and interpretation of certain references 2

 3. Application of Act 10

Chapter I – Administration 11

 4. Powers of Minister 11

 5. Secretary to be responsible for administration of Act 12

 6. National Marine Advisory Council, National Advisory Council for the Welfare of Merchant Seamen, port welfare committees and ad hoc advisory committees 12

 7. Survey of ship to ascertain whether she complies with the Act 13

 8. Duty of proper officer to ensure compliance with this Act 13

 9. Powers of officers and courts 13

Chapter II – Recording, registering and licensing of ships 14

 10. Notification of building of vessels 14

 11. Qualification for owning ship registered under this Act 15

 12. Power to enquire into the title of a registered ship to be registered 15

 13. Obligation to apply for registry of a ship 15

 14. Ships registered in Union under repealed law 16

 15. Register to be kept 16

 16. Survey and measurement of ship before registry 16

 17. Tonnage once ascertained to be the tonnage of ship 16

 18. Tonnage of ships of other countries 16

 19. Marking of ship 17

 20. Evidence on first registry 17

 21. Entry of particulars in register 17

 22. Documents to be retained by proper officer 18

 23. Certificate of registry 18

 24. Custody of certificate of registry 18

 25. Improper certificate of registry not to be used 18

 26. Power to grant new certificate of registry 18

 27. Endorsement of change of master on certificate of registry 19

 28. Endorsement of change of ownership on certificate of registry 19

 29. Procedure when ship is lost or ceases to be a South African ship 19

30. Provisional certificate for ship which elsewhere than in the Union becomes the property of a person qualified to own a South African ship	20
31. Temporary passes in lieu of certificates of registry	20
32. Notification of alteration in ships	20
33. Registry of alterations	21
34. Registry anew on change of ownership	22
35. Procedure for registry anew	22
36. Transfer of registry	22
37. Re-registration of abandoned ships	22
38. Names of ships	23
39. Transfer of ships or shares	23
40. Declaration of transfer	23
41. Registry of transfer	23
42. Transmission of property in ship on marriage or death, etc.	23
43. Order for sale on transmission to unqualified person	24
44. Transfer of ship or sale by order of Secretary or court	24
45. Power of court to prohibit transfer	24
46. Mortgage of ship or share not to be registered in deeds registry	25
47. How ship or share mortgaged	25
48. Discharge of mortgage	25
49. Priority of mortgages	25
50. Rights of mortgagee	26
51. Preference under mortgage not affected by insolvency	26
52. Transfer of mortgage	26
53. Transmission of interest in mortgage by death, etc.	26
54. Authority to sell or mortgage outside Union	26
55. Rules as to certificates of sale	27
56. Rules as to certificates of mortgage	29
57. Loss of certificate of mortgage or sale	29
58. Revocation of certificate of mortgage or sale	30
59. Access to register	30
60. Provision for cases of minority or other incapacity	30
61. Right of registered owner to dispose of ship or share	30
62. Rights and liabilities of person holding an interest in a ship or share	30
63. National character of ship to be declared before clearance	31

64. Ships recognized as ships of South African nationality	31
65. Flag to be flown on ships of South African nationality	31
66. Unlawful assumption of South African national character	31
67. Concealment of South African national character	32
68. Small vessels to be licensed	32
69. Renewal of licences	32
70. Issue and duration of licences	33
71. Cancellation of licences	33
72. Unlicensed vessels not to be used	33
Chapter III – Certificates of competency and service	33
73. What certificated officers and other persons to be employed on certain ships	33
74. When ship's officers and other persons deemed to be duly certificated	36
75. Grades of certificate of competency	36
76. Provision for instruction	37
77. Examinations for certificates of competency	37
78. Granting of certificates of competency after examination under this Act	37
79. Granting of certificates of competency otherwise than after examination under this Act	38
80. Granting of certificates of service	38
81. Form and record of certificates of competency or service	39
82. Loss of certificates of competency or service	39
83. Certificates granted by competent foreign authorities	39
84. Certificates granted in Union prior to commencement of Act	40
85. Minister may vary requirements as to certificates	40
86. Production to proper officer of certificates	40
87. Holder of certificate incapacitated by ill-health	41
88. Cancellation and suspension of certificates	41
89. Appeals against cancellation or suspension, of certificate	41
Chapter IV – Engagement, discharge, repatriation, payment, discipline and general treatment of seamen, cadets and apprentice-officers	42
90. Cadets	42
91. Excessive number of cadets or apprentice-officers not to be employed	42
92. Medical examination of cadets and apprentice-officers	42
93. Indentures of apprenticeship	42
94. Indentures voidable in certain cases	43
95. Recording of indentures	43

96. Notice of cancellation of indentures or death or desertion of apprentice officer	43
97. Entry of indentures on agreement with the crew	43
98. Death, insolvency, etc. of owner	43
99. Assignment of indentures	44
100. Certificate of expiration of indentures	44
101. Medical examination of crew prior to engagement	44
102. Agreements with crew	45
103. Special provisions as to agreements with crew of foreign-going ships	45
104. Changes in crew to be reported	46
105. Certificates as to agreements with crew of foreign-going ships	46
106. Special provisions as to agreements with crew of coasting ships, and fishing, sealing or shore-based whaling boats	47
107. Certificate as to agreements with crew of coasting ships, and fishing, sealing or shore-based whaling boats	47
108. Alterations in agreements with crew	47
109. Copy of agreement to be displayed	47
110. Employment of children on ships prohibited	48
111. Employment of young persons as trimmers or firemen	48
112. Rating of seamen	49
113. Discharge of seamen to take place before proper officer	49
114. Repatriation of seamen whose service terminates elsewhere than at proper return port	50
115. Entries and certificates of desertion outside the Union	50
116. Discharge of seamen on change of ownership	50
117. Discharge and leaving of seamen behind	51
118. Leaving seamen behind	51
119. Wages and other property of seaman or apprentice-officer left behind	51
120. Payment of wages	52
121. Master to deliver account of wages	52
122. Time of payment of wages for foreign-going ships	52
123. Time of payment for coasting ships, and fishing, sealing and shore-based whaling boats	53
124. Settlement of wages	53
125. Decision by proper officer on question as to wages	53
126. Payment of seamen in currency other than that mentioned in agreement	53
127. Disrating of seaman	54
128. Master to give facilities to seaman for remitting wages	54
129. Advance of more than one month's wages prohibited	54

130. Allotment notes	54
131. Right of suing on allotment notes	55
132. Time of payment of an allotment note	55
133. Rights to wages and provisions and when such are to commence	55
134. Agreement to forfeit lien for wages is void	55
135. Restrictions on assignment of wages and salvage	56
136. Proceedings for wages	56
137. Wages not recoverable abroad except in certain cases	56
138. Wages not to depend on freight	56
139. Wages not claimable by seaman or apprentice officer who fails to exert himself to save ship	56
140. Wages on termination of services by illness or injury of seamen or wreck or loss of ship	57
141. Wages not to accrue during refusal to work or imprisonment or illness caused by own default or drunkenness	58
142. Compensation to a seaman improperly discharged	58
143. Remedies of master for recovery of wages, disbursements, etc.	58
144. Unreasonable delay in paying master's wages	59
145. Power of court to rescind contract between owner or master and seaman or apprentice officer	59
146. Master to take care and make record of property of seaman who dies	59
147. Delivery to proper officer of property of seaman who dies	59
148. Account to be rendered of property of seaman who dies	59
149. Property of deceased seaman left abroad but not on board ship	60
150. Sale of property of deceased seamen	60
151. Property of deceased seaman may be recovered as wages	60
152. Transmission by Secretary of property of deceased seamen	60
153. Recovery of wages of seaman lost with his ship	61
154. Relief and maintenance of distressed seamen	61
155. Receiving distressed seamen on ships	62
156. Provisions of seamen	62
157. Weights and measures on board	62
158. Refrigerating chamber	62
159. Certificated cooks	63
160. Bedding and other articles for seamen	63
161. Crew accommodation	63
162. Complaints as to provisions or water or accommodation	64
163. Powers of inspection of provisions, water and accommodation	65

164. Inspection of provisions, water and accommodation at sea	65
165. Compensation if short or bad provisions furnished	65
166. Provision of board and lodging elsewhere than on board ship	65
167. Medicines to be provided and, kept on board certain ships	65
168. Inspection of medicines and medical appliances	66
169. Expenses of medical attendance in cases of injury or illness	66
170. Recovery of expenses from owner	67
171. Facilities for making complaints	67
172. Seamen's property not to be detained	67
173. Soliciting seamen	67
174. Misconduct by seamen endangering ship or life, and general offences against discipline	67
175. Desertion	68
176. Absence without leave	68
177. Notice to proper officer of absence of seaman at time of sailing	69
178. Unseaworthiness of ship a good defence to charge of desertion, etc.	69
179. Deserter's certificates of discharge may be withheld	69
180. Deserters from foreign ships	69
181. Entry of offences in official log	70
182. Official log-books to be kept	70
183. Entries in official log-books	71
184. Unlawful entries or alterations in official log-books	71
185. Delivery of official log-books to proper officer	71
186. Transmission of official log-books to proper officer	72
187. Documents to be handed to successor on change of master	72
188. List of the crew	72
189. Returns of births and details	73
Chapter V – Safety of ships and life at sea	73
Part I – Construction of ships, provision of life-saving appliances and installation of radio	73
190. Initial and subsequent surveys of vessels in respect of safety provisions	73
191. Surveyor's report on inspection under safety regulations	73
192. Issue of safety convention certificates in respect of passenger ships	74
193. Issue of safety convention certificates in respect of ships other than passenger ships	74
194. Issue of local safety certificates	75
195. Form of safety certificate	76
196. Modification of safety convention certificates as respects life-saving appliances	76

197. Duration of safety certificates	77
198. Cancellation of safety convention certificates and local safety certificates	77
199. Surrender of expired or cancelled safety convention certificate or local safety certificate	77
200. South African ships not to be taken to sea without safety certificates	78
201. Carrying persons in excess	79
202. Issue of safety convention certificate by one Government at request of another	79
203. Application of this Part to ships not registered or licensed in the Union while in the Union	80
Part II – Load lines	80
204. Exemption from this Part and issue of load line exemption certificates	80
205. Initial and subsequent surveys of ships in respect of load, line provisions	81
206. Surveyor’s inspection report on load line ship	81
207. Issue of load line certificates	81
208. Entry of load line particulars in official log-book	82
209. Duration of load line certificates	82
210. Cancellation of load line certificates	83
211. Surrender of expired or cancelled load line certificate	83
212. South African ships not to be taken to sea without load line certificates	83
213. Maintenance of load lines and deck lines	83
214. Submersion of load line on South African ships	84
215. Issue of load line convention certificate by one Government at request of another	84
216. Inspection and control of load line convention ships not registered in the Union	84
217. Issue of load line certificates in respect of ships not registered in the Union	85
218. Recognition of certificates as to load lines issued in other countries	86
219. Load line ships not registered in the Union not to be taken to sea without load line certificates	86
220. Submersion of load line on ships not registered in the Union	86
Part III – Safety of navigation	87
221. Ship’s complement	87
222. Employment of radio officers and operators	87
223. Surveyor may direct that defects be made good	87
224. Display of safety convention certificate, local safety certificate or load line certificate	88
225. Printed notices and diagrams as to location of lifeboats, etc.	88
226. Information about stability of ship	88
227. Production of certificates to officers of customs	88
228. Compasses to be adjusted	89
229. Signalling lamps	89

230. ***	89
231. Registration of private cods or signals	89
232. Signals of distress	89
233. Boat and fire drills and inspection of life-saving appliances	90
234. Obligation to assist ships in distress	90
235. Dangerous goods not to be carried	91
236. Carriage of grain	91
237. Carriage of timber deck cargo	92
238. Marking of heavy packages or objects	92
239. Report of alteration or damage affecting seaworthiness, efficiency or compliance with regulations	93
240. Sending unseaworthy ships to sea	93
241. Obligation to secure seaworthiness of ship	93
242. Sending unseaworthy ship to sea in special circumstances	94
243. Unseaworthy ships to be detained	94
244. Ships may be inspected	94
245. Complaint as to seaworthiness to be in writing	94
246. Complainant as to unseaworthiness may be required to give security	94
247. Complainant to pay costs if not successful	94
248. Expenses to be paid by owner if complaint founded	95
249. Reports of dangers to navigation	95
250. Careful navigation near ice	95
251. Safety certificates and memoranda issued before commencement of this Act	95
252. Period of grace for compliance with certain provisions	95
253. Provisions of this Chapter not to be applied to ships not registered in the Union driven, into Union ports by stress of weather	96
254. Admissibility in evidence of safety and load line certificates and surveyors' reports	96
Part IV – Collisions, accidents at sea, and limitation of liability	96
255. Division of loss in case of collision	96
256. Damages for personal injury	96
257. Right of contribution	96
258. Duty of masters of ships in collision to render assistance	97
259. Report to proper officer of accidents to ships	97
260. Notice to Secretary of loss of ship	98
261. When owner not liable for whole damage	98
262. Tonnage how calculated	99

263. Application of this Part to persons other than the owners	99
Chapter VI – Special shipping enquiries and courts of enquiry and courts of survey	99
264. Preliminary enquiry into shipping casualties	99
265. Report to Secretary by person who has held preliminary enquiry	100
266. Convening of court of marine enquiry in the Union	100
267. Constitution of court of marine enquiry	100
268. How decisions of court of marine enquiry are reached and announced	101
269. Powers of court of marine enquiry as to certificates of master or ship's officer	101
270. Convening of maritime courts outside the Union	102
271. Constitution of maritime courts	102
272. How decisions of maritime courts are reached and announced	102
273. Powers of maritime courts	103
274. Appeal from surveyor to court of surveyor	103
275. Convening of court of survey	104
276. Constitution of court of survey	104
277. How decisions of courts of survey are reached and announced	104
278. Powers of court of survey	105
279. Interested persons not to serve on courts of marine enquiry, maritime courts or courts of survey	105
280. Procedure at court of marine enquiry or maritime court or court of survey	105
281. Court of survey may cause ship to be surveyed	105
282. Reference in difficult cases to scientific persons	106
283. Opportunity of making a defence	106
284. Court may require delivery of certificate during course of investigation	106
285. Witnesses to be allowed expenses	107
286. Transmission to Secretary of record and decision of court of marine enquiry, maritime court, or court of survey	107
287. Effect of cancellation or suspension of certificate	107
288. Delivery of Union certificate cancelled or suspended	107
289. Suspended certificate not to be endorsed	107
290. Powers of Minister in respect of cancelled or suspended certificates	108
291. Rehearing	108
292. Appeals against decisions of courts of marine enquiry and maritime courts	108
Chapter VII – Wrecks and salvage	109
293. Application to aircraft	109
294. Salvage officers	109

295. Power to pass over adjoining lands	109
296. Power of salvage officer to suppress plunder and disorder by force	109
297. Investigation concerning ships wrecked, stranded or in distress	110
298. Exercise of powers in absence of salvage officer	110
299. Interfering with wrecked ship or aircraft	110
300. Salvage payable for saving life	111
301. Salvage payable for saving wreck	111
302. Expenses incurred in rendering salvage services	111
303. Duty to render assistance to persons in danger at sea	111
304. Detention of wreck until salvage is paid	111
305. Law applicable in apportionment of salvage amongst owners, etc. of ships not registered in the Union	112
306. Application of this Chapter	112
Chapter VIII – Carriage of goods by sea	112
307. Application of Chapter	112
308. Responsibilities and liabilities of carrier	112
309. Rights and immunities of carrier	114
310. Miscellaneous provisions as to contents and effect of contract for carriage of goods by sea	115
311. Claims for short-delivery, loss or damage of cargo	116
Chapter IX – Offences, penal provisions and legal procedure	116
312. Offences not expressly mentioned	116
313. Penalties for criminal offences	116
314. Bribery	118
315. Forgery and other fraudulent acts	119
316. Obstructing administration of Act	119
317. Stowaways	120
318. Ship not to be boarded without authority	120
319. Offences in connection with passenger ships	120
320. Obstruction of navigation of ship	121
321. Conveyance of deserter on board ship	121
322. Imprisoned seamen may be sent back on board	121
323. Deduction from wages and payment to proper officers, etc. of fines	122
324. Secretary may impose penalty upon admission of guilt	122
325. Release from forfeiture or mitigation of penalties	123
326. Appropriation of wages to satisfy award of compensation in offences against discipline	123
327. Jurisdiction in respect of offences committed outside the Union	123

328. Jurisdiction of magistrates' courts to impose punishment	124
329. Court may consolidate claims	124
330. Jurisdiction of superior courts in actions for salvage	124
331. Court trying salvage claim may be assisted by assessors	124
332. Jurisdiction of Union courts exercising Admiralty jurisdiction in cases of loss of life or personal injury	124
333. Inquiry into cause of death on board ship	125
334. Forfeiture of ships, shares in ships and goods	125
335. Method of detaining a vessel or a share in a ship or goods	125
336. Procedure in forfeiture of a ship, a share in a ship or goods	126
337. Seizure of a ship, a share in a ship or goods detained or liable to forfeiture	127
338. No clearance to be granted to detained ship	127
339. Detention of foreign ship that has occasioned damage	127
340. Notice to be given to consular representative of proceedings taken in respect of foreign ships	128
341. Conveyance of accused persons and witnesses to the Union	128
342. Service of documents	129
343. Notice of action against Government to be given	129
344. Prescription	129
345. Payment of allowances to persons appointed to make preliminary enquiries into shipping casualties, to members of courts of marine enquiry, maritime courts or courts of survey, assessors and salvage officers	130
346. Presumption of knowledge	130
347. Presumption in case of collision	130
348. Mode of making declaration	130
349. Power to dispense with declarations and other evidence	130
350. Admissibility of documents in evidence	130
351. Evidence as to agreement with crew	131
352. Acts done by courts and functionaries of the Union in relation to Commonwealth ships other than South African ships	131
353. Acts done by courts and functionaries of any part of the Commonwealth in relation to South African ships	131
Chapter X – General	131
354. Recognition of certificates of competency or qualification granted in other Commonwealth countries	131
355. Application of certain industrial laws to seamen	132
356. Regulations	133
357. Exemption from stamp duty	136
358. Short title and commencement	137
First Schedule	137

Second Schedule	143
Third Schedule	225
Fourth Schedule	237

South Africa

Merchant Shipping Act, 1951

Act 57 of 1951

Published in Government Gazette 4684 on 24 August 1951

Assented to on 27 June 1951

There are multiple commencements

Provisions	Status
Section 1, section 2(1)–(2), (3)(a)–(c), section 3; Chapter I, section 4–8, section 9(1)(a)–(d), (2)–(4); Chapter II, section 10–67; Chapter III (section 73–89); Chapter IV (section 90–189); Chapter V, Part I (section 190–203); Part II (section 204–220); Part III, section 221–232, section 233(1)(a)–(b), (2), section 234–239, section 240, section 241–254; Part IV (section 255–263); Chapter VI (section 264–292); Chapter VII (section 293–306); Chapter VIII (section 307–311); Chapter IX, section 312–323, section 324(2)–(4), section 325–353; Chapter X (section 354–358)	commenced on 1 January 1960 by Proclamation 298 of 1959 .
Chapter II, section 68(1)(a)–(b), (2)–(3), section 69–72	commenced on 1 November 1961 by Proclamation R92 of 1961 .
Section 2(3)(i)–(iii), (4)–(6); Chapter I, section 9(1)(i)–(vi); Chapter II, section 68(1)1–2; Chapter V, Part III, section 233(1)(i)–(ii), section 240(a)–(b); Chapter IX, section 324	not yet commenced.

[This is the version of this document as it was from 1 January 1960 to 30 May 1962.]

[Please note that the research on this work is ongoing. Amendment, commencement and repeal information may be missing.]

[Amended by [Merchant Shipping Amendment Act, 1959 \(Act 30 of 1959\)](#) on 1 May 1959]

[Amended by [Commonwealth Relations Act, 1962 \(Act 69 of 1962\)](#) on 1 January 1960]

[Amended by [Merchant Shipping Amendment Act, 1963 \(Act 40 of 1963\)](#) on 1 January 1960]

[The Act was amended by the substitution for the expression "Director" of the expression "Secretary" by section 1 of [Act 30 of 1959](#)]

(Afrikaans text signed by the Governor-General.)

ACT

To provide for the control of merchant shipping and matters incidental thereto.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Preliminary

1. Repeal and amendment of laws

The laws mentioned in the First Schedule to this Act are hereby repealed or amended to the extent set out in the fourth column of that Schedule.

Provided that until all the provisions of this Act have been brought into operation in terms of section three hundred and fifty-eight, any provision of any such law which corresponds to a provision of this Act which has not yet been so brought into operation shall, in so far as it is not inconsistent with any provision of this Act which has been so brought into operation, continue to apply in relation to the ships in respect of which the provisions of this Act which have been so brought into operation apply, and in relation to the owners, masters, seamen and apprentice-officers of such ships as if this section had not been enacted.

[section 1 amended by section 2 of [Act 30 of 1959](#)]

2. Definitions and interpretation of certain references

(1) In this Act, unless the context indicates otherwise—

“**apprentice-officer**” means an indentured apprentice to the sea service;

“**cadet**” means an unindentured apprentice to the sea service;

“**carrier**” includes the owner or the charterer who enters into a contract of carriage with a shipper;

“**clearance**” includes any clearance or transpire referred to in the Customs Act, 1955 ([Act No. 55 of 1955](#));

[definition of “clearance” amended by section 3(a) of [Act 30 of 1959](#)]

“**coasting ship**” means a ship employed in plying between ports in the same country, but does not include any fishing, sealing or whaling boat;

[definition of “coasting ship” amended by section 3(b) of [Act 30 of 1959](#)]

“**collision regulations**” means the regulations made under paragraph (b) of sub-section (2) of section three hundred and fifty-six or deemed in terms of sub-section (4) of that section to have been so made, or such regulations as applied under sub-section (3) of that section;

“**Commonwealth ship**” means a ship registered at any place in any part of the Commonwealth under the relative laws in force in that place or any ship which, by the law of any part of the Commonwealth is recognized as a ship of that part, and includes a South African ship;

“**conditions of assignment**” means such of the load line regulations as are made to give effect to Part II of Annex 1 to the Load Line Convention, or such regulations as applied under sub-section (3) of section three hundred and fifty-six;

“**construction regulations**” means the regulations made under paragraph (a) of sub-section (2) of section three hundred and fifty-six to give effect to the provisions of Chapter II (except Part E thereof) of the Safety Convention, or such regulations as applied under sub-section (3) of the said section;

[definition of “construction regulations” amended by section 3(c) of [Act 30 of 1959](#)]

“**contract of carriage**” applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same;

“Country to which the Load Line Convention applies” means—

- (a) a country the Government of which has been declared by the Governor-General, by proclamation in the *Gazette*, to have ratified or acceded to the Load Line Convention, and has not been so declared to have denounced that Convention; or
- (b) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of Article 21 thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

“Country to which the Safety Convention applies” means—

- (a) a country the Government of which has been declared by the Governor-General, by proclamation in the *Gazette*, to have accepted the Safety 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 Safety Convention has been extended under the provisions of Article XIII thereof, not being a territory to which it has been so declared that that Convention has ceased to extend under the provisions of that Article;

“crew accommodation” includes sleeping rooms, store rooms, galleys, mess rooms, sanitary accommodation, hospitals and recreation spaces provided for use by or for the benefit of seamen and apprentice officers;

“dangerous goods” means goods which by reason of their nature, quantity or mode of stowage, are either singly or collectively liable to endanger the lives or the health of persons on or near the ship or to imperil the ship, and includes all substances within the meaning of the expression “explosives” as used in the Explosives Act, 1956: ([Act No. 26 of 1956](#)), and any other goods which the Minister by notice in the *Gazette* may specify as dangerous goods;

[definition of “dangerous goods” amended by section 3(d) of [Act 30 of 1959](#)]

“deck line” means a mark on each side of a ship indicating the position of the uppermost complete deck, as defined by the load line regulations;

“Director” *[definition of “Director” deleted by section 3(e) of [Act 30 of 1959](#)]*

“equipment” includes boats, tackle, pumps, apparel, furniture, life-saving appliances of every description, spars, masts, rigging and sails, fog signals, lights and signals of distress, medicines and medical and surgical stores and appliances, charts, radio apparatus, apparatus for preventing, detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gear and apparatus of all kinds, and all other stores or articles belonging to or to be used in connection with, or necessary for, the navigation and safety of a ship;

“fishing boat” means any ship engaged in sea fishing for profit, but does not include any sealing boat or whaling boat;

[definition of “fishing boat” amended by section 3(f) of [Act 30 of 1959](#)]

“foreign country” means a country which is not a member of the Commonwealth;

“foreign-going ship” means—

- (a) a ship plying between a port in one country and a port in another country; or
- (b) *[paragraph (b) deleted by section 3(g) of [Act 30 of 1959](#)]*
- (c) *[paragraph (c) deleted by section 3(g) of [Act 30 of 1959](#)]*
- (d) a whaling boat other than a shore-based whaling boat;

“foreign ship” means a ship other than a Commonwealth ship;

“freight” includes passage money and hire;

"general safety certificate" means a certificate issued under paragraph (a) of section one hundred and ninety-two, or deemed in accordance with the provisions of paragraph (a) of sub-section (1) of section two hundred and two to have been so issued;

"goods" includes all animals, matter or things, save that in Chapter VIII "goods" does not include animals or cargo which by a contract of carriage it is provided shall be carried on deck and is so carried;

"International Collision Regulations" means the International Regulations for Preventing Collisions at Sea, 1948, approved in London on the tenth day of June, 1948, by the International Conference on Safety of Life at Sea, and set out in the Third Schedule hereto, and any amendment thereof;

"international load line ship" means a load line ship of one hundred and fifty tons gross register or more, which carries cargo or passengers, and which is engaged on an international voyage;

"international voyage", when used with reference to ships registered in a country to which the Load Line Convention applies, means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Load Line Convention applies, and when used with reference to ships registered in a country to which the Safety Convention applies, means a voyage 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; and

"short international voyage" means an international voyage in the course of which a ship is not more than two hundred nautical miles from a port in which the passengers and crew could be placed in safety, and 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; and in the application of this definition—

- (a) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
- (b) every colony, overseas territory, protectorate, territory for whose international relations a State that has accepted the Safety Convention is responsible, territory for which the United Nations are the administering authority, and territory administered by a State in whose favour a mandate there over was issued by the Council of the former League of Nations, shall be deemed to be a separate country: Provided, however, that the Union and the Territory of South-West Africa shall, in such application, be regarded as one country;

"life-saving equipment regulations" means the regulations made under paragraph (a) of sub-section (2) of section three hundred and fifty-six to give effect to the provisions of Part E of Chapter II and of Chapter III of the Safety Convention, or such regulations as applied under sub-section (3) of the said section;

[definition of "life-saving equipment regulations" amended by section 3(h) of [Act 30 of 1959](#)]

"load lines" means the marks indicating the several maximum depths to which a ship is entitled to be loaded in various circumstances prescribed by the load line regulations;

"load line certificate" means a load line convention certificate or a local load line certificate;

"Load Line Convention" means the International Convention respecting Load Lines together with the Final Protocol signed at London on the fifth day of July, 1930, and set out in the Fourth Schedule hereto, and any amendment thereof;

"load line convention certificate" means a certificate issued under paragraph 1 of section two hundred and seven, or deemed in accordance with the provisions of sub-section (1) of section two hundred and fifteen to have been so issued;

"load line regulations" means the regulations made under paragraph (c) of sub-section (2) of section three hundred and fifty-six to give effect to Chapter II of the Load Line Convention and

Annex I and Annex II to that Convention, or such regulations as applied under sub-section (3) of the said section;

“load line ship” means any ship of twenty-five or more gross tons, which is not solely engaged in fishing and is not a pleasure yacht;

“local general safety certificate” means a certificate issued under paragraph (a) of sub-section (1) of section one hundred and ninety-four;

“local load line certificate” means a certificate issued under paragraph 2 of section two hundred and seven;

“local load line ship” means a load line ship—

- (a) engaged on an international voyage and—
 - (i) of one hundred and fifty gross register tons or more, which does not carry cargo or passengers; or
 - (ii) of less than one hundred and fifty gross register tons; or
- (b) not engaged on an international voyage;

“local safety certificate” means a local general safety certificate, a qualified local safety certificate or a local safety exemption certificate;

“local safety exemption certificate” means a certificate issued under sub-paragraph (i) of paragraph (b) of sub-section (1) of section one hundred and ninety-four;

“master” means, in relation to a ship, any person (other than a pilot) having charge or command of such ship;

“medical practitioner” means—

- (a) at a place in the Union, a person registered as such under the Medical, Dental and Pharmacy Act, 1928 ([Act No. 13 of 1928](#)); or
- (b) at a place outside the Union, a person who is entitled to practise as such under the law in force in that place;

“Minister” means the Minister of Transport;

[definition of “Minister” amended by section 3(i) of [Act 30 of 1959](#)]

“near relative” in relation to a seaman means the wife or parent or a grandparent, child, grandchild, brother or sister of the seaman or the guardian or the person having the custody of a child of the seaman;

“officer of customs” means an officer as that expression is defined by section one of the Customs Act, 1955 ([Act No. 55 of 1955](#));

[definition of “officer of customs” amended by section 3(j) of [Act 30 of 1959](#)]

“owner” means any person to whom a ship or a share in a ship belongs;

“part of the Commonwealth” means the territory of any country which is a member of the Commonwealth, and includes any territory under the sovereignty or control of any such country;

“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 circumstance that neither the master nor the owner nor the charterer (if any) could have prevented; and
- (c) a child under one year of age;

“**passenger ship**” means a ship which carries more than twelve passengers;

“**passenger ship's exemption certificate**” means a certificate issued under sub-paragraph (i) of paragraph (e) of section one hundred and ninety-two, or deemed in accordance with the provisions of paragraph (a) of sub-section (1) of section two hundred and two to have been so issued;

“**port**” means a place, whether proclaimed a public harbour or not, and whether natural or artificial, to which ships may resort for shelter or to ship or unship goods or passengers;

“**port of registry**” means, in relation to a ship, the port at which she is registered or is to be registered;

“**prescribed**” means prescribed by this Act;

“**proper officer**” means the officer designated by the Minister to be the proper officer at the place and in respect of the matter to which reference is made in the provision of this Act in which the expression occurs; or if no such designation has been made—

- (a) at a place in the Union, the chief officer of customs; or
- (b) at a place outside the Union but within a part of the Commonwealth, the person who, in terms of the law in force in that part of the Commonwealth, is entrusted with the function or burdened with the duty to which reference is made in the provision of this Act in which the expression occurs; or if there be no such person, the person indicated in paragraph (c) of this definition; or
- (c) at a place outside the Commonwealth, in the following order:
 - (i) a consular representative of the Union; or
 - (ii) a diplomatic representative of the Union; or
 - (iii) a consular representative of a country (other than the Union) which is a member of the Commonwealth; or
 - (iv) a diplomatic representative of a country (other than the Union) which is a member of the Commonwealth;

“**proper return port**”, in relation to a master, seaman or apprentice-officer discharged or left behind, means—

- (a) the port at which the master, seaman or apprentice officer was engaged; or
- (b) a port in a country in which the master, seaman or apprentice-officer is domiciled; or
- (c) a port agreed to as such by the master, seaman or apprentice-officer, as decided by the proper officer;

“**qualified local safety certificate**” means a certificate issued under sub-paragraph (ii) of paragraph (b) of sub-section (1) of section one hundred and ninety-four;

“**qualified safety certificate**” means a certificate issued under sub-paragraph (ii) of paragraph (c) of section one hundred and ninety-two, or deemed in accordance with the provisions of paragraph (a) of sub-section (1) of section two hundred and two to have been so issued;

“**qualified safety equipment certificate**” means a certificate issued under sub-paragraph (b) of paragraph (2) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“**qualified safety radio exemption certificate**” means a certificate issued under sub-paragraph (a) of paragraph (4) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section, two hundred and, two to have been so issued;

“qualified safety radiotelegraphy certificate” means a certificate issued under sub-paragraph (i) of paragraph (4) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“qualified safety radiotelephony certificate” means a certificate issued under sub-paragraph (b) (ii) of paragraph (4) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“radio” includes radiotelegraphy and radiotelephony;

“radio regulations” means the regulations made under paragraph (a) of sub-section (2) of section three hundred and fifty-six to give effect to the provisions of Chapter IV and Regulation 12 of Chapter V of the Safety Convention, or such regulations as applied under sub-section (3) of the said section;

“recognized non-Union”, used in relation to a safety convention certificate or a load line convention certificate, signifies that the certificate has been issued by or under the authority of the Government of a country other than the Union to which the Safety Convention or the Load Line Convention, as the case may be, applies, and that the certificate complies with the regulations made under paragraph (a) of sub-section (2) of section three hundred and fifty-six to give effect to Regulation 19 of Chapter I of the Safety Convention or with those made under paragraph (c) of that sub-section to give effect to Article 17 of the Load Line Convention, respectively;

“register tons” and **“register tonnage”** mean, in relation to a South African ship, the tonnage of the ship, either gross or net as the case may be, recorded in the register mentioned in section fifteen-, and in the case of any other ship, the tonnage accepted or determined by the Minister, Secretary or proper officer;

“regulation” means a regulation made under this Act;

“Safety Convention” means the International Convention for the Safety of Life at Sea signed in London on the tenth day of June, 1948, and set out in the Second Schedule hereto, and any amendment thereof;

“safety convention certificate” means a general safety certificate, a short voyage safety certificate, a qualified safety certificate, a passenger ship’s exemption certificate, a safety equipment certificate, a qualified safety equipment certificate, a safety equipment exemption certificate, a safety radiotelegraphy certificate, a safety radiotelephony certificate, a qualified safety radiotelegraphy certificate, a qualified safety radiotelephony certificate, a qualified safety radio exemption certificate or a safety radio exemption certificate;

“safety equipment certificate” means a certificate issued under paragraph (1) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“safety equipment exemption certificate” means a certificate issued under sub-paragraph (a) of paragraph (2) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“safety radio exemption certificate” means a certificate issued under paragraph (5) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“safety radiotelegraphy certificate” means a certificate issued under sub-paragraph (a) of paragraph (3) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“**safety radiotelephony certificate**” means a certificate issued under sub-paragraph (b) of paragraph (3) of section one hundred and ninety-three, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section two hundred and two to have been so issued;

“**savings bank**” means the Post Office Savings Bank of the Union, or a banking institution registered under the Banking Act, 1942 ([Act No. 38 of 1942](#)), or a building society registered under the Building Societies Act, 1934 ([Act No. 62 of 1934](#)), or, in respect of the allotment of premiums, a person registered or deemed to be registered as an insurer under the Insurance Act, 1943 ([Act No. 27 of 1943](#)), or any other body designated by the Minister;

“**sealing boat**” means any ship exclusively employed in seal-catching;

[definition of “sealing boat” amended by section 3(k) of [Act 30 of 1959](#)]

“**seaman**” means any person (except a master, pilot or apprentice-officer) employed or engaged in any capacity as a member of the crew of a ship;

“**Secretary**” means the Secretary for Transport;

[definition of “Secretary” inserted by section 3(l) of [Act 30 of 1959](#)]

“**ship**” means any kind of vessel used in navigation not propelled by oars;

“**ship’s officer**” means a navigating officer or engineer officer, whether certificated or uncertificated, employed as such on board a ship, but does not include a master; and any reference to a ship’s officer shall, in its application to a ship in which a mate, boatswain, marine engineman or assistant marine engineman is employed, be construed as including a reference to a mate, boatswain, marine engineman or assistant marine engineman;

“**shore-based whaling boat**” means a whaling boat which delivers the whole of its catch to be processed in a factory established ashore in the Union;

“**short voyage safety certificate**” means a certificate issued under paragraph (b) of section one hundred and ninety-two, or deemed in accordance with the provisions of paragraph (a) of sub-section (1) of section two hundred and two to have been so issued;

“**South African ship**” means a ship registered in the Union in terms of this Act or deemed to be so registered;

“**special load line certificate**” means a certificate issued under sub-section (1) of section two hundred and, seventeen;

“**superior court**” means a division of the Supreme Court of South Africa or the High Court of South-West Africa;

“**surveyor**” means a ship surveyor, engineer surveyor or radio or other surveyor (having regard to the matters surveyed or to be surveyed) recognized or appointed in terms of paragraph (b) of section four;

“**this Act**” includes any proclamation, notice, rule or regulation issued or made thereunder;

“**timber cargo regulations**” means the regulations made under paragraph (c) of sub-section (2) of section three hundred and fifty-six to give effect to Article 6 of the Load Line Convention, or such regulations as applied under sub-section (3) of the said section;

“**unseaworthy**”, used in relation to a vessel, means that she—

- (a) is not in a fit state as to the condition of her hull, equipment or machinery, the stowage of her cargo or ballast, or the number or qualifications of her master or crew, or in any other respect, to encounter the ordinary perils of the voyage upon which she is engaged or is about to enter; or

- (b) does not comply with the conditions of assignment to the extent set forth in paragraph (c) of section two hundred and seven; or
- (c) is loaded beyond the limits allowed—
 - (i) by a load line certificate issued in the Union under this Act; or
 - (ii) if she is a load line ship, registered in a country to which the Load Line Convention applies, by a recognized non-Union load line convention certificate; or
 - (iii) by a load line certificate to which a proclamation issued under section two hundred and eighteen applies:

Provided that a safety convention ship not registered in the Union, in respect of which a recognized non-Union safety convention certificate is produced, shall not be deemed unseaworthy, as regards the condition of her hull, equipment or machinery, unless it appears, on the report of a surveyor, that she cannot proceed to sea without danger to human life owing to the fact that the actual condition of her hull, equipment or machinery does not correspond substantially with the particulars, stated in the certificate;

“**vessel**” includes any ship or boat or any other description of vessel used or designed to be used in navigation;

“**wages**” includes any emoluments;

“**whaling boat**” means any ship engaged exclusively in whale-catching, or on which any processing takes place of the bodies or any portion of the bodies of the whales caught by other whaling boats;

“**wreck**” includes flotsam, jetsam, lagan and derelict found in or on the shores of the sea or of any tidal waters of the Union, any portion of a ship or aircraft lost, abandoned, stranded or in distress, any portion of the cargo, stores or equipment of such ship or aircraft and any portion of the personal property on board such ship or aircraft when it was lost, abandoned, stranded or in distress and belonged to any person who was on board that ship or aircraft at that time;

“**year**” means the calendar year, but for the purpose of the inspection of vessels required by this Act it means twelve calendar months from the date of the certificate of inspection or survey;

- (2) Any reference in this Act to the Commonwealth or a part of the Commonwealth or a member of the Commonwealth shall be construed as including a reference to the Republic of Ireland, as though the Republic of Ireland had been a member of the Commonwealth.
- (3) Whenever in this Act reference is made to—
 - (a) an act or omission by or a duty resting upon or a fault committed by a vessel; or
 - (b) damage or loss suffered by a vessel; or
 - (c) a liability resting upon a vessel,

such reference shall, unless the context indicates otherwise, be construed as a reference to—

- (i) an act or omission by or a duty resting upon or a fault committed by the person responsible for the navigation of the vessel in connection with the navigation thereof; or
- (ii) damage or loss suffered by the owner or the person having an interest in the vessel or her cargo or freight, in connection with the vessel or her cargo or freight; or
- (iii) a liability resting upon the person in charge of the vessel or upon the person who in law is answerable for the conduct of the person in charge of the vessel, in connection with such conduct,

respectively.

- (4) In this Act references to a ship built before or after any date shall be construed as references to a ship the keel of which has been laid before or after that date, as the case may be.
- (5) Any reference in this Act to an entry of an occurrence or other fact in the official log-book of a ship shall, in the application of the provision in which the reference occurs to a ship for which no official log-book is kept, be construed as a reference to a record of such occurrence or fact made otherwise than in an official log-book.
- (6) Any reference in this Act to any order or entry made or document issued under any provision of this Act shall, unless otherwise indicated, be construed as including a reference to an order or entry made or document issued under the corresponding provision of any law repealed by section one.

3. Application of Act

- (1) This Act and any amendment thereof shall apply to the Territory of South-West Africa and the port and settlement of Walvis Bay, and the said Territory shall for the purposes of this Act be deemed to form part of the Union: Provided that the provisions of this Act shall not affect the competency of the Legislative Assembly for the said Territory to make Ordinances dealing with matters relating to sealing and sea fisheries and the licensing of vessels engaged in sealing and sea fishing, in the exercise of its powers under section twenty-five of the South-West Africa Constitution Act, 1925 ([Act No. 42 of 1925](#)), as extended by section thirteen *bis* of the Sea Fisheries Act, 1940 ([Act No. 10 of 1940](#)), as inserted by section three of the Sea Fisheries Amendment Act, 1949 ([Act No. 58 of 1949](#)), nor the validity of any such Ordinances made before the coming into operation of any of the provisions of this Act.

[subsection (1) amended by section 32(a) of [Act 69 of 1962](#)]

- (2) This Act and any amendment thereof shall apply to Marion Island and Prince Edward Island: Provided that in its application voyages between ports in the Union and ports in those islands shall be deemed to be voyages between ports in the Union and ports outside the Union.

[subsection (2) amended by section 32(b) of [Act 69 of 1962](#)]

- (3) This Act shall bind the State: Provided that the Minister may by notice direct that sections one hundred, and two to one hundred and nine, inclusive, one hundred and thirteen, one hundred and twenty to one hundred and twenty-four, inclusive, one hundred and thirty-three, one hundred and thirty-four, one hundred and forty-five, one hundred and eighty-eight and three hundred and twenty-three shall not apply in respect of the master, seamen or apprentice-officers of any ship named in the notice and belonging to the Government of the Union (including the Railway Administration), whose conditions of service are governed by laws other than this Act or statutory regulations other than regulations made under this Act.
- (4) Unless otherwise indicated, those provisions of this Act which apply to vessels which are registered or licensed in the Union or which in terms of this Act are required to be so registered or licensed shall so apply wherever such vessels may be.
- (5) Unless otherwise indicated, those provisions of this Act which apply to vessels other than those referred to in sub-section (4) shall so apply only while such vessels are within the Union or the territorial waters thereof.
- (6) The provisions of this Act shall not apply to ships belonging to the naval forces of the Union or of any other country.
- (7) The provisions of this Act shall not, except those of sections sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-four, one hundred and ninety-five, one hundred and ninety-seven, one hundred and ninety-eight, one hundred and ninety-nine, two hundred and fifty-four, two hundred and fifty-nine (except paragraph (e) of sub-section (1) thereof) and two hundred and sixty, together with section three hundred and twelve and sub-section (1) of section three hundred and thirteen in their application

to section seventy-two, apply to any pleasure yacht which has been exempted under the provisions of sub-section (3) of section thirteen.

- (8) The Minister may by notice in the *Gazette* declare that any of the provisions of this Act which are by that notice specified, subject to the exemptions, modifications and restrictions so specified, and which do not by virtue of the other provisions of this Act apply to a particular ship or to ships of a particular class, category or tonnage, shall apply to that ship or to ships of that class, category or tonnage: Provided that provisions which in terms of this Act apply only to South African ships shall not by any such notice be applied also to ships not registered in the Union and *vice versa*.

[subsection (8) amended by section 4 of Act 30 of 1959]

- (9) The Minister may by notice in the *Gazette* declare that any of the provisions of this Act which are by that notice specified, subject to the exemptions, modifications and restrictions so specified, shall apply to any dams or other inland waters so specified.

[subsection (9) amended by section 4 of Act 30 of 1959]

- (10) If it has been made to appear to the Minister that the Government of any country other than the Union is desirous that any of the provisions of this Act, which do not apply to the ships of that country should so apply, and there are no special provisions in this Act for that application, the Minister may by notice in the *Gazette* declare that such of those provisions as are by that notice specified (subject to the limitations, if any, contained therein) shall apply to the ships of that country and to the owners, masters, seamen and apprentice-officers of those ships, when not locally within the jurisdiction of the government of that country, in the same manner in all respects as if those ships were ships registered in the Union; and thereupon the provisions so specified shall, subject to such limitations, if any, so apply.

[subsection (10) amended by section 4 of Act 30 of 1959]

- (11) If the Governor-General is satisfied—

- (a) that ships registered in any country other than the Union are required by the law in force in that country to comply with any provisions which are substantially the same as, or equally effective with, any of the provisions of this Act which apply to such ships while they are within the Union or the territorial waters thereof; and
- (b) that that country has made or has undertaken to make provision for the exemption of South African ships while they are within that country or the territorial waters thereof from the corresponding requirements of the law of that country,

he may by notice in the *Gazette* declare that the said provisions of this Act shall not apply to any ship of that country, while she is within the Union or its territorial waters, if it is proved that the ship complies with the corresponding provision of the law in force in that country; and thereafter upon such proof being furnished, the said provisions of this Act shall not apply to such ship.

[subsection (11) amended by section 4 of Act 30 of 1959]

Chapter I Administration

4. Powers of Minister

The Minister may—

- (a) subject to the laws governing the public service, appoint such officers as he considers necessary for the administration of this Act;
- (b) recognize or, subject to the laws governing the public service, appoint as a ship surveyor, engineer surveyor or radio or other surveyor any qualified person whom he deems fit to act as such for the purposes of this Act;

- (c) by notice in the *Gazette* declare a port in the Union to be a port of registry for the registration of ships;
- (d) delegate any of his powers under this Act (except the power of delegation) to any officer with respect to the powers or matters specified or the port or area defined in the instrument of delegation.

5. Secretary to be responsible for administration of Act

- (1) The Secretary shall, subject to the control of the Minister, be responsible for the administration of this Act, and shall have the control of all matters incidental thereto.
- (2) The Secretary shall, subject to the provisions of this Act or any other law, have such powers and perform such duties as are assigned to him by the Minister.
- (3) All powers conferred and all duties imposed upon the Secretary may be exercised or performed by the Secretary personally or by an officer under a delegation from or under the control or direction of the Secretary.

[section 5 substituted by section 5 of [Act 30 of 1959](#)]

6. National Marine Advisory Council, National Advisory Council for the Welfare of Merchant Seamen, port welfare committees and *ad hoc* advisory committees

- (1) There shall be a National Marine Advisory Council, consisting of not more than seven members, of whom at least one (who shall be the chairman) shall be a member of the public service, and of whom five shall represent the interests of—
 - (a) owners of South African ships other than fishing boats;
 - (b) owners of fishing boats registered or licensed in the Union;
 - (c) underwriters;
 - (d) masters, skippers and ships' officers employed on South African Ships; and
 - (e) seamen (other than masters, skippers and ships' officers) employed on South African ships, respectively.

(2) *[subsection (2) deleted by section 6(a) of [Act 30 of 1959](#)]*

- (3) In the absence for any cause of the chairman of the National Marine Advisory Council from any meeting, the members present shall choose one of their number to preside at the meeting.

[subsection (3) amended by section 6(b) of [Act 30 of 1959](#)]

- (4) The National Marine Advisory Council shall advise the Minister in regard to all matters referred to it in connection with the administration of this Act, generally.

(5) *[subsection (5) deleted by section 6(c) of [Act 30 of 1959](#)]*

- (6) The Minister may at any Union port appoint a port welfare committee for the purposes of collecting information on the conditions in which seamen in the port live, advising departments of State, the local authority of the port and bodies engaged in promoting the welfare of seamen at the port as to the application, adaption and co-ordination of measures for the improvement of such conditions, and collaborating in the carrying out of such measures.
- (7) The Minister may from time to time appoint a committee for the purpose of advising him in regard to any particular matter dealt with by this Act and referred to it.
- (8) The members of the National Marine Advisory Council, and every port welfare committee and every committee referred to in sub-section (7) shall be appointed by the Minister in accordance with the

regulations, and the said councils and committees shall perform their functions in accordance with the regulations.

[subsection (8) amended by section 6(d) of [Act 30 of 1959](#)]

- (9) There shall be paid to members of the National Marine Advisory Council, and of any port welfare committee and any committee appointed under sub-section (7) such allowances towards subsistence and transport as may be prescribed by the regulations made under this Act, or, if they are members of the public service, such allowances towards subsistence and transport as are prescribed by or under the laws governing the public service.

[subsection (9) amended by section 6(e) of [Act 30 of 1959](#)]

- (10) In sub-section (6) the expression 'seamen' includes all persons who are or have been employed, or are seeking employment, in any capacity on board any ship.

[subsection (10) added by section 6(f) of [Act 30 of 1959](#)]

7. Survey of ship to ascertain whether she complies with the Act

Subject to the provisions of this Act, a surveyor may inspect any South African ship wherever she may be or any ship not registered in the Union while she is within the Union or the territorial waters of the Union for the purpose of ascertaining whether she complies with the provisions of this Act.

8. Duty of proper officer to ensure compliance with this Act

If a proper officer has reason to suspect that the provisions of this Act are not being or have not been complied with in respect of any ship within the Union or the territorial waters of the Union, which is not registered in the Union, or in respect of any South African ship wherever she may be, he shall take such steps as in his opinion are necessary to ensure compliance with the said provisions.

9. Powers of officers and courts

- (1) Any—

- (a) proper officer or surveyor; or
- (b) court of marine enquiry, maritime court or court of survey; or
- (c) person appointed in terms of section two hundred and sixty-four or sub-section (1) of section two hundred and eighty-one, or to whom an appeal is referred in, terms of sub-section (1) or (2) of section two hundred and eighty-two; or
- (d) other person authorized or required by or under this Act, or generally or specially authorized or required by the Secretary, to make any survey or inspection or conduct any investigation,

may, in the execution of his or its duty or the exercise of his or its functions—

- (i) board any South African ship wherever she may be, or any ship other than a South African ship while she is within the Union or the territorial waters of the Union, and inspect the same or any part thereof, or any equipment thereof, or any articles on board, or any log-books, certificates or other documents relating to the ship or the crew thereof, and muster the crew of the ship and interrogate them;
- (ii) enter any premises, including any land, structure, vehicle or vessel, and inspect the same or any articles therein;
- (iii) by written notice or otherwise summon any person who in his or its opinion may be able to give information which is likely to assist him or it in the carrying out of such duty, or who he or it suspects or believes has in his possession or custody or under his control any book, document or thing the inspection of which is likely to assist him or it in the carrying out of

such duty, to appear before him or it at a time and place specified, to be interrogated or to produce that book, document or thing;

- (iv) administer an oath to any person appearing in obedience to any summons or otherwise, and interrogate him and inspect and detain any book, document or thing produced;
- (v) require any person interrogated to subscribe to a declaration of the truth of the statement made by him; and
- (vi) copy any document inspected by or produced to him or it.

[subsection (1) amended by section 7(a) of [Act 30 of 1959](#)]

(2) Every person—

- (a) shall upon demand assist to the best of his ability any officer or other person or court in the exercise of any of the powers conferred by sub-section (1);
- (b) summoned under paragraph (iii) of sub-section (1) whose reasonable expenses have been paid or offered to him shall attend at the time and place specified, and remain in attendance until excused by the officer or other person or court from further attendance;

[paragraph (b) amended by section 7(b) of [Act 30 of 1959](#)]

- (c) shall take the oath administered to him by any officer or other person or court under paragraph (iv) of sub-section (1);
 - (d) shall answer fully and satisfactorily, to the best of his ability, all questions lawfully put to him by any officer or other person or court under paragraph (i) or (iv) of sub-section (1), and, upon being required to do so, produce any book, document or thing in his possession or under his control: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing to any such officer or other person or court, the law relating to privilege, as applicable to a witness summoned to give evidence or produce any book, document or thing before a court of law shall apply; and
 - (e) upon being required to do so, shall subscribe to a declaration of the truth of any statement made by him.
- (3) Any person who, after being sworn by an officer or other person or court in the exercise of the said powers, gives a false answer to any question put to him, or makes a false statement on any matter, knowing that answer or statement to be false, shall be deemed to be guilty of perjury.
- (4) Any person or court referred to in paragraph (a), (b) or (c) of sub-section (1) may in the execution of his or its duty or the exercise of his or its functions, if he or it deems it necessary to do so, direct that any South African ship wherever she may be, or any ship other than a South African ship while she is within the Union or the territorial waters of the Union, be taken into deck at the owner's expense, in order that every part of the hull thereof may be inspected.

Chapter II

Recording, registering and licensing of ships

10. Notification of building of vessels

- (1) Every person who at the coming into operation of this section is building, or after such coming into operation intends to build, a vessel in the Union which when completed will be required to be registered or licensed in terms of this Act, shall within sixty days of such coming into operation or before beginning to build the vessel, as the case may be, furnish to the proper officer nearest to the place where the vessel is being built or to be built, such written particulars of the vessel as may be prescribed.

- (2) The person on whose account any vessel is built shall for the purposes of sub-section (1) be deemed to build that vessel.

11. Qualification for owning ship registered under this Act

- (1) No ship shall be registered in the Union unless the whole of the ship is owned by the Government of the Union or by persons to each of whom one or other of the following descriptions applies:
- (a) South African citizens;
 - (b) citizens of a country (other than the Union) which is a member of the Commonwealth; and
 - (c) corporate bodies established under and subject to the law in force in any part of the Commonwealth and having their principal place of business within the Commonwealth.
- (2) No person other than the Government of the Union or a person who is included in a category mentioned in sub-section (1) shall acquire, except by such transmission as is referred to in section forty-three, any interest in a ship registered in the Union.

12. Power to enquire into the title of a registered ship to be registered

- (1) If the Minister has reason to believe that there is some doubt as to the title of any ship registered as a South African ship to be so registered, he may direct the proper officer of the port of registry of the ship to require that evidence be given to his satisfaction that the ship is entitled to be registered as a South African ship.
- (2) If within such time as may be determined by the Minister, evidence to the satisfaction of the proper officer of the title of the ship to be registered is not given, the ship shall be liable to forfeiture.

13. Obligation to apply for registry of a ship

- (1) Whenever the whole of a ship of twenty-five or more gross tone is owned—
- (a) by the Government of the Union; or
 - (b) by persons all of whom in terms of section eleven are qualified to own a South African ship, and—
 - (i) a majority of the owners either in number or extent of ownership are persons resident in the Union or corporate bodies having their principal place of business within the Union; or
 - (ii) the ship is, as to her management and use, principally controlled in the Union,the said Government or the other owners, as the case may be, shall, unless she is already registered in the Union or elsewhere apply to the proper officer at one of the ports of registry appointed in terms of paragraph (c) of section four for the ship to be registered in terms of this Act.
- (2) The application for registry mentioned in sub-section (1) shall be made—
- (a) in the case of a ship already owned at the coming into operation of this section by persons who in terms of section eleven are qualified to own a South African ship, within one month of such coming into operation; and
 - (b) in the case of a ship acquired after the coming into operation of this section by persons so qualified, within one month of the date on which she is so acquired.
- (3) The Minister may in his discretion exempt the owners of certain classes of ships of less than one hundred gross tons, to be determined by him, from the provisions of this section.

14. Ships registered in Union under repealed law

All ships registered at a port in the Union at the coming into operation of this section in accordance with the provisions of any law repealed by section one shall be deemed to be registered in terms of this Act and the provisions of section thirteen shall not apply in respect of such ships.

15. Register to be kept

The proper officer shall enter all ships registered by him in a special book to be kept for the purpose (hereinafter referred to as the register), and such entries shall be made in the prescribed manner.

16. Survey and measurement of ship before registry

The owner of a ship in respect of which application for registry is made shall, upon demand by the proper officer, cause such ship to be surveyed by a surveyor, and the tonnage of the ship ascertained, in the prescribed manner. The surveyor shall grant a tonnage certificate specifying the ship's tonnage and build and such other particulars as may be required by the regulations, and that certificate shall be delivered to the proper officer by the owner before the ship is registered.

17. Tonnage once ascertained to be the tonnage of ship

Whenever the tonnage of a ship has been ascertained and registered in accordance with this Act, that tonnage shall thenceforth be deemed to be the tonnage of the ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed, in either of which cases the ship shall be resurveyed, and her tonnage redetermined in accordance with this Act.

18. Tonnage of ships of other countries

- (1) Whenever the Minister is satisfied that provisions substantially the same as those of this Act relating to the measurement of the tonnage of ships are in force in any other country, he may by notice in the *Gazette* direct that ships registered in that country shall without being resurveyed in the Union be presumed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry of a South African Ship is presumed to be the tonnage of that ship, and that the space shown by the certificate of registry or other national papers of any ship registered in such other country, as deducted from tonnage on account of being occupied by seamen or apprentice-officers and appropriated to their use, shall for the purpose of determining her tonnage be presumed to have been certified by a surveyor under sub-section (2) of section two hundred and sixty-two to comply with those of the provisions of this Act which apply to such a space in the case of a South African ship.
- (2) Whenever the Minister has given any such direction as is mentioned in sub-section (1), the presumptions referred to shall apply in respect of any ship registered in the country to which the direction relates.
- (3) If any question arises as to whether the tonnage of any ship registered in any country to which any such direction relates, as denoted in her certificate of registry or other national papers, materially differs from that which would be her tonnage if measured under this Act, or as to whether the construction and the equipment of any ship so registered as regards the said space do for the purpose of determining the tonnage of the ship conform to the standards required under this Act, the Secretary may direct that a surveyor inspect the ship.
- (4) If from the report of a surveyor so directed to inspect a ship it appears to the Minister that the tonnage of that ship, as so denoted, materially differs from that which would be her tonnage if measured under this Act or that her construction and equipment as regards the said space do not, for the purpose of determining her tonnage conform to the said standards, or if for any reason it

appears to the Minister that the tonnage of any ship so registered has been erroneously computed, he may order that, notwithstanding any direction for the time being in force under this section, that ship or any ship registered in the country to which the direction relates shall, for all or any of the purposes of this Act, be surveyed in accordance with this Act.

19. Marking of ship

- (1) The owner of a ship who applies for registry under this Act shall before registry cause her to be marked permanently and conspicuously in the prescribed manner and to the satisfaction of the proper officer, and any ship not so marked may be detained by that officer.
- (2) The owner and the master of a South African ship shall take all reasonable stops to ensure that the ship remains marked as required by this section or by sub-section (2) of section thirty-six, or, in the case of a ship referred to in section fourteen, that she remains marked as required by the law under which she was registered, and the said owner or master shall not cause or permit any alterations of such marks to be made, except in the event of any of the particulars thereby denoted being altered in the manner provided in this Act, or except to evade capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

20. Evidence on first registry

- (1) On the first registry of a ship in the Union the owner shall produce—
 - (a) a declaration of ownership, in the prescribed form;
 - (b) in the case of a ship built elsewhere than in the Union, a certificate signed by the builder and containing a true account of the size and dimensions and the tonnage of the ship as estimated by the said builder, and of the time when and the place where she was built, and of the name of the person on whose account she was built, unless the person who makes the declaration of ownership declares that the time and place of building are unknown to him, or that the builder's certificate cannot be obtained, in which case there shall be required only the deed of sale under which the ship became vested in the applicant for registry;
 - (c) if there has been any sale, the deed of sale under which the ship has been vested in the applicant for registry;
 - (d) in the case of a ship that has been forfeited, an official copy of the notice of forfeiture.
- (2) The builder of a ship shall not within the Union refuse or omit upon request by the owner to grant the certificate required by this section.
- (3) The proper officer may demand proof of ownership of the ship to his satisfaction before proceeding with the registry of the ship.

21. Entry of particulars in register

As soon as the requirements of this Act preliminary to registry have been complied with the proper officer shall enter in the register the following particulars:

- (a) the name of the ship and the name of the port to which she belongs;
- (b) the details contained in the tonnage certificate referred to in section sixteen;
- (c) the origin of the ship, as stated in the declaration of ownership;
- (d) the name, address and occupation of the owner of the ship, and if there are more owners than one, what share in the ship is held by each owner.

22. Documents to be retained by proper officer

On the registry of a ship in the Union the proper officer shall retain in his possession the following documents:

- (a) all declarations of ownership;
- (b) the tonnage certificate;
- (c) the builder's certificate;
- (d) all deeds of sale of the ship previously made and no longer of force and effect; and
- (e) the copy of the notice of forfeiture, if any.

23. Certificate of registry

On completion of the registry of a ship, the proper officer shall grant a certificate of registry in the prescribed form, containing the particulars respecting the ship entered in the register in accordance with section twenty-one and stating the name of her master.

24. Custody of certificate of registry

- (1) A certificate of registry granted in terms of section twenty-three shall not be subject to detention by reason of any title to, lien on, charge against, or interest in the ship held or claimed by any person.
- (2) No person who has in his possession or under his control the certificate of registry of a ship shall refuse or omit without reasonable cause to deliver such certificate on demand to the person entitled to the custody thereof.

25. Improper certificate of registry not to be used

The owner or master—

- (a) of a South African ship, wherever she may be; or
- (b) of a ship other than a South African ship, while she is within the Union or the territorial waters of the Union,

shall not use or allow to be used for the navigation of that ship a certificate of registry not lawfully granted in respect of that ship, or produce or put off as a certificate of registry of that ship any document other than the certificate of registry lawfully granted in respect of that ship.

26. Power to grant new certificate of registry

- (1) The proper officer at the port of registry of a South African ship may, on delivery to him of the certificate of registry of the ship, grant a new certificate in lieu thereof.
- (2) If the certificate of registry of a South African ship is mislaid, lost, or destroyed, the proper officer at the port of registry shall, subject to the regulations, grant a new certificate of registry in lieu of the original certificate.
- (3) If the port at which a South African ship is at the time the event referred to in sub-section (2) occurs, or first arrives after the event occurs, is not in the Union, the master of the ship or some other person having knowledge of the facts of the case shall furnish the proper officer at that port with a declaration stating the facts of the case and the names and descriptions of the registered owners of the ship, and the proper officer may thereupon grant a provisional certificate, containing a statement of the circumstances in which it is granted.
- (4) The master of a ship in respect of which a provisional certificate has been granted under sub-section (3) shall, within ten days after the first subsequent arrival of the ship at a port in the Union,

deliver the provisional certificate to the proper officer at the port of registry, and the proper officer shall thereupon grant a new certificate of registry.

27. Endorsement of change of master on certificate of registry

- (1) Whenever the master of a South African ship is changed, a memorandum of such change shall be endorsed on the certificate of registry—
 - (a) if the change is made in consequence of the finding of a court of marine enquiry or a maritime court, by the presiding officer of that court;
 - (b) if the change occurs from any other cause, by the proper officer at the place where the change takes place.
- (2) The person who makes the endorsement referred to in sub-section (1) shall forthwith report the change of master to the Secretary, and the proper officer at any port in the Union may refuse to permit any person to do any act there as master of a South African ship unless such person's name is inserted in or endorsed on the certificate of registry as the last appointed master of that ship.
- (3) This section shall not apply in respect of any ship belonging to the Railway Administration and used by that Administration in connection with the working of its harbours.

28. Endorsement of change of ownership on certificate of registry

- (1) Whenever a change occurs in the registered ownership of a South African ship, such change of ownership shall be endorsed on the certificate of registry by the proper officer at the ship's port of registry, or by the proper officer at any other port at which the ship arrives after such officer has been advised of the change by the proper officer at the ship's port of registry.
- (2) If a change of ownership of a South African ship occurs when the ship is at her port of registry, the master shall, for the purpose of endorsement in terms of sub-section (1), deliver the certificate of registry to the proper officer immediately after such change of ownership takes place, or upon the ship's return to that port, if the change occurs during the absence of the ship from that port and no endorsement in terms of sub-section (1) has been made by a proper officer at some other port.
- (3) The proper officer at any port who is by this section required to make an endorsement on the certificate of registry of a South African ship, may require the master to produce such certificate forthwith.

29. Procedure when ship is lost or ceases to be a South African ship

- (1) In the event of a South African ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing to be a South African ship by reason of transfer to a person not qualified to own a South African ship or for any other cause, the registered owner of the ship or of any share in the ship shall immediately on obtaining knowledge of the event report the particulars thereof to the proper officer at the port of registry of the ship, who shall record such particulars in the register and the registry of the ship in that register shall be considered closed, except in respect of any unsatisfied mortgages or existing certificates of mortgage entered therein.
- (2) In any such case, except where the ship's certificate of registry is lost or destroyed, the muster of the ship shall immediately, if the event occurs in port, or within three days after his arrival in port, if it occurs elsewhere, deliver the certificate to the proper officer, and that officer shall forthwith forward the certificate to the proper officer at the port of registry of the ship.
- (3) If the registry of a ship is considered closed in terms of sub-section (1) by reason of its transfer to a person not qualified to own a South African ship, and if the ship thereafter comes within the area of jurisdiction of any court in the Union or in any other part of the Commonwealth which has jurisdiction to give judgment upon any unsatisfied mortgage entered in the register, including any mortgage made under a certificate of mortgage entered in the register, and to order that the ship be sold in execution of the judgment, or which would have had such jurisdiction if the transfer of the

ship had not been made, the court may exercise such jurisdiction notwithstanding the transfer of the ship, without prejudice, in a case in which the ship has been sold under a judgment of a court, to the effect of that judgment.

- (4) For the purposes of sub-section (1) a ship shall be deemed to be constructively lost if—
- (a) she is reasonably abandoned on account of her actual total loss appearing to be unavoidable; or
 - (b) she cannot be preserved from actual total loss without an expenditure which would exceed her value when the expenditure had been incurred; or
 - (c) she has been so damaged that the cost of repairing the damage would exceed her value when repaired.

30. Provisional certificate for ship which elsewhere than in the Union becomes the property of a person qualified to own a South African ship

- (1) If at a port outside the Union a ship becomes the property of a person qualified to own a South African ship, and if that person declares to the proper officer at that port that it is his intention to apply to have her registered in the Union, the proper officer may grant to the master of the ship, on application by him, a provisional certificate stating—
- (a) the name of the ship;
 - (b) the time and place of her purchase, and the name and address of the purchaser;
 - (c) the name of the master; and
 - (d) the best particulars respecting the tonnage, build, and description of the ship which he is able to obtain,

and shall forward a copy of the certificate at the first convenient opportunity to the Secretary.

- (2) A provisional certificate issued in terms of sub-section (1) shall be deemed to be a certificate of registry until the expiry of six months from the date on which it was issued, or until the ship's arrival at a port of registry in the Union, whichever is the earlier date, but shall thereafter have no effect.

31. Temporary passes in lieu of certificates of registry

Whenever by reason of special circumstances it appears desirable to the Secretary that permission should be granted to a ship which, in terms of this Act, is entitled to be registered in the Union, or, in terms of the laws in force in any other part of the Commonwealth is entitled to be registered in that part to proceed to sea without being previously registered, he may authorize the granting of a pass in the prescribed form for the ship to be taken from any port in the Union to any other port in the Union or, as the case may be, to any port in that other part of the Commonwealth, and that pass shall for the time and within the limits therein mentioned be deemed to be a certificate of registry.

32. Notification of alteration in ships

- (1) The master or owner of a South African ship which is so altered that she does not correspond with the particulars contained in the register relating to her tonnage or description shall—
- (a) if at the time when the alteration is made the ship is at a port which has in terms of paragraph (c) of section four been declared to be a port of registry, within three days after the making of the alteration, notify the proper officer there of the alteration; or
 - (b) if the ship is not at such a port at the time when the alteration is made, but arrives at such a port within three months after the making of the alteration, within three days after she first arrives at such a port, notify the proper officer there of the alteration; or

- (c) if the ship is not at such a port at the time when the alteration is made and does not arrive at such a port during the period of three months after the making of the alteration, as soon as practicable after the expiry of the said period, notify the proper officer at the ship's port of registry of the alteration.
- (2) Every notification in terms of sub-section (1) shall be in writing and shall—
- (a) in the case referred to in paragraph (a) or (b) of that sub-section, be delivered to the proper officer, accompanied by the certificate of registry of the ship and a certificate by a surveyor stating the particulars of the alteration; or
 - (b) in the case referred to in paragraph (c) of that sub-section, be sent by registered post to the proper officer, accompanied by an application for registry anew of the ship.

[section 32 substituted by section 8 of [Act 30 of 1959](#)]

33. Registry of alterations

- (1) If the proper officer to whom a notification of any alteration is given in terms of paragraph (a) or (b) of sub-section (1) of section thirty-two is the proper officer at the ship's port of registry, he shall, upon receipt by him of the notification and of the certificate of registry and surveyor's certificate referred to in paragraph (a) of sub-section (2) of that section, either direct that the ship be registered anew or endorse the particulars of the alteration on the existing certificate of registry and in the latter event he shall record in the register the particulars of the alteration and the fact that they have been endorsed on the certificate of registry.
- (2) (a) If the proper officer to whom notification of any alteration is given in terms of paragraph (a) or (b) of sub-section (1) of section thirty-two is not the proper officer at the ship's port of registry, he shall, upon receipt by him of the notification and of the certificate of registry and surveyor's certificate referred to in paragraph (a) of sub-section (2) of that section, either withdraw the existing certificate of registry and direct that the ship be registered anew and, upon receipt of the application for registry anew of the ship, grant a provisional certificate of registry describing the ship as altered or endorse the particulars of the alteration on the existing certificate of registry.
- (b) Where a proper officer has granted a provisional certificate of registry or endorsed a certificate of registry in terms of paragraph (a), he shall forthwith report to the proper officer at the ship's port of registry the particulars of the case and transmit to him the surveyor's certificate delivered in terms of paragraph (a) of sub-section (2) of section thirty-two and, where a provisional certificate has been granted, the application in pursuance of which it was granted and the withdrawn certificate of registry.
- (3) Upon receipt by the proper officer at the ship's port of registry of the report made and documents transmitted to him in terms of sub-section (2), he shall record in the register the particulars of the alteration and the fact that a provisional certificate of registry has been granted, or, as the case may be, that the particulars of the alteration have been endorsed on the existing certificate of registry.
- (4) (a) The master or owner of a ship in respect of which a provisional certificate of registry has been granted under sub-section (2) shall, unless she has been registered anew in terms of paragraph (b), within three days after the first subsequent arrival of that ship at her port of registry deliver that certificate to the proper officer at that port, who shall retain that certificate and register the ship anew.
- (b) If the proper officer at the ship's port of registry has reason to believe that the ship will not arrive at that port within a reasonable period, he may register the ship anew and transmit the new certificate of registry granted by him in terms of sub-section (1) of section thirty-five to the proper officer at any port at which the ship is or for which she is bound, for delivery to the master or owner of the ship against the surrender of the provisional certificate of registry.

- (c) The proper officer to whom the provisional certificate of registry is surrendered shall forthwith transmit it to the proper officer at the ship's port of registry.
- (5) (a) Upon receipt by the proper officer at the ship's port of registry of the notification and application referred to in paragraph (b) of sub-section (2) of section thirty-two, he shall register the ship anew and transmit the new certificate of registry granted by him in terms of sub-section (1) of section thirty-five to the proper officer at any port at which the ship is or for which she is bound, for delivery to the master or owner of the ship against the surrender of the old certificate of registry.
- (b) The proper officer to whom the old certificate of registry is surrendered shall forthwith transmit it to the proper officer at the ship's port of registry.
- (6) If a proper officer directs that a ship be registered anew, the owner of the ship shall forthwith make application for registry anew of the ship.

[section 33 substituted by section 9 of [Act 30 of 1959](#)]

34. Registry anew on change of ownership

If the ownership of a South African ship is changed, the proper officer of the port at which the ship is registered may on application by the owner of the ship register the ship anew, but, subject to the provisions of paragraph (f) of section fifty-five, the owner shall not be obliged to apply for registry anew in such circumstances.

35. Procedure for registry anew

- (1) If a South African ship is to be registered anew the proper officer shall proceed as in the case of first registry, and shall, subject to the provisions of this Act make such registry anew, and grant a certificate thereof.

[subsection (1) amended by section 10 of [Act 30 of 1959](#)]

- (2) When a South African ship is registered anew her former registry shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of sale or mortgage entered therein, but the names of all persons appearing in the former registry as being interested in the ship as owners or mortgagees shall be entered in the new registry, and the registry anew shall not in any way affect the rights of any of those persons.

36. Transfer of registry

- (1) The registry of a South African ship may be transferred in accordance with the regulations from one port to another on application to the proper officer by the owner of the ship, and on completion of the transfer the ship shall be considered as registered at the new port of registry.
- (2) The owner shall cause to be made such changes in the marking of the ship consequent upon the transfer of registry as may be prescribed.
- (3) Transfer of the registry of a ship under sub-section (1) shall in no way affect the rights of any person appearing on the register to be interested in the ship as owner or mortgagee.

37. Re-registration of abandoned ships

If a ship has ceased to be registered as a South African ship by reason of having been wrecked or abandoned, or for any other reason except capture by the enemy or transfer to a person not qualified to own a South African ship, the ship shall not be re-registered until she has at the expense of the applicant for registration been inspected by a surveyor and certified by him to be seaworthy.

38. Names of ships

A South African ship shall not be described or registered by or marked with any name, and the name of a registered ship shall not be altered, except in accordance with the regulations.

39. Transfer of ships or shares

- (1) A South African ship or a share therein when disposed of to a person qualified to own a South African ship shall be transferred by deed of sale.
- (1) The deed of sale shall contain such description of the ship as is contained in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the proper officer, and shall be in the prescribed form.

40. Declaration of transfer

When a South African ship or a share therein is transferred the transferee shall not be entitled to be registered as owner thereof until he has made and signed a declaration of transfer in the prescribed form.

41. Registry of transfer

- (1) Every duly executed deed of sale for the transfer of a South African ship or of a share therein shall be produced to the proper officer at the port of registry of the ship, with the and any other documents which in terms of the regulations have to accompany such deed, and the proper officer shall thereupon enter in the register the name of the transferee as owner of the ship or share, and shall endorse on the deed of sale the fact that such entry has been made, with the date and time of entry.

[subsection (1) amended by section 11 of [Act 30 of 1959](#)]

- (2) Deeds of sale of a ship or of a share therein shall be entered in the register in the order of their production to the proper officer.

42. Transmission of property in ship on marriage or death, etc.

- (1) When ownership of a South African ship or share therein is transmitted on marriage or death of any registered owner, or by any lawful means other than by a transfer under this Act, to a person qualified to own a South African ship, that person shall execute a declaration in the prescribed form certifying that the transmission has taken place.
- (2) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register or other legal evidence of the marriage.
- (3) If the transmission is consequent on death, the declaration shall be accompanied by a certificate signed by the master of a superior court having jurisdiction in respect of the estate of the deceased person from whom the ownership of the ship or share has been transmitted, stating the name of the person to whom the ship or share has been transmitted, and the letters of administration of the executor, or if no master of a superior court has such jurisdiction, the declaration shall be accompanied by other proof of the transmission to the satisfaction of the proper officer.
- (4) The proper officer, on receipt of the duly executed declaration and the documents by which in terms of sub-sections (2) and (3) and the regulations it must be accompanied, shall enter in the register as owner the name of the person to whom the ownership of the ship or share has been so transmitted.

[subsection (4) amended by section 12 of [Act 30 of 1959](#)]

43. Order for sale on transmission to unqualified person

- (1) When ownership of a South African ship or share therein is transmitted on marriage or death or otherwise to a person not qualified to own a South African ship, that person may apply to the Secretary for an order directing that the property be sold and the proceeds of the sale, after deduction of the expenses thereof, be paid to him.
- (2) The application shall be made in the form and manner prescribed, and shall be accompanied by proofs of the applicant's claim.
- (3) Upon any such application being made to him, the Secretary shall direct that notice of the application be published in the *Gazette* and in such newspapers and be served upon such persons as he may determine. The notice shall be in a form approved by the Secretary and shall call upon all persons who may object to the order being made to lodge their objections in writing with the Secretary within a period determined by him and mentioned in the notice.
- (4) Upon proof of the due publication and service of the notice, the Secretary shall, if no objection in writing has been lodged with him within the period mentioned in the notice, and if he is satisfied of the justice of the applicant's claim, make the order applied for.
- (5) If objection in writing is lodged with the Secretary within the period mentioned in the notice, or if he is not satisfied of the justice of the applicant's claim, he shall refuse to make the order.
- (6) If the Secretary refuses to make the order, the applicant may apply to the superior court within whose area of jurisdiction the port of registry of the ship is situated for such an order as is referred to in sub-section (1).
- (7) The court may make the order on any terms and conditions it thinks fit, or may refuse to make the order, or generally may do what it considers best in the interests of the justice of the case.
- (8) Every such application to the Secretary shall be made within thirty days after the date on which the event occurred on which the transmission took place, and every such application to the court shall be made within thirty days after the refusal by the Secretary to make the order. The court may allow an extension of the time (not exceeding in all one year from the said date) within which the application to the Secretary or the court must be made.
- (9) If such application is not made within the time fixed by or extended under sub-section (8), or if the court refuse an order for sale, the ship or share transmitted shall be liable to forfeiture.

44. Transfer of ship or sale by order of Secretary or court

When the Secretary, in terms of section forty-three, or when any court, whether in terms of that section or otherwise, orders the sale of any South African ship or share therein, the order shall contain a declaration vesting in some person named therein the right to transfer the ship or share. The person so named shall thereupon be entitled to transfer the ship in the same manner and to the same extent as if he were the registered owner thereof, and the proper officer shall in respect of any such transfer regard that person as the registered owner.

45. Power of court to prohibit transfer

On the application of an interested party the superior court within whose area of jurisdiction the port of registry of a ship is situated may, without prejudice to the exercise of any other power of the court, make an order prohibiting for a time specified any dealing with that ship or any share therein, and may make the order on any terms or conditions it deems fit, or may refuse to make the order, or may discharge the order when made, and generally may do what it considers best in the interests of the justice of the case, and the proper officer shall on being served with the order or an official copy thereof obey the same.

46. Mortgage of ship or share not to be registered in deeds registry

- (1) Notwithstanding anything contained in the Deeds Registries Act, 1937 ([Act No. 47 of 1937](#)), or in any other law, but subject to the provisions of sub-section (2), a South African ship or a share in a South African ship shall not after the coming into operation of this section be mortgaged by bond registered in a deeds registry, and no bond so registered—
 - (a) before such coming into operation shall after the expiration of sixty days from such coming into operation; or
 - (b) after such coming into operation shall after its registration,confer upon the mortgagee any preference as against other creditors.
- (2) The mortgagee under any bond by which is hypothecated a South African ship or a share in a South African ship and which is registered in a deeds registry at the coming into operation of this section may produce to the proper officer at the ship's port of registry within sixty days after such coming into operation or within such further period as the Secretary in the particular case may allow a copy of the duplicate original of the bond filed in the deeds registry certified by the registrar of deeds in charge of that registry. Thereupon the proper officer shall record the mortgage in the register, and thereafter the provisions of this Act relating to the mortgage of ships and shares in ships shall apply in respect of that mortgage: Provided that for the purposes of section forty-nine and paragraph (e) of section fifty-six the mortgage shall be deemed to have been registered in the register on the date on which and at the time at which the said bond was registered in the deeds registry.
- (3) Whenever the proper officer records any mortgage in terms of sub-section (2) he shall send written notice thereof to the registrar of deeds in charge of the deeds registry in which the bond was registered. Upon receipt of such notice the registrar shall endorse upon the duplicate original of the bond filed in the deeds registry the fact that the mortgage has been so recorded.

47. How ship or share mortgaged

- (1) A South African ship or share therein may be mortgaged as security for a loan or other debt, and the instrument creating the mortgage shall be called a deed of mortgage and shall be in the prescribed form. On the production of such instrument the proper officer at the ship's port of registry shall record the mortgage in the register.
- (2) Mortgages shall be recorded by the proper officer in the order in which the deeds creating them are produced to him, and he shall endorse on each deed that it has been so recorded, stating the date and time of that record.

48. Discharge of mortgage

If a registered mortgage is discharged the proper officer shall, on the production of the deed of mortgage, with a receipt for the mortgage money endorsed thereon, duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged, and shall cancel the deed of mortgage.

49. Priority of mortgages

If there are more mortgages than one registered in respect of the same South African ship or share in a South African ship, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied or constructive notice, but subject to the proviso to sub-section (2) of section forty-six, be entitled in priority, one before the other, according to the date and time at which each mortgage is recorded in the register, and not according to the date and time at which each deed of mortgage was executed.

50. Rights of mortgagee

- (1) The mortgagee under a registered mortgage of a ship or a share in a ship shall be entitled to recover the amount due under the mortgage in any court of competent jurisdiction, and when giving judgment or thereafter the court may direct that the mortgaged ship or share be sold in execution of the judgment.
- (2) Subject to the provisions of sub-section (1), the mortgagee under a registered mortgage of a ship or a share in a ship shall not merely by virtue of the mortgage be entitled to sell or otherwise dispose of the mortgaged ship or share.

51. Preference under mortgage not affected by insolvency

- (1) The right of preference given to a mortgagee by a registered mortgage of a South African ship or a share in a South African ship shall not be affected by any act of insolvency committed by the mortgagor, or by the sequestration of the estate of the mortgagor after the date of the record of the mortgage.
- (2) The provisions of sub-section (1) shall be subject to the provisions of sections twenty-six, twenty-seven, twenty-nine, thirty, thirty-one and eighty-eight, of the Insolvency Act, 1936 ([Act No. 24 of 1936](#)); and in the application of the said section eighty-eight to the mortgage of a ship or share the references in that section to the registrar of deeds and a mortgage bond shall be construed as references to the proper officer and a deed of mortgage, respectively.

52. Transfer of mortgage

- (1) A registered mortgage of a South African ship or a share in a South African ship may be transferred to any person by deed of cession in the proscribed form, and on the production of such deed and the relative deed of mortgage, the proper officer shall record the transfer of the mortgage by entering in the register the name of the transferee as mortgagee of the ship or share, and shall endorse on the deeds of mortgage and cession that the transfer of the mortgage has been so recorded, stating the date and time of the record.
- (2) The person to whom a registered mortgage of a ship or a share in a ship has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.

53. Transmission of interest in mortgage by death, etc.

- (1) Whenever the rights of the mortgagee under a deed of mortgage over a South African ship or a share in a South African ship are transmitted on marriage or death or by any other lawful means other than by a transfer under this Act to any person, that person shall execute a declaration in the prescribed form certifying that the transmission has taken place.
- (2) The proper officer on the receipt of the declaration accompanied by documents similar to those required by section forty-two in the case of a corresponding transmission of the ownership of a ship or share, shall enter in the register as mortgagee the name of the person to whom the rights have been transmitted.

54. Authority to sell or mortgage outside Union

- (1) Upon written application by the registered owner of a South African ship who wishes to sell the ship, or the registered owner of a South African ship or a share therein who wishes to mortgage the ship or share, by a deed of sale or mortgage to be executed outside the Union, the proper officer of the port of registry of the ship shall issue to him a certificate of sale or a certificate of mortgage.

- (2) In any such application there shall be set forth, and the proper officer shall enter in the register, the following particulars:
- (a) the name and address of the person by whom the sale or mortgage is to be entered into on behalf of the owner, and in the case of—
 - (i) a sale, the minimum price at which a sale is to be made, if it is intended to fix any such minimum; and
 - (ii) a mortgage, the maximum amount thereof, if it is intended to fix any such maximum;
 - (b) the place where the power is to be exercised, or if no place is specified, a declaration that it may be exercised anywhere, subject to the provisions of this Act;
 - (c) the limit of time within which the power may be exercised.

In the case of a certificate of mortgage, the proper officer shall also enter in the register the date and time of the entry.

- (3) A certificate of sale or of mortgage shall not authorize any sale or mortgage to be made in the Union or by any person not named in the certificate.
- (4) A certificate of sale and a certificate of mortgage shall contain a statement of the particulars referred to in sub-section (2) and also a statement of any registered mortgages or certificates of sale or mortgage affecting the ship or share in respect of which the certificate is given.
- (5) Any certificate of sale or certificate of mortgage issued under any law repealed by section one shall be deemed to have been issued under this Act.

55. Rules as to certificates of sale

The following rules shall be observed as to certificates of sale:

- (a) a certificate of sale shall not be issued except for the sale of an entire ship;
- (b) the power shall be exercised in conformity with the directions contained in the certificate;
- (c) a sale made thereunder in good faith to a purchaser without notice shall not be impeached by reason of the person by whom the power was given dying before the execution of the deed of sale;
- (d) whenever the certificate specifies the place at which, and the limit of time not exceeding twelve months within which, the power is to be exercised, a sale made thereunder in good faith to a purchaser without notice shall not be impeached by reason of the fact that before the deed of sale was executed the estate of the person by whom the power was given was sequestrated as insolvent;
- (e) a transfer made to a person qualified to be the owner of a South African ship shall be by a deed of sale in accordance with this Act;
- (f) if the ship is sold—
 - (i) to a person who would, if the ship were not already registered in the Union, be required, in terms of section thirteen, to apply for the ship to be so registered, the ship shall be registered anew; or
 - (ii) to a person who is qualified to be the owner of a South African ship, but who would, if the ship were not already registered in the Union, not be required, in terms of section thirteen, to apply for the ship to be so registered, the ship may be registered anew;

[paragraph (f) substituted by section 13(a) of [Act 30 of 1959](#)]

- (g) before registry anew there shall be produced to a proper officer the application for registry anew, the deed of sale by which the ship is transferred, the certificate of sale and the certificate of registry of the ship;
- [paragraph (g) amended by section 13(b) of [Act 30 of 1959](#)]*
- (h) if the proper officer to whom the documents referred to in paragraph (g) are produced, is the proper officer at the ship's port of registry, he shall retain those documents, except the deed of sale, and register the ship anew;
- [paragraph (h) substituted by section 13(c) of [Act 30 of 1959](#)]*
- (hbis) if the proper officer to whom the documents referred to in paragraph (g) are produced, is not the proper officer at the ship's port of registry, he shall retain those documents, except the deed of sale, and shall, after having endorsed on the certificate of sale and the certificate of registry an entry of the fact that a sale has taken place, forward those certificates and the application for registry anew to the proper officer at the ship's port of registry;
- [paragraph (h)bis inserted by section 13(c) of [Act 30 of 1959](#)]*
- (hter) upon receipt by the proper officer at the ship's port of registry of the certificates and application referred to in paragraph (h)bis he shall register the ship anew and transmit the new certificate of registry granted by him in terms of sub-section (1) of section thirty-five to the proper officer at any port at which the ship is or for which she is bound, for delivery to the master or owner of the ship;
- [paragraph (h)ter inserted by section 13(c) of [Act 30 of 1959](#)]*
- (i) on registry anew in terms of paragraph (h) or (h)ter the description of the ship contained in her former certificate of registry shall be entered in the register, without her being resurveyed, and the purchaser shall make a declaration of transfer in the prescribed form;
- [paragraph (i) amended by section 13(d) of [Act 30 of 1959](#)]*
- (j) if the ship is sold to a person not qualified to be the owner of a South African ship, or to such a person as is referred to in sub-paragraph (ii) of paragraph (f) who does not wish the ship to be registered anew, that person shall produce or cause to be produced to a proper officer the deed of sale by which the ship is transferred, the certificate of sale and the certificate of registry of the ship;
- [paragraph (j) substituted by section 13(e) of [Act 30 of 1959](#)]*
- (jbis) if the proper officer to whom the documents referred to in paragraph (j) are produced, is the proper officer at the ship's port of registry, he shall retain the certificate of sale and the certificate of registry;
- [paragraph (j)bis inserted by section 13(e) of [Act 30 of 1959](#)]*
- (jter) if the proper officer to whom the documents referred to in paragraph (j) are produced, is not the proper officer at the ship's port of registry, he shall retain the certificate of sale and the certificate of registry and shall, after having endorsed thereon an entry of the fact that the ship has been sold to a person not qualified to be the owner of a South African ship, or, as the case may be, to such a person as is referred to in sub-paragraph (ii) of paragraph (f) who does not wish the ship to be registered anew, forward them to the proper officer at the ship's port of registry;
- [paragraph (j)ter inserted by section 13(e) of [Act 30 of 1959](#)]*
- (jquat) any proper officer who has retained the certificate of sale and the certificate of registry of any ship in terms of paragraph (j)bis and any proper officer to whom such certificates have been forwarded in terms of paragraph (j)ter shall make a memorandum of the sale in his register, and the registry of the ship in that register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificate of mortgage entered therein. The provisions of sub-section (3) of section twenty-nine shall apply in respect of such mortgage or certificate of mortgage;
- [paragraph (j)quat inserted by section 13(e) of [Act 30 of 1959](#)]*

- (k) if on a sale being made to a person referred to in paragraph (j) the certificates mentioned in that paragraph are not produced as required by that paragraph that person shall be considered not to have acquired any title to or interest in the ship;

[paragraph (k) substituted by section 13(f) of [Act 30 of 1959](#)]

- (l) if no sale is made in conformity with the directions contained in the certificate of sale, the proper officer by whom it was issued shall, on delivery of the certificate to him, cancel the certificate and enter the fact of its cancellation in the register.

56. Rules as to certificates of mortgage

The following rules shall be observed as to certificates of mortgage:

- (a) the power shall be exercised in conformity with the directions contained in the certificate;
- (b) every mortgage made thereunder shall be registered by the endorsement of a record of the registration on the certificate by a proper officer who shall therein state the date and time of that record;
- (c) a mortgage made thereunder in good faith to a mortgagee without notice shall not be impeached by reason of the person by whom the power was given dying before the execution of the deed of mortgage;
- (d) whenever the certificate specifies the place at which, and the limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made thereunder in good faith to a mortgagee without notice shall not be impeached by reason of the fact that before the deed of mortgage was executed the estate of the person by whom the power was given was sequestered as insolvent;
- (e) every mortgage so registered by being recorded on the certificate shall have priority over all mortgages of the same ship or share recorded in the register subsequently to the entry of the certificate in the register; and if there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied or constructive notice, but subject to the proviso to sub-section (2) of section forty-six, be entitled in priority one before the other, according to the date and time, at which each mortgage is recorded on the certificate and not according to the date and time at which each deed of mortgage was executed;
- (f) subject to the foregoing rules, every mortgagee whose mortgage is registered by being recorded on the certificate shall have the same rights and be subject to the same liabilities as he would have had and been subject to if his mortgage had been recorded in the register instead of on the certificate;
- (g) the discharge of any mortgage registered by being recorded on the certificate may be endorsed on the certificate by any proper officer on the production of the documents which are by section forty-eight required to be produced to the proper officer on the discharge of a mortgage in the register;
- (h) on the delivery of any certificate of mortgage to the proper officer by whom it was issued, he shall record in the register, in such manner as to preserve its priority, any undischarged mortgage registered by being recorded thereon and cancel the certificate and enter the fact of the cancellation in the register.

57. Loss of certificate of mortgage or sale

On proof at any time to the satisfaction of the Secretary that a certificate of sale or mortgage has been lost or destroyed or so damaged as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then on proof of the several matters and things that have been done thereunder, the proper officer may, if authorized thereto by the Secretary, either issue a new certificate, or direct such entries to be made in the register or such other things to be done as might have been made or done if the loss, destruction or damage had not taken place.

58. Revocation of certificate of mortgage or sale

- (1) The registered owner of a South African ship or a share therein in respect of which a certificate of sale or mortgage has been issued, specifying the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorize the proper officer by whom the certificate was issued, to give notice to the proper officer at every such place that the certificate is revoked.
- (2) Notice shall thereupon be given accordingly and shall be recorded by the proper officer receiving it, and after it is recorded the certificate shall be deemed to be revoked and of no effect in respect of any sale or mortgage to be thereafter made at that place.
- (3) The notice after it, has been recorded shall be exhibited to every person applying for the purpose of effecting or obtaining a transfer or mortgage under the certificate.
- (4) A proper officer on recording any such notice shall inform the proper officer by whom the certificate was issued whether any previous exercise of the power to which such certificate refers has taken place.

59. Access to register

Any person may upon payment of the prescribed fee have access to the register at any port of registry at any reasonable time during the hours of official attendance of the proper officer.

60. Provision for cases of minority or other incapacity

If by reason of minority, mental disorder or defect or any other cause any person interested in a South African ship or a share therein is incapable of making any declaration or doing any act required or permitted by this Act to be made or done in connection with the registry of the ship or share, the legal guardian or *curator bonis* of that person, or, if there is no such guardian or *curator bonis*, any person appointed, on application made on behalf of the incapable person or of any other person interested, by the master of the superior court within whose area of jurisdiction the incapable or, other interested person is domiciled may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such act in the name and on behalf of the incapable person.

61. Right of registered owner to dispose of ship or share

No record of any interest in a ship or a share in a ship, other than by way of ownership or mortgage, shall be made in the register, and subject to any rights recorded in the register as being vested in any other person under mortgage or under certificate of sale or mortgage, the registered owner of a ship or share therein shall have the right absolutely to dispose of the ship or share.

62. Rights and liabilities of person holding an interest in a ship or share

- (1) Subject to the provisions of this Act, any interest in a ship or share therein arising out of any contract, testamentary disposition or otherwise may be enforced by or against an owner or a mortgagee of the ship or share in respect of his interest therein in the same manner as in respect of any other movable property.
- (2) Any person who holds any interest (otherwise than by way of mortgage) in a ship or share therein, arising under any contract, testamentary disposition or otherwise, shall be subject to all pecuniary penalties imposed by this or any other Act on the owners of ships or shares therein, and proceedings may be taken for the enforcement of any such penalties against both the person holding any such interest and the registered owner, or either of them, jointly or jointly and severally.

63. National character of ship to be declared before clearance

- (1) An officer of customs shall not grant a clearance for any ship until the master of the ship has declared to that officer the name of the country to which he claims the ship belongs, and that officer shall thereupon inscribe that name on the clearance.
- (2) If a ship attempts to proceed to sea without such clearance, it may be detained by the officer of customs until the declaration is made.

64. Ships recognized as ships of South African nationality

The following classes of ships shall be recognized as ships of South African nationality, to wit:

- (a) any ship registered under this Act;
- (b) any ship which in terms of section fourteen or sub-section (2) of section thirty is deemed to be registered under this Act;
- (c) any ship licensed under this Act;
- (d) any ship (other than a ship referred to in paragraph (a), (b) or (c)) which is owned by the Government of the Union; and
- (e) any pleasure yacht of less than twenty-five gross tons—
 - (i) the whole of which is owned by persons all of whom in terms of section eleven are qualified to own a South African ship; and
 - (ii) the majority of the owners of which, either in number or extent of ownership, are persons resident in the Union.

65. Flag to be flown on ships of South African nationality

- (1) The National Flag of the Union is hereby declared to be the national colours for all ships registered in the Union.
- (2) The master of a ship of South African nationality, shall cause the National Flag of the Union to be hoisted—
 - (a) on a signal being made to the ship by any ship in the naval service of the Union or of any other country which is a member of the Commonwealth; and
 - (b) on entering or leaving any port other than a Union port; and
 - (c) if the ship is of fifty or more gross register tons, on entering or leaving any Union port.
- (3) No person on board a ship of South African nationality shall hoist any distinctive national colours (except the National Flag of the Union) or any colours usually worn by ships in the naval service of the Union or of any other country which is a member of the Commonwealth, or colours resembling those colours, or any pennant usually carried by ships in any such naval service, or any pennant resembling such pennant, and the master of the ship, and the owner thereof if on board, shall not permit any hoisting of any colours or any pennant in contravention of this sub-section.

66. Unlawful assumption of South African national character

No person on board a ship not of South African nationality shall, wherever the ship may be, for the purpose of making the ship appear to be a ship of South African nationality use or permit the use of the National Flag of the Union or cause or permit the ship to assume the national character of the Union.

67. Concealment of South African national character

The owner or master of a ship of South African nationality shall not knowingly or wilfully do or permit anything to be done, or carry or permit to be carried on board that ship any papers or documents with intent to conceal the national character of the ship or with intent that a non-South African national character be assumed for the ship.

68. Small vessels to be licensed

- (1) The owner or master—
 - (a) of a vessel which—
 - (i) is of less than twenty-five gross tons; and
 - (ii) is not registered as a ship in the Union or elsewhere; and
 - (iii) is employed or owned for the purpose of fishing or carrying persons or goods of any kind for profit; and
 - (iv) operates at or from a port in the Union; or
 - (b) of a ship which has been exempted under the provisions of sub-section (3) of section thirteen,shall—
 1. in the case of a vessel referred to in paragraph (a), within one month from the date of her being employed or acquired or built for the said purpose; or
 2. in the case of a vessel referred to in paragraph (b), within one month from the date of her being exempted as aforesaid, apply to the nearest proper officer in the Union for a licence in terms of this Act.
- (2) An application for a licence in terms of sub-section (1) shall be made in the prescribed form and the owner or master shall produce to the proper officer a local general safety certificate or a qualified local safety certificate and a local safety exemption certificate.
- (3) The provisions of this section shall not apply in respect of any vessel unless the whole of the vessel is owned—
 - (a) by the Government of the Union; or
 - (b) by persons all of whom in terms of section eleven are qualified to own a South African ship; and
 - (i) a majority of the owners of the vessel, either in number or extent of ownership, are persons resident in the Union or corporate bodies having their principal place of business within the Union; or
 - (ii) the vessel is, as to her management and use, principally controlled in the Union.

69. Renewal of licences

- (1) The owner or master of any vessel which in terms of section sixty-eight is required to be licensed, and in respect of which a licence has been issued, shall before or at the expiration of the period for which the licence was issued or renewed apply to the proper officer by whose office the licence was issued for a renewal thereof.
- (2) The provisions of sub-section (2) of section sixty-eight shall apply, *mutatis mutandis*, to any application for the renewal of a licence.

70. Issue and duration of licences

A licence issued upon an application made under section sixty-eight or sixty-nine shall be in the prescribed form and shall be issued for one year under such conditions as may be prescribed.

71. Cancellation of licences

- (1) If the proper officer is satisfied that a licence issued under this Act was obtained fraudulently or on wrong information he may cancel the licence.
- (2) If by reason of the contents of a report by a surveyor, or for any other reason, a proper officer is satisfied that—
 - (a) material alterations which affect the seaworthiness of a vessel which has been licensed under this Act have taken place since the licence was issued; or
 - (b) the life-saving appliances have not been maintained on such vessel in an effective condition; or
 - (c) the master of such a vessel is not a fit and proper person to operate the vessel,

he may cause the vessel to be detained and direct that the deficiency or other cause for the detention of the vessel be remedied; and if after due notice the directions of the proper officer are not complied with, the licence shall be cancelled.

72. Unlicensed vessels not to be used

No person shall use a vessel which in terms of section sixty-eight is required to be licensed, for any purpose whatsoever, unless the owner or master of the vessel holds a valid and current licence issued in respect thereof.

Chapter III Certificates of competency and service

73. What certificated officers and other persons to be employed on certain ships

- (1) Subject to the provisions of this section, the owner and the master of every—
 - (a) South African ship going to sea from any port whatsoever; or
 - (b) ship (other than a South African ship) embarking passengers at, and going to sea from, any port in the Union,

shall, if the ship is of twenty-five or more gross register tons, and is of the class shown in Column 2 of any item in the Table hereunder and of the tonnage or horse-power shown in Column 3 of that item, ensure that there are employed on board that ship in their appropriate capacities the number of officers or other persons, duly certificated or deemed to be certificated under this Act, as shown in Columns 4 and 5 of that item:

Column 1	Column 2	Column 3	Column 4	Column 5
Item No.	Class of ship	Gross register tonnage or horse-power	Numbers of officers or other persons to be employed	Certificates to be held by persons shown in Column 4, and paragraphs of sub-section (1) of section seventy-five by which grant of certificates is authorized
1	Foreign-going ship	Any	One	Master: para. (a).
			One	Chief navigating officer: para. (b).
			One	Second navigating officer: para. (c).
2	Coasting ship	100 or more tons	One	Master: para. (d).
			One	Navigating officer: para. (e).
3	Fishing, sealing or shore-based whaling boat	100 or more tons	One	Skipper: para. (f).
			One	Mate: para. (g).
			One	Boatswain: para (h)
4	Coasting ship or fishing, sealing or shore-based whaling boat	50 or more but less than 100 tons	One	Skipper: para. (i).
			One	Mate: para. (j).
5	Coasting ship or sealing or shore-based whaling boat	Less than 50 tons	One	Skipper: para. (i).
			One	Mate: para.(j).
6	Fishing Boat	Less than 50 tons	One	Mate: para. (j).

Column 1	Column 2	Column 3	Column 4	Column 5
7	Foreign-going ship, other than a whaling boat	1,000 or more horsepower	One	Chief engineer officer: para. (k).
			One	Second engineer officer: para. (l)
8	Coasting ship	1,500 or more horsepower	One	Chief engineer officer: para. (k).
9	Whaling boat, other than a shore-based whaling boat	1,000 or more horsepower	One	Chief engineer officer: para. (k).
10	Coasting ship	Less than 1,500 horsepower	One	Second engineer officer: para. (l).
11	Foreign going ship, other than a whaling boat	Less than 1,000 horsepower	One	Second engineer officer: para. (l).
12	Whaling boat, other than a shore-based whaling boat	Less than 1,000 horsepower	One	Second engineer officer: para. (l).
13	Power-driven fishing sealing or shore based whaling boats	More than 300 horsepower	One	Marine engineman: para. (m).
			One	Assistant marine engineman (n).
14	Power-driven fishing, sealing or shore-based whaling boat	300 or less horsepower	One	Assistant marine engineers para. (n).

[subsection (1) amended by section 15(a) of [Act 30 of 1959](#)]

- (2) The Minister may by notice in the *Gazette* require that more or more highly certificated officers or other persons than are prescribed by sub-section (1) shall be employed on board any class of ships of any tonnage or horse-power specified in that notice; and after the publication of any such notice the owner of any ship to which it applies shall ensure that there are employed on board that ship the number of officers or other persons prescribed by that notice, duly certificated or deemed to be certificated under this Act.

- (3) Whenever the Minister is satisfied from a report by a surveyor that it would be unreasonable to require the owner of a ship built before the coming into operation of this section to provide the accommodation on board that ship necessary to accommodate the numbers of officers or other persons required to be employed in terms of sub-section (1), or in terms of a notice issued under sub-section (2), he may vary the requirements of sub-section (1) or of that notice in respect of that ship as he deems fit.
- (4) The owner of every Commonwealth ship (other than a ship embarking passengers at a port in the Union) going to sea from any port in the Union shall ensure that there are employed on board that ship in their appropriate capacities a master and so many ships' officers holding certificates of such grades as, by the relative laws in force in that part of the Commonwealth in which the ship is registered, she is required to carry when going to sea from a port in that part of the Commonwealth.
- (5) No person who has been engaged for the purpose of sub-section (1) or (2) as master or ship's officer shall go to sea as such unless he is duly certificated, or deemed to be so certificated, in terms of this Act.
- (6) No person shall for the purpose of sub-section (1) or (2) employ a master or ship's officer as such without first ascertaining that he is duly certificated, or deemed to be so certificated, in terms of this Act.
- (7) *[subsection (7) deleted by section 15(b) of Act 30 of 1959]*
- (8) This section shall not apply in respect of any vessel belonging to the Railway Administration and used by that Administration in connection with the working of its harbours, if that vessel goes to sea in an emergency.

74. When ship's officers and other persons deemed to be duly certificated

- (1) Subject to the provisions of section eighty-three, eighty-four and three hundred and fifty-four, a master or ship's officer shall not be deemed to be duly certificated as such for the purpose of this Act unless he is the holder for the time being of a valid certificate of competency or certificate of service, issued in terms of this Act, of a grade appropriate to the ship in which he is employed and to his station in the ship, or of a higher grade.
- (2) Whenever the question arises whether any certificate is of a higher grade than any other certificate, that question shall be determined by the Secretary, in accordance with the regulations relative thereto, if any trades of certificates of competency.

75. Grades of certificate of competency

- (1) Certificates of competency may be granted for each of the following grades:
 - (a) master of a foreign-going ship;
 - (b) chief navigating officer of a foreign-going ship;
 - (c) second navigating officer of a foreign-going ship;
 - (d) master of a coasting ship of one hundred or more gross register tons;
 - (e) navigating officer of a coasting ship of one hundred or more gross register tons;
 - (f) skipper of a fishing, sealing or shore-based whaling boat of one hundred or more gross register tons;
 - (g) mate of a fishing, sealing or shore-based whaling boat of one hundred or more gross register tons;
 - (h) boatswain of a fishing, sealing or shore-based whaling boat of one hundred or more gross register tons;

- (i) skipper of a coasting ship or a fishing, sealing or shore-based whaling boat of less than one hundred gross register tons;
 - (j) mate of a coasting ship or a fishing, sealing or shore-based whaling boat of less than one hundred gross register tons;
 - (k) chief engineer-officer;
 - (l) second engineer-officer;
 - (m) marine engineman;
 - (n) assistant marine engineman.
- (2) A certificate of competency granted for the grade of chief or second engineer-officer, marine engineman or assistant marine engineman shall state whether it entitles the holder to act as engineer-officer or marine engineman in ships fitted with steam engines or in ships fitted with internal combustion engines or in ships fitted with any other type of engines, and the holder shall not be entitled to act as engineer-officer or marine engineman in a ship fitted with a type of engines not stated in the certificate.
- (3) Certificates testifying to the competency of the holders to act in grades or capacities other than those referred to in sub-section (1) may be issued in accordance with the regulations.

76. Provision for instruction

The Secretary may make provision for the instruction of persons who wish to obtain certificates of competency under this Act by examination.

77. Examinations for certificates of competency

- (1) Examinations of applicants for certificates of competency under this Act shall be held in such places in the Union and at such times as the Minister may determine and under such conditions as may be prescribed by regulation.
- (2) Subject to the provisions of sub-section (3), no person shall be admitted to examination for a certificate of competency unless he produces proof that he is a South African citizen or a citizen of a country (other than the Union) which is a member of the Commonwealth and possesses the qualifications prescribed by regulation.
- (3) Any person who is the holder of an uncancelled certificate of competency granted by a competent authority in a foreign country, and is a South African citizen domiciled in the Union, may be admitted by the Minister to examination for a certificate of competency of a grade equivalent to that of the foreign certificate held by him, notwithstanding the fact that he does not possess the qualifications prescribed by regulation.
- (4) The Minister may appoint examiners for the conduct of such examinations, and remove any examiner so appointed.

78. Granting of certificates of competency after examination under this Act

- (1) Subject to the provisions of sub-section (2), the Minister may grant a certificate of competency to every applicant who passes the examination prescribed for the certificate satisfactorily, and produces satisfactory evidence that he possesses the qualifications prescribed for the holder of the certificate and of his sobriety, experience, ability, physical fitness and general good conduct.
- (2) The Minister may, at any time before the delivery of a certificate, require a re-examination of the applicant by the examiners who made the examination or by any other examiners, and order a further enquiry into his testimonials or character or both, and if not satisfied with the result may order that a certificate be not granted to him.

79. Granting of certificates of competency otherwise than after examination under this Act

- (1) Any person who is the holder of an uncancelled certificate of competency issued under the Merchant Shipping (Certificates of Competency) Act, 1925 ([Act No. 45 of 1925](#)), may apply to the Minister for the grant to him of a certificate of competency under this Act.
- (2) The Minister may grant to the applicant an appropriate certificate of competency which, in the opinion of the Minister, testifies to the possession by the holder thereof of qualifications and a degree of competency not higher than those to which the certificate upon the possession of which the application is based testifies: Provided that before the grant is made the last-mentioned certificate shall be surrendered to the Minister.
- (3) After the expiration of the period of one year from the date on which this section comes into operation sub-sections (1) and (2) shall no longer apply in respect of certificates of only mate of a foreign-going ship, master of a home-trade ship and mate of a home-trade ship granted under the Merchant Shipping (Certificates of Competency) Act, 1925.

80. Granting of certificates of service

- (1) Any person who—
 - (a) Immediately before the repeal by this Act of the Merchant Shipping (Certificates of Competency) Act, 1925 ([Act No. 45 of 1925](#)), was entitled, in terms of the proviso to sub-section (3) of section one of that Act, to act as master, mate or engineer; or
 - (b) is the holder of an uncancelled certificate of service granted under section fifteen of the said Merchant Shipping (Certificates of Competency) Act, 1925; or
 - (c) at any time before the coming into operation of this section has for a continuous period of not less than one year, or within three years before the said coming into operation has for two or more periods amounting in the aggregate to not less than one year,—
 - (i) acted as boatswain or as assistant to the engineer or driver of a fishing boat of one hundred or more gross register tons registered in the Republic or, except in the case of a foreign ship, licensed under the Sea Fisheries Act, 1940 ([Act No. 10 of 1940](#)), or the Sealing and Fisheries Ordinance, 1949 ([Ordinance No. 12 of 1949](#)), of the Territory of SouthWest Africa; or
[subparagraph (i) amended by section 14(1) of [Act 40 of 1963](#)]
 - (ii) acted as master, skipper, mate, second hand, engineer or driver or as assistant to the engineer or driver of a coasting ship or a fishing, sealing or whaling boat of less than one hundred gross register tons registered in the Republic or, except in the case of a foreign ship, licensed under the Sea Fisheries Act, 1940 ([Act No. 10 of 1940](#)), or the Sealing and Fisheries Ordinance, 1949 ([Ordinance No. 12 of 1949](#)), of the Territory of SouthWest Africa,
[subparagraph (ii) amended by section 14(1) of [Act 40 of 1963](#)]
- may apply to the Secretary for a certificate of service.
- (2) The Secretary may grant to the applicant—
 - (a) if the application is made under paragraph (a) of sub-section (1), an appropriate certificate of service authorizing him to act as master, navigating officer or engineer-officer, as the case may be, of a ship of not more than one thousand gross register tons (in the case of a master or navigating officer) or of not more than one thousand indicated horse-power (in the case of an engineer-officer); or

- (b) if the application is made under paragraph (b) of sub-section (1), an appropriate certificate of service authorizing him to act as skipper, mate or marine engineman, as the case may be, of a fishing boat; or
- (c) if the application is made—
 - (i) under paragraph (c)(i) of sub-section (1), an appropriate certificate of service authorizing him to act as boatswain or assistant marine engineman, as the case may be, of a fishing boat; or
 - (ii) under paragraph (c)(ii) of sub-section (1), an appropriate certificate of service authorizing him to act as skipper, mate, engineer-officer or assistant marine engineman, as the case may be, of a coasting ship or a fishing, sealing or whaling boat, as the case may be, of less than one hundred gross register tons, and the capacity in which he is so authorized to act shall not be higher than the lowest capacity in which he acted during the period or periods in respect of which his claim is based.
- (3) Before a certificate of service is granted there shall be surrendered to the Secretary—
 - (a) if the application is made under paragraph (a) of sub-section (1), and by virtue of the possession of such a certificate as is referred to in the proviso mentioned in that paragraph, that certificate; or
 - (b) if the application is made under paragraph (b) of sub-section (1), the certificate upon the possession of which the application is based.
- (4) In the case of an application under paragraph (c) of sub-section (1), the grant of a certificate of service may be withheld until the applicant has passed the colour and form vision tests prescribed.
- (5) Sub-sections (1) and (2) shall apply in respect of certificates of service referred to in paragraph (b) of sub-section (1) during the period of one year after the coming into operation of this section and no longer.
- (6) *[subsection (6) deleted by section 16 of Act 30 of 1959]*
- (7) A certificate of service granted in terms of this section shall, for the purposes of this Act, and to the extent indicated in such certificate of service, be deemed to be a certificate of competency.

81. Form and record of certificates of competency or service

- (1) All certificates of competency or service shall be made in the prescribed form and in duplicate, one being delivered to the person entitled to the certificate, and the other being filed for record.
- (2) A record of certificates of competency or service granted and of the suspension, cancellation or alteration thereof and of any other matter affecting them shall be kept in such manner as the Secretary may direct.
- (3) Any such certificate and any record kept in terms of sub-section (2) shall be admissible in evidence.

82. Loss of certificates of competency or service

If any person proves to the satisfaction of the Secretary that he has lost or been deprived of a valid certificate of competency or service granted him under this Act or the Merchant Shipping (Certificates of Competency) Act, 1925 ([Act No. 45 of 1925](#)), the Secretary may, upon payment of such fee as may be prescribed, issue to that person a certified copy of the said certificate, and such copy shall be regarded as having the same force and effect as the original.

83. Certificates granted by competent foreign authorities

- (1) The master and every officer on board a foreign ship who has received a certificate of competency granted by a competent authority of a foreign country and still in force shall, if the Minister is

satisfied that the certificate is of corresponding value to any certificate of competency granted under this Act or the Merchant Shipping (Certificates of Competency) Act, 1925 ([Act No. 45 of 1925](#)), be deemed to be duly certificated under this Act in respect of such ship, provided his certificate is of a grade appropriate to his station in such ship, or of a higher grade.

- (2) Notwithstanding the provisions of section seventy-three if the Minister is satisfied that no suitable holder of a certificate of the required grade and granted under this Act or referred to in section eighty-four or recognized under section three hundred and fifty-four is available, he may, in his discretion, and for such periods and under such conditions as he may specify, permit the engagement on a South African ship going to sea from any port whatsoever or on a Commonwealth ship other than a South African ship going to sea from a Union port, in lieu of a person duly certificated under this Act or deemed, in terms of the other provisions of this Act, to be so certificated, of a person who is the holder of such a certificate of competency as is referred to in sub-section (1), and who possesses a knowledge of either of the official languages of the Union sufficient to enable him to give the necessary orders in the performance of his duties; and while any such permission remains in force, and if the conditions under which it was granted are complied with, the person so engaged shall be deemed to be duly certificated under this Act in respect of such ship, provided his certificate is of a grade appropriate to his station in such ship, or of a higher grade.

84. Certificates granted in Union prior to commencement of Act

- (1) All uncanceled certificates of competency or service issued under the Merchant Shipping (Certificates of Competency) Act, 1925 ([Act No. 45 of 1925](#)), shall continue in force as if issued under this Act, but shall be valid only for the purpose for which, and the extent to which, they would have been valid in accordance with the provisions of the aforementioned Act.
- (2) Any such certificate may be dealt with as if issued under this Act.
- (3) Sub-section (1) shall apply to the certificates of competency mentioned in sub-section (3) of section seventy-nine and to the certificates of service referred to in paragraph (b) of sub-section (1) of section eighty during the period of one year after the coming into operation of this section and no longer.

85. Minister may vary requirements as to certificates

Notwithstanding the provisions of section seventy-three the Minister may, in his discretion and for such periods and under such conditions as he may specify if he is satisfied that no suitable holder of a certificate of the required grade and granted under this Act or referred to in section eighty-three or eighty-four or recognized under section three hundred and fifty-four is available, permit a South African ship to go to sea from any port whatsoever or a ship other than a South African ship to go to sea from a Union port without the prescribed number of certificated officers or other persons, and while any such permission remains in force any person who acts in terms thereof shall not, if the conditions under which it was granted are complied with, be deemed to have contravened the provisions of section seventy-three.

86. Production to proper officer of certificates

- (1) The master of a South African ship, on entering into the agreement with the crew before a proper officer, shall produce to that officer the certificates of competency which the master, officers and other persons are by this Act required to hold, and in the case of a running agreement (as defined by paragraph (f) of section one hundred and three) shall also, before the second and every subsequent voyage, produce to the proper officer the certificate of competency of any officer or other person then first engaged by him who is required by this Act to hold a certificate.
- (2) The master—
 - (a) of a South African ship to which the provisions of sub-section (1) of section seventy-three or of a notice issued under sub-section (2) of the said section apply, upon going to sea from any port whatsoever; or

- (b) of a ship other than a South African ship to which the provisions of sub-section (1) or (4) of the said section apply, upon going to sea from a port in the Union,

shall produce to the functionary from whom he requests a clearance for the ship the certificates of competency which, by the said, provisions, subject to any variation approved by the Minister under sub-section (3) of the said section, the master, officers and other persons on board the ship are required to hold.

- (3) If the master of a ship fails to comply with the provisions of this section the ship may be detained by the proper officer until the certificates are produced.

87. Holder of certificate incapacitated by ill-health

- (1) If at any time it appears to the proper officer that owing to ill-health or mental or physical defect the holder of a certificate of competency or service is unfit to perform the duties required of him, the proper officer may require him to submit himself to examination by a medical practitioner.
- (2) If after consideration of the report on the medical examination the Minister is satisfied that the person concerned is owing to continued ill-health or mental or physical defect incapable of performing satisfactorily the duties appertaining to his certificate of competency or service, he may direct that until he is satisfied that the holder of the certificate has again become capable of performing satisfactorily the duties appertaining to the said certificate, the holder shall not be engaged or go to sea in the capacity referred to in the certificate or in any other capacity specified by the Minister.
- (3) Any direction by the Minister under sub-section (2) shall—
 - (a) if the certificate was issued in the Union, be effective everywhere and in respect of all ships; and
 - (b) if the certificate was issued elsewhere than in the Union, be effective—
 - (a) within the Union and the territorial waters of the Union in respect of all Ships; and
 - (b) outside the Union and the territorial waters of the Union in respect of South African ships only.

88. Cancellation and suspension of certificates

Notwithstanding anything contained in this Act, the Minister may cancel or suspend a certificate of competency or service—

- (a) if the holder has been convicted of any offence and sentenced to imprisonment without the option of a fine, or has been convicted of any offence under this Act; or
- (b) if the holder obtained the certificate on erroneous information.

89. Appeals against cancellation or suspension, of certificate

- (1) Any person in respect of whom any direction has been given under section eighty-seven or whose certificate of competency or service has been cancelled or suspended under section eighty-eight may appeal against the direction, cancellation or suspension to the superior court within the area of jurisdiction of which that person resides, and that court may confirm, set aside or vary the direction, cancellation or suspension.
- (2) An appeal under this section shall be made in the manner and subject to the conditions and in accordance with the provisions laid down in the regulations.

Chapter IV

Engagement, discharge, repatriation, payment, discipline and general treatment of seamen, cadets and apprentice-officers

90. Cadets

- (1) No person shall be employed as a cadet on board any South African ship unless he is a South African citizen or a citizen of a country (other than the Union) which is a member of the Commonwealth, and has attained the age of sixteen years and the master of the ship undertakes to train him or cause him to be trained in navigation and seamanship or in engineering and in the duties of a ship's officer.
- (2) The proper officer shall not permit the agreement with the crew to be signed by any person who is to be employed as a cadet unless he is satisfied that the provisions of sub-section (1) are being complied with.

91. Excessive number of cadets or apprentice-officers not to be employed

No person shall engage or permit cadets or apprentice-officers to serve on board a South African ship in excess of the number of cadets or such officers permitted by the regulations.

92. Medical examination of cadets and apprentice-officers

No person shall be employed as a cadet on board any South African ship or indentured as an apprentice-officer to the owner of a South African ship until he has passed the colour and form vision tests prescribed and has been certified by a medical practitioner approved by the proper officer as physically fit for the sea service.

93. Indentures of apprenticeship

All indentures of apprenticeship to the sea service entered into in the Union shall be in accordance with the regulations and shall be executed in the prescribed form by the intended apprentice-officer and the person to whom he is to be bound in the presence of, and shall be attested by, a proper officer, who shall before the execution of the indentures satisfy himself—

- (a) that the intended apprentice-officer—
 - (i) understands the contents and provisions of the indentures;
 - (ii) freely consents to be bound;
 - (iii) is a South African citizen or citizen of a country (other than the Union) which is a member of the Commonwealth, and has attained the age of sixteen years;
 - (iv) is in possession of a certificate by a medical practitioner to the effect that the said apprentice officer is physically fit for the sea service; and
 - (v) has passed the colour and form vision tests prescribed;
- (b) that the intended apprentice-officer is to be bound to a person who is the owner of a South African ship and is a fit and proper person for the purpose and who undertakes to ensure that the intended apprentice officer shall be trained in navigation and seamanship or in engineering and in the duties of a ship's officer;
- (c) if the intended apprentice-officer is under the age of twenty-one years, that his guardian's consent has been obtained to his being indentured.

94. Indentures voidable in certain cases

All indentures of apprenticeship entered into the Union whereby a person under the age of twenty-one years is bound without the consent of his guardian shall be voidable by the guardian.

95. Recording of indentures

- (1) The indentures of an apprentice-officer shall be executed in triplicate.
- (2) The proper officer shall forward the indentures executed, in triplicate, to the Secretary, who shall keep and record the one set of indentures, and after endorsing on the others the fact that they have been recorded, transmit one to the master of the apprentice-officer and the other to the apprentice-officer, or, if he is a minor, to his guardian.

96. Notice of cancellation of indentures or death or desertion of apprentice officer

The master shall notify the cancellation of the indentures, or the death or desertion of the apprentice-officer to the Secretary or to a proper officer, within three days of the occurrence if it occurs within the Union, or as soon as circumstances permit if it occurs elsewhere.

97. Entry of indentures on agreement with the crew

The master of a South African ship shall, before going to sea from a port in the Union with an apprentice-officer on board—

- (a) cause the name of the apprentice-officer to be entered on the agreement with the crew referred to in section one hundred and two, together with the date of his indentures and every assignment thereof, and the name of every port at which the indentures have been registered;
- (b) cause the apprentice-officer to appear before the proper officer; and
- (c) produce the indentures and every assignment thereof to the proper officer:

Provided that—

- (i) in the case of a ship other than a foreign-going ship it shall not be necessary to cause the apprentice officer to reappear before the proper officer more frequently than once in six months; and
- (ii) in the case of a foreign-going ship, it shall not be necessary to cause the apprentice-officer to reappear before the proper officer except at the last port of departure from the Union.

98. Death, insolvency, etc. of owner

If the owner of a South African ship carrying an apprentice-officer dies, or if his estate is sequestrated as insolvent, or if he ceases to have any interest in the ship, the indentures shall cease and a proportionate part of any premium paid shall be repaid, and until repaid shall be a charge on the ship: Provided that the name of the person by whom the ship has been acquired may with his consent and that of the apprentice-officer and, if he is under the age of twenty-one years, that of his guardian, and with the approval of the proper officer, be inserted in the indentures as master of the apprentice-officer in lieu of the previous owner, in which case the indentures shall continue: Provided, further, that if the voyage is continued and the apprentice-officer consents in terms of sub-section (1) of section one hundred and sixteen to complete the voyage, the name of the person by whom the ship has been acquired may with his consent be inserted in the indentures as master of the apprentice-officer in lieu of the previous owner, and the indentures shall continue until the voyage has been completed.

99. Assignment of indentures

- (1) Every assignment of the indentures of an apprentice officer shall be executed in the prescribed form by the apprentice officer and the person to whom the indentures are to be assigned in the presence of, and shall be attested by, a proper officer, who shall before the execution of the assignment satisfy himself—
 - (a) that the apprentice-officer freely consents to the assignment;
 - (b) that the person to whom the indentures are to be assigned is the owner of a ship, and is a fit and proper person for the purpose, and undertakes to ensure that the apprentice-officer shall be taught navigation and seamanship and the duties of an officer; and
 - (c) if the apprentice-officer is under the age of twenty-one years, that his guardian's consent has been obtained to the assignment.
- (2) An assignment of the indentures of an apprentice-officer shall be executed in triplicate.
- (3) The proper officer shall forward the assignment, executed in triplicate, to the Secretary, who shall keep and record one assignment and after endorsing on the others the fact that they have been recorded, transmit one to the master of the apprentice-officer, and the other to the apprentice-officer, or, if he is under the age of twenty-one years, to his guardian.

100. Certificate of expiration of indentures

Upon the expiration of the period for which any apprentice-officer was indentured, including any period for which the indentures were lawfully extended, the master to whom he has been bound shall issue to him a certificate in the prescribed form, signed by the master and setting forth such matters as may be prescribed, and shall forward to the Secretary a duplicate of the certificate, signed by the master.

101. Medical examination of crew prior to engagement

- (1) Subject to the provisions of this section, the master of a South African ship shall not engage a seaman to serve in that ship unless there has been delivered to the master a certificate, valid in terms of sub-section (3), from which it appears that the seaman has been examined, that he is physically fit to serve in the capacity in which it is proposed to employ him, and that he is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.
- (2) The certificate mentioned in sub-section (1) shall be signed by a medical practitioner or, if the certificate relates only to the seaman's sight, by a person approved by the proper officer.
- (3) The certificate shall remain in force for a period of six months from the date on which it was granted: Provided that a certificate relating only to colour vision shall remain in force for six years from the date on which it was granted.
[subsection (3) amended by section 17 of Act 30 of 1959]
- (4) If required to do so by the proper officer, the master shall produce the certificate referred to in sub-section (1), and if the master fails to do so, the proper officer may refuse to permit the engagement of the seaman concerned.
- (5) The proper officer may on the ground of urgency authorize the engagement of a seaman for a single voyage notwithstanding the fact that a certificate has not been delivered to the master as required by sub-section (1).
- (6) Any medical examination for the purpose of this section shall be at the expense of the owner of the ship concerned.
- (7) The provisions of this section shall apply, *mutatis mutandis*, to the engagement of a master and an apprentice-officer.

- (8) This section shall not apply in respect of any—
- (a) vessel belonging to the Railway Administration and used by that Administration in connection with the working of its harbours; or
 - (b) vessel of less than one hundred gross register tons.

102. Agreements with crew

- (1) The master of every South African ship of more than one hundred gross register tons shall, and the master of every other South African ship may, enter into an agreement (in this Act called the agreement with the crew) with every seaman whom he engages to serve in that ship: Provided that the proper officer may refuse to allow the engagement of a seaman—
- (a) who has not completed any period of pre-sea training that may be prescribed; or
 - (b) who does not possess a knowledge of one of the official languages of the Union sufficient to enable him to understand fully any necessary orders given him in that language in the performance of his duties.
- (2) The agreement with the crew shall be in the prescribed form, dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs it.
- (3) The agreement with the crew shall contain, *inter alia*, as terms thereof the following particulars:
- (a) the nature and, as far as practicable, either the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and any places or parts of the world to which the voyage or engagement is not to extend;
 - (b) the particulars as to the position of the deck line and load lines specified in any load line certificate issued in respect of the ship and still in force;
 - (c) the number and description of the crew;
 - (d) the time at which each seaman is to be on board or to begin work;
 - (e) the capacity in which each seaman is to serve;
 - (f) the amount of wages which each seaman is to receive;
 - (g) a scale of the provisions which are to be furnished to each seaman;
 - (h) any regulations approved by the Minister as to conduct on board and as to fines or other lawful punishment for misconduct which the parties agree to adopt.
- (4) If the master of a South African ship engages single seamen and there is already in existence in respect of that ship an agreement with the crew made in due form, those seamen may sign that agreement, and the master need not enter into a separate agreement with them.

103. Special provisions as to agreements with crew of foreign-going ships

The following provisions shall apply, to agreements with the crew of a foreign-going South African ship:

- (a) subject to the provisions of this Act as to substitutes, the agreement shall be signed by each seaman in the presence of the proper officer;
- (b) the proper officer shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature;
- (c) when the crew is first engaged the agreement shall be signed in duplicate, and one agreement shall be retained by the proper officer and the other shall be delivered to the master, and shall

contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequent to the first departure of the ship;

- (d) if a substitute is engaged in the place of a seaman who has duly signed the agreement and whose services are terminated, within twenty-four hours before the ship proceeds to sea, by death, desertion, absence without leave or other unforeseen cause, the engagement of the substitute shall whenever possible be effected before a proper officer, or if it be not possible to effect the engagement of the substitute before a proper officer, the master shall before the ship proceeds to sea or as soon thereafter as is practicable, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, who shall attest the signature;
- (e) the proper officer shall not proceed with the engagement of the crew until he is satisfied that the particulars required by paragraph (b) of sub-section (3) of section one hundred and two have been inserted in the agreement;
- (f) separate agreements may be made for each single voyage, or an agreement (in this Act referred to as a running agreement) may be made to extend over two or more voyages;
- (g) a running agreement shall not be for a longer period than one year, but if the period for which the agreement was entered into expires while the ship is not in a Union port, the agreement shall continue in force until the ship is again in a Union port: Provided that the agreement shall not continue for more than three months after the expiration of the period for which it was entered into unless the seamen concerned agree thereto in writing;
- (h) on every return to a port in the Union before the final termination of a running agreement, the master shall endorse on the agreement particulars of the engagement or discharge of any seaman, or that no engagements or discharges have been made or are intended to be made before the ship leaves port, and also that any engagements or discharges made have been according to law; and the master shall deliver the running agreement so endorsed to the proper officer, who shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master.

104. Changes in crew to be reported

- (1) Where an agreement has been entered into with the crew of a South African ship, the master or the owner thereof shall—
 - (a) before the ship leaves the port where the agreement was entered into, sign and render to the proper officer at that port a full and accurate statement in the prescribed form of every change that has taken place in the crew since the agreement was entered into; and
 - (b) before the ship leaves any port subsequently entered by her during the currency of the agreement, sign and render to the proper officer at that port a full and accurate statement in the prescribed form of every change that has taken place in the crew since he last rendered a statement in terms of this section.
- (2) Every statement rendered in accordance with the provisions of this section shall be admissible in evidence.

[section 104 substituted by section 18 of [Act 30 of 1959](#)]

105. Certificates as to agreements with crew of foreign-going ships

- (1) In the case of a foreign-going South African ship—
 - (a) on the due execution of an agreement with the crew; or
 - (b) where the agreement is a running agreement, on compliance by the master with paragraph (h) of section one hundred and three,the proper officer shall grant the master a certificate to that effect.

- (2) The master of every foreign-going South African ship shall before proceeding to sea from a port in the Union produce to the officer of customs, if that officer should so require, the certificate mentioned in sub-section (1), and any such ship may be detained until the certificate is so produced.
- (3) The master of every foreign-going South African ship shall, within forty-eight hours after the ship's arrival at her final port of destination for the voyage, or, in the case of a running agreement, within forty-eight hours of her arrival at her final port of destination for the last voyage over which the agreement extends, or upon the discharge of the crew, whichever event first occurs, deliver the agreement with the crew to the proper officer, who shall give the master a certificate of that delivery.

106. Special provisions as to agreements with crew of coasting ships, and fishing, sealing or shore-based whaling boats

The following provisions shall have effect in respect of agreements with the crew of a coasting ship or a fishing, sealing or shore-based whaling boat registered in the Union:

- (a) agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner;
- (b) crews or single seamen shall be engaged before a proper officer in the same manner as they are required to be engaged for foreign-going ships and the provisions of section one hundred and three with regard to substitutes shall apply;
- (c) an agreement for service in two or more ships belonging to the same owner may be made by the owner of the ship instead of by the master, and the relative provisions of this Act shall apply *mutatis mutandis* to such an agreement;
- (d) an agreement shall not be for a longer period than two years, but if the period for which the agreement was entered into expires while the ship is not in a Union port, the agreement shall continue in force until the ship is again in a Union port: Provided that the agreement shall not continue for more than three months after the expiration of the period for which it was entered into unless the seamen concerned agree thereto in writing.

107. Certificate as to agreements with crew of coasting ships, and fishing, sealing or shore-based whaling boats

When the agreement with the crew of a coasting ship or a fishing, sealing or shore-based whaling boat registered in the Union has expired, the master or owner of the ship shall deliver such agreement to the proper officer within twenty-one days after such expiry, and the proper officer on receiving such agreement shall give the master or owner a certificate to that effect.

108. Alterations in agreements with crew

No erasure, interlineation or alteration in any agreement with the crew of a South African ship (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be of force or effect unless proved by the written attestation of a proper officer to have been made with the consent of the members of the crew interested in such erasure, interlineation or alteration.

109. Copy of agreement to be displayed

The master of a South African ship shall at the beginning of every voyage or engagement cause a legible copy of the agreement with the crew (omitting the signatures) to be framed and displayed in some conspicuous place on board the ship which is accessible to the crew, and shall cause it to be kept so framed and displayed during its currency.

110. Employment of children on ships prohibited

The owner or master of a ship which is registered in the Union, or of a ship which is not registered in the Union and is wholly engaged in plying between ports in the Union, shall not knowingly take into employment or keep in employment or permit the employment of any person under the age of fifteen years in any capacity on board the ship.

111. Employment of young persons as trimmers or firemen

- (1) Subject to the provisions of this section the owner or master of a South African ship shall not knowingly take into employment, or keep in employment, or permit the employment of, a young person as a trimmer or fireman in that ship: Provided that—
 - (a) this sub-section shall not apply—
 - (i) to the employment of a young person on Butch work as aforesaid in a school-ship or training-ship, if the work is of a kind approved by the Minister and is carried on subject to supervision by officers approved or appointed by him; or
 - (ii) to the employment of a young person on such work as aforesaid in a ship which is mainly propelled otherwise than by means of steam; and
 - (b) if in any port a trimmer or fireman is required for any ship and no person over the age of eighteen years is available to fill the place, a young person over the age of sixteen years may be employed as a trimmer or fireman, but in any such case two young persons over the age of sixteen years shall be employed to do the work which would otherwise have been performed by one person over the age of eighteen years.
- (2) There shall be included in every agreement with the crew of a South African ship a list of the young persons who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew.
- (3) There shall be included in every agreement with the crew of a South African ship a short summary of the provisions of this section.
- (4) Subject to the provisions of this section, the owner or master of a South African ship shall not knowingly employ a young person in any capacity in that ship unless there has been delivered to the master of the ship a certificate, valid in terms of sub-section (5), signed by a medical practitioner approved by the proper officer, to the effect that the young person is fit to be employed in that capacity: Provided that—
 - (a) this sub-section shall not apply to the employment of a young person in a ship in which only members of the same family are employed; and
 - (b) a proper officer may on the ground of urgency authorize a young person to be employed in a ship notwithstanding that no such certificate as aforesaid has been delivered to the master of the ship, but a young person in respect of whom any such authorization is given shall not be employed beyond the first port at which the ship calls after he has embarked thereon, except subject to and in accordance with the foregoing provisions of this section.
- (5) A certificate such as is referred to in sub-section (4) shall be effective for a period of six months from the date on which it is signed: Provided that if the said period of six months expires at some time during the course of the voyage of the ship in which the young person is employed, the certificate shall remain effective until the end of the voyage.
- (6) The guardian of a young person shall not knowingly cause or permit him to be employed in contravention of the terms of this section.

- (7) The master of a South African ship shall on demand by a proper officer produce to that officer for the purpose of inspection the register mentioned in sub-section (2) and every certificate delivered to the said master in terms of this section.
- (8) In this section—

“young person” means a person who is under the age of eighteen years;

“ship” means any sea-going ship or boat of any description, and includes a fishing-boat, but does not include any tug, dredger, sludge vessel, barge, or other craft whose navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed.

112. Rating of seamen

- (1) After such date as may be fixed by the regulations a seaman engaged in any South African ship shall not be rated as able seaman, unless—
 - (a) he is the holder of a certificate of qualification as able seaman issued under this Act; or
 - (b) he is deemed in terms of section three hundred and fifty-four to be the holder of such a certificate.
- (2) The Minister may grant a certificate of qualification as able seaman to any candidate who passes the examination prescribed and produces satisfactory evidence that he possesses the qualifications prescribed.
- (3) The Secretary shall grant to every person who produces proof to his satisfaction that he was serving as able seaman or in an equivalent or superior deck rating in a South African ship prior to the coming into operation of this section a certificate of qualification as able seaman.
- (4) The Secretary may make provision for the instruction of seamen who wish to undergo the examination prescribed for the certificate of qualification of able seaman.
- (5) The Minister may appoint examiners for the conduct of the examination referred to in sub-section (4) and remove any examiner so appointed.
- (6) The proper officer in whose presence a seaman is engaged in a South African ship after the date referred to in sub-section (1) shall refuse to enter, the seaman as an able seaman on the agreement with the crew unless the seaman produces a certificate of qualification as able seaman issued under this Act or produces such other proof that he is the holder of such certificate or such proof that in terms of this Act he is deemed to be the holder of such a certificate as satisfies the proper officer.

113. Discharge of seamen to take place before proper officer

- (1) The master of a South African ship shall not discharge a seaman who has signed the agreement with the crew from the ship, except before a proper officer and in accordance with the provisions of this Act.
- (2) Upon the discharge of a seaman the master shall issue to the seaman a certificate of his discharge in the prescribed form.
- (3) Upon the discharge of a seaman the master shall return to him any certificate of competency or qualification belonging to him which may have been in the custody of the master.
- (4) When a seaman is discharged the master shall furnish to the proper officer before whom the discharge is made a report in the prescribed form describing the conduct, character and qualifications of the seaman, or stating in the prescribed form that he declines to express an opinion thereon, and the proper officer shall, if the seaman so desires, give to him or endorse on his certificate of discharge a copy of such report. If the master states in the said report that he declines to express an opinion on the conduct, character or qualifications of the seaman, he shall enter in

the official log-book his reasons for so declining, and shall, upon the request of the seaman, read out to him, in the presence of the proper officer, the reasons so entered. The proper officer shall, whenever practicable, give the seaman a reasonable opportunity to make a statement upon such report.

- (5) The proper officer shall transmit the report, together with the seaman's statement, if any, furnished to him in terms of sub-section (4) to the Secretary, who shall record it.

114. Repatriation of seamen whose service terminates elsewhere than at proper return port

- (1) When the service of a seaman or apprentice-officer belonging to a South African ship terminates without the consent of the said seaman or apprentice-officer at a place other than a proper return port, and before the expiration of the period for which the seaman was engaged or the apprentice officer was indentured, the master or owner of the ship shall, in addition to any other relative obligation imposed on either of them by this Act, make adequate provision for the maintenance of the seaman or apprentice-officer according to his rank or rating, and for the return of that seaman or apprentice-officer to a proper return port.
- (2) If the master or owner fails without reasonable cause to comply with the provisions of sub-section (1), the expenses of maintenance and of the journey to the proper return port shall, if defrayed by the seaman or apprentice-officer, be recoverable as wages due to him, and if defrayed by the proper officer, be regarded as expenses falling within the provisions of sub-sections (4) and (5) of section one hundred and fifty-four. Inability to provide the said expenses shall not, for the purposes of this sub-section, be regarded as reasonable cause.
- (3) The provisions of this section shall not apply in the case of a seaman who is not a South African citizen or a citizen of a country (other than the Union) which is a member of the Commonwealth and who was engaged at a port out of the Union and discharged at a port outside the Union.

115. Entries and certificates of desertion outside the Union

- (1) In every case of desertion from a South African ship at a port outside the Union, the master shall as soon as possible after the event produce the entry of the desertion in the official log-book to a proper officer, and shall request that officer to make and certify a copy of such entry, and the proper officer shall, in the absence of reasonable cause to the contrary, comply with that request.
- (2) The certified copy made in terms of sub-section (1) shall be transmitted by the master to the Secretary and shall be admissible in evidence.

116. Discharge of seamen on change of ownership

- (1) If a South African ship is transferred or disposed of while she is at or on a voyage to any port outside the Union, every seaman or apprentice-officer belonging to that ship shall be discharged at that port, unless he consents in writing in the presence of a proper officer to complete the voyage in the ship if continued.
- (2) If a seaman or apprentice-officer is discharged from a South African ship in terms of sub-section (1), the provisions of section one hundred and fourteen shall apply as if the service of the seaman or apprentice-officer had terminated without his consent and before the expiration of the period for which the seaman was engaged or the apprentice-officer was indentured, and, in the case of a seaman, the provisions of the said section shall, notwithstanding sub-section (3) thereof, be applicable whatever may be his nationality and wherever may be situated the port where he was engaged.
- (3) Every seaman or apprentice-officer discharged in terms of sub-section (1) shall, if the voyage for which he was engaged is not continued, be entitled to the wages to which he would have been entitled if his service had been wrongfully terminated by the owner before the expiration of the period for which the seaman was engaged or the apprentice-officer was indentured.

117. Discharge and leaving of seamen behind

- (1) The master of a South African ship shall not—
 - (a) discharge a seaman before the expiration of the period for which he was engaged, unless the seaman consents to his discharge; nor
 - (b) except in circumstances beyond his control, leave a seaman or apprentice-officer behind, without the authority of the proper officer, who shall certify on the agreement with the crew that he has granted such authority, and also the reason for the seaman's being discharged or the seaman or apprentice-officer's being left behind.
- (2) The proper officer to whom application is made for authority in terms of sub-section (1) shall investigate the grounds on which the seaman is to be discharged or the seaman or apprentice-officer left behind and may in his discretion grant or refuse to grant such authority: Provided that he shall not refuse to grant his authority if he is satisfied that the seaman has without reasonable cause—
 - (a) failed or refused to join his ship or to proceed to sea therein; or
 - (b) been absent from his ship without leave, either at the commencement or during the progress of a voyage for a period of more than forty-eight hours.
- (3) The proper officer shall keep a record in the prescribed form of all seamen or apprentice-officers discharged or left behind in the Union with his authority; and whenever any charge is made against a seaman or apprentice-officer under section one hundred and seventy five or one hundred and seventy-six the fact that no such authority is so recorded shall be *prima facie* evidence that it was not granted.

118. Leaving seamen behind

No person shall cause a seaman or apprentice-officer to be wrongfully left behind—

- (a) at any place in the Union, in the case of a ship other than a South African ship;
- (b) at any place whatsoever, in the case of South African ship.

119. Wages and other property of seaman or apprentice-officer left behind

- (1) If a seaman or apprentice-officer belonging to a South African ship is left behind, the master of the ship shall enter in the official log-book a statement of the amount due to the seaman or apprentice-officer in respect of wages at the time when he was left behind and of all property left on board by him, and shall take such property into his charge.
- (2) Within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, the master shall deliver to the proper officer—
 - (a) a statement of the amount due to the seaman or apprentice-officer in respect of wages, and of all property left on board by him; and
 - (b) a statement, with full particulars, of any expenses that may have been caused to the master or owner of the ship by the absence of the seaman or apprentice officer, where the absence is due to a contravention by the seaman or apprentice-officer of section one hundred and seventy-five or one hundred and seventy-six,and if required by the proper officer to do so, shall furnish such vouchers as are reasonably required to verify the statements.
- (3) The master shall at the time when he delivers the statements referred to in sub-section (2) to the proper officer also deliver to him the amount due to the seaman or apprentice officer in respect of

wages and the property that was left on board by him, and the proper officer shall give to the master a receipt therefor in the prescribed form.

- (4) The master shall be entitled to be reimbursed out of the wages or property referred to in paragraph (a) of sub-section (2) such expenses shown in the statement referred to in paragraph (b) of that sub-section as appear to the proper officer to be properly chargeable.
- (5) If the master or owner of the ship is not satisfied with any decision of the proper officer under sub-section (4), he may appeal therefrom to the Secretary, whose decision shall be final.
- (6) The seaman or apprentice-officer concerned may within thirty days of his first becoming aware of any such decision of the proper officer under sub-section (4) appeal therefrom to the Secretary, whose decision in the matter shall be final. The Secretary may on such appeal direct that any money paid to the master in accordance with the decision of the proper officer shall be paid over by the master or the owner of the ship to the seaman or apprentice-officer, who may recover the amount as wages.

120. Payment of wages

When a seaman of a South African ship is discharged, he shall receive his wages through or in the presence of a proper officer, unless a competent court otherwise directs, and the owner or master of the ship, as the case may be, shall not pay the wages of the seaman in any other manner.

[section 120 amended by section 19 of [Act 30 of 1959](#)]

121. Master to deliver account of wages

- (1) The master of a South African ship shall before discharging a seaman deliver at the time and in the manner in this section provided a full and true account of the wages, in the prescribed form.
- (2) The said account shall be delivered to the seaman at or before the time he leaves the ship, or to the proper officer not less than twenty-four hours before the time of discharge.
- (3) A deduction from the wages of a seaman or apprentice officer shall not be allowed unless it is included in the account delivered in terms of sub-sections (1) and (2), except in respect of a matter happening after the said delivery.
- (4) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amount of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

[section 121 amended by section 19 of [Act 30 of 1959](#)]

122. Time of payment of wages for foreign-going ships

In the case of a foreign-going South African ship (other than a ship employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the venture)—

- (a) the owner or master of the ship shall pay to each seaman at the time when he lawfully leaves the ship at the end of his engagement, the sum of ten pounds or one-half of the balance of wages due to him, whichever amount is the lesser, and shall pay to him the remainder of his wages within two days after he so leaves the ship: Provided that if the seaman consents, the settlement of his wages may be left to the proper officer and in that case any relative receipt given by that officer to the owner or master shall operate as if it were a release given by the seaman or apprentice officer in accordance with the provisions of this Act;
- (b) if the wages of a Seaman or any part thereof are not paid or settled in terms of this section, the said wages shall continue to run and be payable until the time of final payment or

settlement thereof, unless the delay in payment or settlement is due to the act or default of the seaman or apprentice officer, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master.

[section 122 amended by section 19 of [Act 30 of 1959](#)]

123. Time of payment for coasting ships, and fishing, sealing and shore-based whaling boats

- (1) When a seaman is discharged from a coasting ship or a fishing, sealing or shore-based whaling boat, registered in the Union, the owner or master shall pay to that seaman, within two days of his discharge, the balance of wages due to him, and if an owner or master fails without reasonable cause to make such payment he shall pay to the seaman a sum equal to two days' pay for each of the days during which payment is delayed beyond the said period of two days, but the additional sum so payable shall not exceed ten days' double pay.
- (2) A sum payable under this section may be recovered as wages.

[section 123 amended by section 19 of [Act 30 of 1959](#)]

124. Settlement of wages

- (1) When settlement of the wages of a seaman of a South African ship is completed before a proper officer, the said seaman shall sign in the presence of the proper officer a release, in the prescribed form, of all claims in respect of the period of service concerned. The release shall also be signed by the proper officer and shall operate as a mutual discharge and settlement of all relative demands between the parties concerned, but shall not debar a claim under any law relating to workmen's compensation.
- (2) The release shall be retained by the proper officer, and shall be admissible in evidence.
- (3) Where the settlement of wages is by this Act required to be completed through or in the presence of a proper officer, no payment, receipt or settlement made otherwise shall operate as or be admitted as evidence of the release or satisfaction of any claim in respect of such wages.
- (4) Upon any payment being made by a master before a proper officer, the said officer shall on request sign and give to the master a statement of the whole amount so paid, and that statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.
- (5) A seaman may except from the release signed by him under this section any specified claim or demand against the owner or master of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge or settlement of any claim or demand so noted, nor shall sub-section (3) of this section apply to any payment, receipt, or settlement made with respect to any such claim or demand.

[section 124 amended by section 19 of [Act 30 of 1959](#)]

125. Decision by proper officer on question as to wages

Whenever a question as to wages is raised before a proper officer between the owner or master of a South African ship and a seaman or apprentice-officer, and the parties concerned agree in writing to submit such matter for adjudication to the proper officer, he may hear and decide the question so submitted, and his decision shall be final.

126. Payment of seamen in currency other than that mentioned in agreement

If a seaman has agreed with the master of a South African ship for payment of his wages in Union or any other currency, payment of or on account of such wages, if made in any other currency than that stated in

the agreement, shall be made at the rate of exchange in force at the time when and at the place where the payment is made.

[section 126 amended by section 20 of [Act 30 of 1959](#)]

127. Disrating of seaman

- (1) Whenever the master of a South African ship disrates a seaman he shall forthwith enter or cause to be entered in the official log-book a statement of the disrating and furnish the seaman with a copy of the entry, and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.
- (2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of section one hundred and twenty-one.

128. Master to give facilities to seaman for remitting wages

If the balance of wages earned by but not yet payable to a seaman of a South African ship is more than ten pounds and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank, or to a near relative in whose favour an allotment note may be made, the master shall give to the seaman all reasonable facilities for so doing so far as regards so much of the balance as is in excess of ten pounds, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally upon the seaman going to sea in the ship.

129. Advance of more than one month's wages prohibited

- (1) The owner or master of a South African ship shall not pay or agree to pay in advance to or on account of any seaman in respect of wages an amount in excess of one month's wages.
- (2) Any agreement for the payment in advance of wages to or on account of any seaman in contravention of sub-section (1) shall be void, and any money paid in pursuance of any such agreement shall not be deducted from the seaman's wages, and no person shall have any right of action or set-off against the seaman or his assignee in respect of any money so paid.

130. Allotment notes

- (1) Subject to the provisions of sub-section (2), a seaman engaged on a South African ship may before the commencement of a voyage make stipulations, subject to the approval of the proper officer as to terms and conditions, for the allotment during his absence by means of an allotment note to a near relative or a savings bank or a body engaged in the promotion of the welfare of seamen and registered under the Welfare Organisations Act, 1947 ([Act No. 40 of 1947](#)), of any portion of the wages which he may earn during the voyage.
- (2) Except by agreement with the master an allotment note shall not provide for payment of a greater sum than three-fourths of the seaman's wages.
- (3) The stipulations shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made and the names of the persons to whom they are to be made.
- (4) All allotment notes shall be in the prescribed form, and shall be signed by the master or owner of the ship or his authorized agent and the seaman.
- (5) The proper officer before whom a seaman is engaged shall, after the seaman has signed the agreement, enquire of the seaman whether he requires a stipulation for the allotment of part of his wages by means of an allotment note. If the seaman requires such stipulation, the proper officer shall insert it in the agreement with the crew, and every such stipulation shall be deemed to have been agreed to by the master.

131. Right of suing on allotment notes

- (1) The person in whose favour an allotment note under this Act has been made may, unless the seaman has forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted when and as the same are made payable, with costs, from the owner of the ship in respect of which the seaman was engaged or from any agent of the owner who has authorized the allotment, and the provisions of section one hundred and thirty-six shall, *mutatis mutandis*, apply to any proceedings for such recovery: Provided that the wife of a seaman, if she deserts her children or so misconducts herself as to be undeserving of support from her husband shall forfeit all rights to further payments under any allotment made in her favour.
- (2) In any proceedings mentioned in sub-section (1) it shall be sufficient for the claimant to prove that he is the person mentioned in the allotment note and that the note was given by the owner or by the master or the authorized agent of the owner or master, and the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the court—
 - (a) in the case of a seaman serving on a foreign-going ship, by the official statement of the change in the crew caused by the seaman's absence, made and signed by the master in terms of section one hundred and four; or
 - (b) by a certified copy of some entry in the official log book, or by a letter from the master, to the effect that the seaman has left the ship; or
 - (c) by such other evidence as the court in its discretion considers sufficient to show that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

132. Time of payment of an allotment note

- (1) Subject to the provisions of sub-section (2), payment under an allotment note under this Act shall—
 - (a) begin at the expiration of one month from the date on which the seaman was engaged;
 - (b) be made at the expiration of every subsequent month after the first month; and
 - (c) be made only in respect of wages earned before the date of payment.
- (2) By agreement with the master or owner or the authorized agent of the master or owner of a South African ship an allotment note may be granted to a seaman providing for payment at a time earlier than one month from the date of his engagement and at intervals more frequent than one month.

133. Rights to wages and provisions and when such are to commence

The rights of a seaman or apprentice-officer of a South African ship to wages and provisions shall be deemed to begin either at the time at which he commences work or at the time specified in the agreement or articles of indenture, as the case may be, for his commencement of work or presence on board, whichever first happens.

134. Agreement to forfeit lien for wages is void

- (1) A seaman of a South African ship shall not by agreement forfeit his lien on the ship for his wages, or be deprived of any remedy for the recovery of wages to which in the absence of the agreement he would be entitled, or abandon his right to wages in the case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage, and every stipulation in any agreement with the crew inconsistent with the provisions of this section shall be void.
- (2) The provisions of sub-section (1) shall not apply to any stipulation made by a seaman belonging to a ship engaged in salvage service, regarding the remuneration to be paid to him for salvage services to be rendered by that ship to any other ship.

135. Restrictions on assignment of wages and salvage

- (1) The following provisions shall apply to wages and salvage due or to become due to a seaman or apprentice-officer of a South African ship:
 - (a) they shall not be liable to attachment or subjected to any form of execution under a judgment or order of any court;
 - (b) an assignment or hypothecation thereof shall not bind the person making the same;
 - (c) a power of attorney or authority for the receipt thereof shall not be irrevocable; and
 - (d) a payment of wages or salvage to a seaman or apprentice-officer shall be valid in law, notwithstanding any previous assignment or hypothecation of those wages or salvage, or any attachment of or execution upon those wages or salvage.
- (2) Nothing in this section shall affect the provisions of this Act regarding allotment notes or those of section three hundred and twenty-six of this Act or those of sections seventy-four and seventy-five of the Income Tax Act, 1941 ([Act No. 31 of 1941](#)).

136. Proceedings for wages

- (1) A seaman or apprentice-officer, or a person duly authorized by him, may as soon as wages due to him by reason of his engagement in a South African ship become payable sue for the same before any magistrate's court within whose area of jurisdiction the place at which his service has been terminated is situated, or which by reason of any other fact has jurisdiction in the matter; and no appeal shall lie from any judgment given or order made by the court in the matter.
- (2) Nothing in sub-section (1) contained shall increase the jurisdiction of any magistrate's court as regards the amount which may be claimed in any proceeding tried by the court.

137. Wages not recoverable abroad except in certain cases

If a seaman is engaged in a South African ship for a voyage or period of service which is to terminate in the Union he shall not be entitled to sue in any court outside the Union for wages, unless he has been discharged, or proves such ill-usage on the part of or by the authority of the master as to warrant reasonable apprehension of danger to his life or health if he were to remain on board.

138. Wages not to depend on freight

The right to wages, shall not depend on the earning of freight, and every seaman and apprentice-officer of a South African ship who would be entitled to demand and recover wages if the ship in which he has served had earned freight shall, subject to all other laws and conditions applicable to the case, be entitled to recover the same notwithstanding that freight has not been earned.

139. Wages not claimable by seaman or apprentice officer who fails to exert himself to save ship

- (1) If it is proved that a seaman or apprentice-officer of a South African ship whose ship has been wrecked or actually or constructively lost has not made every reasonable effort to save the ship, cargo and stores, he shall not be entitled to claim any wages that would otherwise be due to him.
- (2) In sub-section (1) the expression "constructively lost" has the meaning assigned to it in sub-section (4) of section twenty-nine.

140. Wages on termination of services by illness or injury of seamen or wreck or loss of ship

- (1) If the service of a seaman of a South African ship his terminated, before the date contemplated in the agreement, by reason of—
 - (a) the wreck, loss or abandonment of the ship; or
 - (b) his being left behind at a place other than a proper return port owing to his incapacity to perform his duty because of illness, hurt or injury, unless it be proved that his illness, hurt or injury was caused by his own wilful act or default or his own misbehaviour, or unless he has unreasonably refused to undergo medical or surgical treatment for such illness, hurt or injury involving no appreciable risk to his life,

he shall be entitled to receive wages at the rate provided in the agreement for the period from the date his services are so terminated until he his returned to and arrives at a proper return port: Provided that the period for which he shall be entitled to receive wages at the rate provided in the agreement shall not exceed ninety days, nor be less than sixty days or the period from the date his services so terminated until the date contemplated in the agreement, whichever his the shorter period.

[subsection (1) amended by section 21(a) and (b) of [Act 30 of 1959](#)]

- (2) Notwithstanding the proviso to sub-section (1), a seaman shall not be entitled to receive wages under that sub-section in respect of any particular day if it be proved that he was able to obtain employment on that day in work which he was able to do and which was suitable, having regard to his rank or rating.
- (3) If by reason of the wreck, loss or abandonment of a ship on which a seaman is employed he sustains the loss of any or all of his property, he shall be entitled, in accordance with the regulations, to compensation from the owner of the ship for such loss.
- (4) A seaman shall not be entitled to receive compensation under sub-section (3) if it be proved that the loss of his property was not due to the wreck, loss or abandonment of the ship.
- (5) Nothing in this section shall deprive any seaman of any compensation to which he may be entitled in terms of the Workmen's Compensation Act, 1941 ([Act No. 30 of 1941](#)),—
 - (a) for temporary partial disablement or temporary total disablement in respect of any period for which he has not been paid wages in terms of this section; or
 - (b) for permanent disablement.

[subsection (5) amended by section 21(c) of [Act 30 of 1959](#)]

- (6) A seaman shall not be entitled to receive any compensation under the Workmen's Compensation Act, 1941, for temporary partial disablement or temporary total disablement in respect of any period for which he has been paid wages in terms of this section; but his employer who has paid such wages to him for that period shall, if he has paid all assessments for the payment of which he is liable under that Act, be entitled to recover from the accident fund established under that Act an amount equal to the compensation that would, but for the provisions of this section, have been payable to the seaman under that Act in respect of that period.

[subsection (6) amended by section 21(d) of [Act 30 of 1959](#)]

- (7) In this section the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but in the case of a ship which is a fishing boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

141. Wages not to accrue during refusal to work or imprisonment or illness caused by own default or drunkenness

- (1) A seaman or apprentice-officer of a South African ship shall not be entitled to wages—
 - (a) for any period during which he is absent without leave from his ship or from his duty; or
 - (b) for any period during which he unlawfully refuses or neglects to work when required; or
 - (c) unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned; or
 - (d) for any period during which he is by reason of his being under the influence of liquor or a drug, incapable of performing his duty.
- (2) A seaman or apprentice-officer shall not be disentitled to claim wages for any period during which he has not performed his duty if he proves that he was incapable of doing so by reason of illness, hurt or injury, unless it be proved that—
 - (a) his illness, hurt or injury was caused by his own wilful act or default or his own misbehaviour; or
 - (b) his illness was contracted or his hurt or injury was sustained at a proper return port and was not attributable to his employment; or
 - (c) he has unreasonably refused to undergo medical or surgical treatment for his illness, hurt or injury involving no appreciable risk to his life.
- (3) This section shall be construed as though sub-sections (5) and (6) of section one hundred and forty were included in this section; and in such construction any reference in the said sub-sections to the payment of wages in terms of section one hundred and forty shall be deemed to be a reference to the payment of wages in terms of this section.

[subsection (3) amended by section 22 of [Act 30 of 1959](#)]

142. Compensation to a seaman improperly discharged

If a seaman of a South African ship is discharged otherwise than in accordance with the terms of his engagement—

- (a) before the commencement of the voyage; or
- (b) before one month's wages are earned, without fault on his part justifying that discharge and without his consent, he shall be entitled to receive from the owner or master, in addition to any wages which he may have earned, compensation not exceeding one month's wages for any damage caused to him by the discharge, and may recover that compensation as if it were wages duly earned.

143. Remedies of master for recovery of wages, disbursements, etc.

- (1) The master of a South African ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act or by any law or custom.
- (2) The master of a South African ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.
- (3) If in any proceedings in any court touching the claim of a master in respect of wages or of disbursements or liabilities properly made or incurred on account of the ship any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and may direct payment of any balance found to be due.

144. Unreasonable delay in paying master's wages

If payment of the sum due to the master of a South African ship on account of wages has been delayed, the court trying any proceedings for the recovery of such wages may order the person liable to make the payment of wages to pay to the master, in addition to any sum due on account of wages, such sum as it thinks just as damages in respect of the delay, unless the court finds that the delay is due to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment.

145. Power of court to rescind contract between owner or master and seaman or apprentice officer

When any proceedings are instituted in any court of competent jurisdiction in relation to any dispute between an owner or master of a South African ship and a seaman or apprentice-officer, arising out of or incidental to their relation as such, the court may in its discretion rescind any contract between the owner or master and the seaman or apprentice-officer, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court may have.

146. Master to take care and make record of property of seaman who dies

- (1) If a seaman or apprentice-officer of a South African ship dies, the master of the ship shall take charge of all money and other property on board the ship belonging to the said seaman or apprentice-officer.
- (2) The master shall enter in the official log-book the following particulars:
 - (a) a statement of the amount of the money and a detailed description of the other property; and
 - (b) a statement of the sum due to the deceased for wages and of the amount of any deductions to be made from the wages.
- (3) The said money, balance of wages and other property are in this Chapter referred to as the property of the seaman or apprentice-officer.

147. Delivery to proper officer of property of seaman who dies

- (1) If a seaman or apprentice-officer of a South African ship dies during a voyage, the master of the ship shall within forty-eight hours after arrival at the ship's next port of call where there is a proper officer report all the circumstances of the death to that officer, and shall within the same period deliver the property of the deceased seaman or apprentice officer to the proper officer, unless that officer directs that such delivery be made to the proper officer at some other port, in-which case the master shall act accordingly.
- (2) If a seaman or apprentice-officer of a South African ship dies in the Union, the master or owner of the ship shall deliver the property of the deceased seaman or apprentice-officer to the proper officer at the port where the seaman or apprentice officer was discharged or was to have been discharged.
- (3) The master of the ship shall, as soon as is practicable, report the death to the next-of-kin of the seaman or apprentice officer.

148. Account to be rendered of property of seaman who dies

- (1) In all cases where a seaman or apprentice-officer of a South African ship dies during a voyage or engagement, the master shall give to the proper officer to whom the property of the deceased is delivered an account of such property, in such form as that officer may require.

- (2) No deductions claimed by the master shall be allowed unless verified by such vouchers as may reasonably be required by the proper officer and, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act.
- (3) When a master has complied with the provisions of this section the proper officer shall grant him a certificate to that effect.

149. Property of deceased seaman left abroad but not on board ship

If a seaman or apprentice-officer of a South African ship, the voyage of which is to terminate in the Union, dies at any place out of the Union, leaving any money or other property not on board the ship to which he belonged at the time of his death, the proper officer at or near that place shall claim and take charge of such money and other property, and such money and other property shall be deemed to be the property of a deceased seaman or apprentice-officer within the meaning of this Chapter.

150. Sale of property of deceased seamen

- (1) Subject to the provisions of sub-section (2), the proper officer may, if he thinks fit, sell any of the property of a deceased seaman or apprentice-officer delivered to him, or of which he takes charge under this Chapter, and the proceeds of any such sale shall be deemed to form part of the said property.
- (2) Before selling any valuables comprised in such property the proper officer shall endeavour to ascertain the reasonable wishes of the next-of-kin of the deceased seaman or apprentice officer as to the disposal of such valuables. He shall, if practicable and lawful, comply with such wishes.
- (3) Every such officer shall remit the property or proceeds so acquired to the Secretary, and shall render such accounts in respect thereof as may be prescribed or may be required by the Secretary.

151. Property of deceased seaman may be recovered as wages

The provisions of section one hundred and thirty-six shall apply, *mutatis mutandis*, in respect of the property of a deceased seaman or apprentice-officer.

152. Transmission by Secretary of property of deceased seamen

- (1) If any property of a deceased seaman or apprentice officer who at the date of his death was ordinarily resident in the Union comes into the hands of the Secretary, he shall, after deducting for expenses incurred in respect of that seaman or apprentice-officer or of his property such sum as he thinks proper to allow, transmit the residue—
 - (a) unless the deceased was a native, to the master of the superior court appointed in respect of the province or territory in which the deceased was ordinarily resident at the date of his death; or
 - (b) if the deceased was a native, to the native commissioner appointed for the area within which the deceased was ordinarily resident at the date of his death,and the said master or native commissioner shall take such steps as may be necessary to ensure that such residue shall be dealt with in the manner provided by law.
- (2) In sub-section (1) “native” means any person who is a member of any aboriginal race or tribe of Africa, and includes any person residing under the same conditions as a native in a scheduled native area or a released area or on any land of which the South African Native Trust is the registered owner.

153. Recovery of wages of seaman lost with his ship

- (1) If a seaman or apprentice-officer of a South African ship is lost with the ship to which he belongs the proper officer may recover the wages due to him from the owner of the ship.
- (2) The provisions of sections one hundred and thirty-six and one hundred and fifty-two shall apply, *mutatis mutandis*, in respect of wages referred to in sub-section (1).
- (3) If in any proceedings under sub-section (1) for the recovery of wages it is shown by the official records or by other evidence that the ship departed from a port twelve months or more before the institution of the proceedings and has not since been heard of, that ship shall be deemed to have been lost with all hands on board, either immediately after the latest time at which she is known to have been still in existence or at such later time as the court hearing the case may think probable.
- (4) Any duplicate agreement with the crew retained by a proper officer in terms of paragraph (c) of section one hundred and three or any statement of a change of the crew transmitted to a proper officer in terms of section one hundred and four at the time of the departure of the ship from the port last visited, and any certificate purporting to be a certificate from a proper officer at any port, stating that certain seamen and apprentice-officers joined the ship at the said port shall, if produced by the Secretary or any person thereto authorized by him, be taken in the absence of proof to the contrary as sufficient proof that the seamen and apprentice-officers therein named as belonging to the ship were on board at the time of the loss.

154. Relief and maintenance of distressed seamen

- (1) In this section and in section one hundred and fifty-five—
 - (a) “distressed seaman” includes any master, seaman or apprentice-officer—
 - (i) who is a South African citizen and who by reason of having been discharged or left behind from or shipwrecked in any ship other than a South African ship at a place outside the Union, is in distress at that place; or
 - (ii) whether he is a South African citizen or not, who, by reason of having been discharged or left behind from or shipwrecked in any South African ship at a place outside the Union, is in distress at that place;
 - (b) “repatriation expenses” means expenses incurred in returning a distressed seaman to a proper return port and in providing him with necessary clothing and maintenance until his arrival at such port and includes, in the case of a shipwrecked seaman, the repayment of expenses incurred in conveying him to port after shipwreck and maintaining him while being so conveyed; and
 - (c) “excepted expenses” means repatriation expenses incurred in cases where the cause of the seaman’s being left behind is desertion or absence without leave or imprisonment for misconduct or discharge from his ship by a maritime court on the ground of misconduct.
- (2) The proper officer shall on application being made to him by a distressed seaman, provide in terms of the regulations for the return of that seaman to a proper return port, and also for the said seaman’s necessary clothing and maintenance until his arrival at such port.
- (3) A distressed seaman shall not have any right to be maintained or sent to a proper return port except to the extent and on the conditions provided for in the regulations.
- (4) All repatriation expenses, other than excepted expenses, incurred by or on behalf of the State in accordance with the provisions of this Act shall constitute a debt due to the State for which the owner of the ship to which the seaman in respect of whom, they were incurred belonged at the time of his discharge or other event which resulted in his becoming a distressed seaman shall be liable. The owner shall not be entitled to recover from the seaman any amount paid by him to the State in settlement or part settlement of such debt.

- (5) All excepted expenses incurred by or on behalf of the State in accordance with the provisions of this Act shall constitute a debt due to the State for which the seaman in respect of whom they were incurred and the owner of the ship to which that seaman belonged at the time of his discharge or other event which resulted in his becoming a distressed seaman shall be jointly and severally liable. The owner shall be entitled to recover from the seaman any amount paid by him to the State, in settlement or part settlement of such debt, and may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seaman.
- (6) All excepted expenses incurred in accordance with the provisions of this Act in respect of any distressed seaman by the owner of the ship to which he belonged at the time of his discharge or other event which resulted in his becoming a distressed seaman shall constitute a debt due to the owner for which the seaman shall be liable. The owner may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seaman. The owner shall not be entitled to recover from the seaman any repatriation expenses other than excepted expenses.
- (7) In any proceedings for the recovery of any expenses which in terms of sub-section (4) or (5) are a debt due to the State the production of an account of the expenses and proof of payment thereof by or on behalf of or under the direction of the Minister shall be *prima facie* evidence that the expenses were incurred or repaid in accordance with the provisions of this Act by or on behalf of the State.

155. Receiving distressed seamen on ships

- (1) The master of a South African ship shall receive on board his ship and afford passage and maintenance to all distressed seamen whom he is required by a proper officer to take on board his ship, and shall during the passage provide every such distressed seaman with accommodation equal to that normally provided for the crew of the ship and subsistence, proper to the rank or rating of the said distressed seaman.
- (2) Every distressed seaman who is taken on board a ship in accordance with the provisions of sub-section (1) shall so long as he remains in the ship be deemed to belong to the ship and be subject to the same laws and regulations for preserving discipline as if he were a member of the crew and had signed the agreement with the crew.
- (3) The master of a ship shall not be required to receive on board his ship a distressed seaman in terms of this section, if the proper officer is satisfied that accommodation is not and cannot be made available for such seaman.

156. Provisions of seamen

- (1) The master of a South African ship of more than one hundred gross register tons shall furnish provisions to every seaman and apprentice-officer (who does not furnish his own provisions) in accordance with the prescribed scale.
- (2) The provisions of sub-section (1) shall not apply to non European seamen not accustomed to a European dietary, if in the agreement with the crew an adequate scale of provisions suited to their needs and approved by the proper officer has been provided for them.

157. Weights and measures on board

The master of a South African ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and in the event of any dispute as to the quantities served out, shall cause the quantities to be weighed or measured in the presence of a witness by such weights and measures.

158. Refrigerating chamber

- (1) Subject to the provisions of sub-sections (2) and (3), the owner of every foreign-going South African ship shall cause her to be provided with a mechanically cooled refrigerating chamber of such

capacity and design as to be capable of preserving in good condition fresh meat and other similar perishable foods prescribed for the consumption of the seamen and apprentice-officers between the principal ports of supply on the projected voyage of the ship.

(2) If the Minister is satisfied—

- (a) from a report of a surveyor that in the case of a ship built before the coming into operation of this section the provision of a refrigerating chamber is impracticable; or
- (b) in the case of a ship built before or after the coming into operation of this section, the purpose of this section will, by reason of the small tonnage of the ship or the nature or conditions of the projected voyage of the ship, be secured by the provision of a refrigerator instead of a refrigerating chamber,

he may direct that a refrigerator of a capacity and design approved by him be provided instead of a refrigerating chamber.

(3) If the Minister is satisfied that because of the nature and conditions of the projected voyage of the ship the provision of a refrigerating chamber or a refrigerator would be unreasonable or unnecessary, he may exempt the ship from the provisions of this section.

(4) If a proper officer or surveyor finds on inspecting any foreign-going South African ship which has not been exempted under sub-section (3), that the provisions of sub-section (1) or any direction given in respect of that ship under sub-section (2), as the case may be, is not being complied with, he may cause the ship to be detained until the sub-section or the direction, as the case may be, is complied with.

159. Certificated cooks

- (1) The owner or master of every South African ship going to sea from any port whatsoever, of not less than five hundred gross register tons, shall provide the ship with a cook, who is the holder of—
- (i) a certificate of qualification prescribed by the regulations; or
 - (ii) a certificate of qualification in cooking granted by a school of cooking or an institution approved by the Minister; or
 - (iii) certificates of discharge showing that he had at least two years' sea service as cook prior to a prescribed date,

or who in terms of section three hundred and fifty-four is deemed to be the holder of any such certificate: Provided that if the proper officer is satisfied that a suitable cook so certificated is not available at a reasonable rate of pay, he may in his discretion permit the engagement as cook in any such ship of a person who is not so certificated.

(2) A ship's cook shall be entered as such on the agreement with the crew, or, in the case of a ship of not more than two thousand gross registered tons or a ship in which the crew, or the majority of the crew, provide their own provisions, either as cook or as cook and steward. A person who is rated as cook and steward in accordance with the provisions of this sub-section shall not be required to possess the qualifications that may be prescribed for ships' stewards.

160. Bedding and other articles for seamen

The master of a South African ship of more than one hundred gross register tons shall supply every seaman and apprentice-officer with such bedding, towels, mess utensils and other articles for personal use as may be prescribed.

161. Crew accommodation

- (1) The owner of a South African ship shall provide crew accommodation to the satisfaction of the proper officer, and in accordance with the regulations.

- (2) If Europeans as well as non-Europeans are serving on any South African ship, as seamen or apprentice-officers, the owner shall provide separate crew accommodation (other than store-rooms and galleys) for the Europeans and for the non-Europeans.
- (3) The master of a South African ship shall ensure that the crew accommodation shall be kept free from goods and stores of any kind (except stores and furniture and other equipment necessary for the proper use of such accommodation) not being the personal property of a seaman or apprentice-officer in use during the voyage, and if any part of such accommodation is not so kept free, each seaman or apprentice-officer lodged in that part may recover, by way of compensation for the discomfort suffered by him by reason of the fact that such accommodation was not so kept free after complaint had been made to the master by any two or more of the said seamen or apprentice-officers, an amount which the court or the proper officer, as the case may be, considers reasonable, having regard to all the circumstances.
- (4) Any amount recoverable in terms of sub-section (3) may be recovered as wages.

162. Complaints as to provisions or water or accommodation

- (1) If three or more seamen or apprentice-officers of a South African ship consider—
 - (a) that the provisions or water for the use of the seamen or apprentice-officers are at any time of bad quality or deficient in quantity; or
 - (b) that the crew accommodation is unsanitary or is not in accordance with the regulations; or
 - (c) that in any other respect the conditions under which the seamen or apprentice-officers are living on board ship are not of a reasonably good standard,they may complain thereof to the proper officer, who shall investigate the complaint or cause-it to be investigated.
- (2) If the proper officer or person making the investigation finds—
 - (a) that the provisions or water are of bad quality, or deficient in quantity; or
 - (b) that the crew accommodation is unsanitary or is not in accordance with the regulations; or
 - (c) that the living conditions are not of a reasonably good standard,as the case may be, he shall communicate that finding in writing to the master.
- (3) Upon the finding being communicated to him, the master shall forthwith—
 - (a) if the finding is in terms of paragraph (a) of sub-section (2), provide other provisions or water of good quality or sufficient in quantity, as the case may be, and shall not permit any provisions or water so found to be of bad quality to be used on board the ship; or
 - (b) if the finding is in terms of paragraph (b) of sub-section (2), take steps to the satisfaction of the proper officer to provide crew accommodation that is sanitary and in accordance with the regulations; or
 - (c) if the finding is in terms of paragraph (c) of sub-section (2), take steps to the satisfaction of the proper officer to ensure that the living conditions of the seamen and apprentice-officers are of a reasonably good standard,and the ship shall be detained until this has been done.
- (4) The officer making or causing the investigation shall enter a statement of the rebuilt of the examination in the official log-book, and send a report thereof to the Secretary, and that report shall be admissible in evidence.

- (5) If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall, if so directed by the officer in the certificate, forfeit to the owner out of his wages a sum to be determined by the proper officer, but not exceeding one week's wages.

163. Powers of inspection of provisions, water and accommodation

- (1) A port health officer, district surgeon or other medical officer of the Department of Health, in the Union, or any medical practitioner outside the Union, or a surveyor may at the request of the proper officer board any South African ship and inspect the provisions and water provided for the use of the seamen, apprentice-officers or passengers and the crew accommodation and the accommodation for passengers, for the purpose of ascertaining whether the same are in accordance with the requirements of this Act or any other law.
- (2) The provisions of sub-sections (2), (3) and (4) of section one hundred and sixty-two shall apply, *mutatis mutandis*, in respect of any investigation under this section.
- (3) The provisions of this section shall not in any way derogate from or modify the powers and duties of a port health officer under the provisions of the Public Health Act, 1919 ([Act No. 36 of 1919](#)).

164. Inspection of provisions, water and accommodation at sea

The master of a South African ship which is at sea shall, at least once in every ten days, cause an inspection to be made of the provisions and water provided for the use of the seamen, apprentice-officers and passengers and the crew accommodation and the accommodation for passengers, for the purpose of ascertaining whether the same are being maintained in accordance with the requirements of this Act and all other laws. The person making the inspection shall enter a statement of the result of the inspection in the official log-book.

[section 164 amended by section 23 of [Act 30 of 1959](#)]

165. Compensation if short or bad provisions furnished

- (1) If the allowance of any of the provisions which the master of a South African ship is by section one hundred and fifty-six required to furnish is reduced, or any of those provisions are bad in quality, the seaman or apprentice-officer may recover by way of, compensation for that reduction or bad quality an amount which the court or the proper officer, as the case may be, considers reasonable, having regard to all the circumstances.
- (2) Any amount recoverable in terms of sub-section (1) may be recovered as wages.

166. Provision of board and lodging elsewhere than on board ship

Whenever the master or a seaman or apprentice officer of a South African ship who is entitled to be provided with accommodation or provisions, cannot, by reason of the fact that the ship is being fumigated, or for any other reason not due to his own wilful act or default or to his own misbehavior, be provided with accommodation or provisions on board the ship, he shall be provided elsewhere at the expense of the owner of the ship with accommodation or food, as the case may be, proper to his rank or rating.

167. Medicines to be provided and, kept on board certain ships

The owner and master of a South African ship of more than one hundred gross register tons shall ensure that there is on board that ship an adequate supply, according to the prescribed scales, of antiscorbutic and medicines and appliances for the treatment and prevention of diseases and accidents likely to occur at sea; and the owner and master of every South African ship shall ensure that there is on board that ship an adequate supply, according to the prescribed scales, of first-aid equipment.

168. Inspection of medicines and medical appliances

- (1) A port health officer, district surgeon or other medical officer of the Department of Health in the Union, or any medical practitioner outside the Union, may at the request of the proper officer board any South African ship and inspect the medicines, medical appliances and first-aid equipment carried, for the purpose of ascertaining whether the same are in accordance with the requirements of this Act or any other law.
- (2) The provisions of sub-sections (2), (3) and (4) of section one hundred and sixty-two shall apply, *mutatis mutandis*, in respect of any investigation under this section.
- (3) The provisions of this section shall not in any way derogate from or modify the powers and duties of a port health officer under the provisions of the Public Health Act, 1919 ([Act No. 36 of 1919](#)).

169. Expenses of medical attendance in cases of injury or illness

- (1) If the master or a seaman or apprentice-officer of a South African ship receives any hurt or injury or suffers from any illness (not being a hurt, injury or illness due to his own wilful act or default or to his own misbehavior), resulting in his being discharged or left behind at a place other than his proper return port, the expense of providing the necessary medical advice, attendance and treatment and medicine, and also the expenses of the maintenance of the said master, seaman or apprentice-officer in a manner appropriate to his rank or rating, until he is cured or dies or is returned to and arrives at a proper return port, and of his conveyance to that port, and in case of death the expense of his burial, shall be defrayed by the owner of the ship, without any relative deduction from the wages of the master, seaman or apprentice-officer concerned.
- (2) If the master or seaman or apprentice-officer is on account of any illness or injury temporarily removed from his ship, at a port other than his proper return port, for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expenses of removal, medical attendance and treatment, and of maintenance while the master, seaman or apprentice-officer is away from the ship, shall be defrayed in like manner.
- (3) The expenses of all medical attendance and treatment given to a master, seaman or apprentice-officer whilst on board his ship shall be defrayed in like manner.
- (4) In all other cases any reasonable expenses duly incurred by the owner for any master, seaman, or apprentice-officer in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any master, seaman or apprentice-officer who dies whilst on service, shall, if proved to the satisfaction of the proper officer, be deducted from the salary or wages of the master, seaman or apprentice officer.
- (5) Nothing contained in this section shall deprive any person of any benefit to which he may be entitled under Chapter VIII of the Workmen's Compensation Act, 1941 ([Act No. 30 of 1941](#)), and to which this section does not entitle him.
- (6) A seaman shall not be entitled to receive the same benefit under this section and also under the Workmen's Compensation Act, 1941; but his employer who has incurred any expense under this section which the Workmen's Compensation Commissioner would, but for the provisions of this section, have been liable to defray, shall, if he has paid all assessments for the payment of which he is liable under that Act, be entitled to recover that expense from the Workmen's Compensation Commissioner.
- (7) In this section the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but in the case of a ship which is a fishing boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

170. Recovery of expenses from owner

If any expenses payable by the master or owner of a South African ship in respect of illness, hurt or injury of the master or of a seaman or apprentice-officer of that ship are paid by any other person, those expenses shall be repaid to that person by the said master or owner, and if not so repaid shall constitute a debt recoverable in any competent court from the master or owner by whom they are payable.

171. Facilities for making complaints

- (1) If a seaman or apprentice-officer whilst on board a South African ship states to the master of the ship his desire to make a complaint to a proper officer against the master or any of the crew or concerning the unseaworthiness of the ship, the master shall—
 - (a) if the ship is then at a place where there is a proper officer, as soon after such statement as the service of the ship will permit; or
 - (b) if the ship is not then at such a place, as soon after her first arrival at such place as the service of the ship will permit,allow the complainant to go ashore or, if he is in custody, send him ashore in proper custody, so that he may make his complaint.
- (2) This section shall not apply in respect of a seaman or apprentice-officer on board a vessel belonging to the Railway Administration and used by that Administration in connection with the working of its harbours.

172. Seamen's property not to be detained

Any person who receives or takes into his possession or under his control any money or other property of a seaman or apprentice-officer who belongs or has recently belonged to any ship wherever registered shall return the same or pay the value thereof when required by the seaman or apprentice-officer subject to such deductions as may be justly due to him from the seaman or apprentice-officer in respect of board or lodging.

173. Soliciting seamen

No person shall within twenty-four hours after the arrival of any ship (wherever registered) at a port in the Union, or within twenty-four hours before the projected departure therefrom—

- (a) solicit a seaman or apprentice-officer belonging to the ship to become a lodger at any house; or
- (b) take out of the ship any property of a seaman or apprentice-officer except under the direction of the, seaman or apprentice-officer and with the permission of the master.

174. Misconduct by seamen endangering ship or life, and general offences against discipline

- (1) No master of or seaman or apprentice-officer engaged on or belonging to any ship wherever registered shall knowingly—
 - (a) do anything tending to the immediate loss, destruction or serious damage of the ship, or tending to endanger the life of or to cause injury to any person belonging to or on board the ship; or
 - (b) refuse or omit to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or from injury.

- (2) Subject to the provisions of sub-section (4) of section three hundred and fifty-five, no seaman or apprentice-officer engaged on or belonging to a South African ship shall—
- (a) report for duty on the ship in a drunken condition or be drunk on board the ship; or
 - (b) wilfully disobey any lawful command or neglect his duty; or
 - (c) be guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty; or
 - (d) combine with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or retard the progress of the voyage; or
 - (e) assault the master or any ship's officer of the ship; or
 - (f) prevent or hinder or retard the loading or unloading or departure of the ship; or
 - (g) wilfully damage the ship, or misappropriate, or make any improper use of, or wilfully damage, any of the ship's stores, equipment or cargo.
- (3) No seaman on or before being engaged to serve on a South African ship shall knowingly make a false statement of the name of his last ship or alleged last ship, or knowingly make a false statement of his own name.

175. Desertion

- (1) Subject to the provisions of sub-section (4) of section three hundred and fifty-five, no seaman or apprentice officer engaged on or belonging to a Commonwealth ship shall without reasonable cause —
- (a) at a Union port, in the case of a Commonwealth ship other than a South African ship; or
 - (b) at any place whatsoever, in the case of a South African ship,
- absent himself from his ship with the intention of not returning thereto.
- (2) Any person who contravenes the provisions of sub-section (1) shall be guilty of desertion.
- (3) No person shall knowingly harbour or secrete a seaman or apprentice-officer who has contravened or is contravening the provisions of sub-section (1).

176. Absence without leave

- (1) Subject to the provisions of sub-section (4) of section three hundred and fifty-five, no seaman or apprentice officer engaged on or belonging to a Commonwealth ship shall without reasonable cause —
- (a) at a Union port, in the case of a Commonwealth ship other than a South African ship; or
 - (b) at any place whatsoever, in the case of a South African ship,
- fail or refuse to join his ship or to proceed to sea therein, or be absent without leave from his ship or from his duty, either at the commencement or during the progress of a voyage.
- (2) Any person who contravenes the provisions of sub-section (1) shall, if his conduct does not amount to desertion, as defined in section one hundred and seventy-five be guilty of absence without leave.
- (3) No person shall knowingly harbour or secrete a seaman or apprentice-officer who has contravened or is contravening the provisions of sub-section (1).

177. Notice to proper officer of absence of seaman at time of sailing

If a seaman or apprentice-officer engaged on or belonging to a Commonwealth ship is not on board that ship at the time of sailing—

- (a) from a Union port, in the case of a Commonwealth ship other than a South African ship; or
- (b) from any port whatsoever, in the case of a South African ship,

the master of the ship shall, as soon as possible, give written notice of the fact in the prescribed form and manner to the proper officer of that port.

178. Unseaworthiness of ship a good defence to charge of desertion, etc.

- (1) For the purpose of the proviso to sub-section (2) of section one hundred and seventeen and sections one hundred and seventy-five and one hundred and seventy-six the fact that the ship on which a seaman or apprentice-officer is engaged or to which he belongs is unseaworthy shall be deemed to be reasonable cause: Provided the seaman or apprentice-officer has, before absenting himself or being absent from, or failing or refusing to join, or to proceed to sea in, his ship, as the case may be, complained to the master or proper officer that the ship is unseaworthy.
- (2) The provisions of section two hundred and forty-three shall apply in respect of any complaint to the proper officer referred to in sub-section (1).
- (3) Whenever in any proceedings against any seaman or apprentice-officer on a charge of desertion or absence without leave the defence referred to in sub-section (1) is raised, the court may, if it think fit, order the ship to be inspected by a surveyor.
- (4) If it is not proved that the ship was an unseaworthy ship, the expenses incurred in connection with any such inspection shall be paid to the Secretary by the seaman or apprentice-officer by whom the said defence has been raised, and upon demand by the Secretary the unpaid amount of such expenses shall be deducted by the master or owner of the ship out of the wages due or to become due to the said seaman or apprentice-officer and paid over to the Secretary.
- (5) If it is proved that the ship was an unseaworthy ship, the expenses incurred in connection with the inspection shall be paid to the Secretary by the master or owner of the ship, who shall also pay to the seaman or apprentice-officer charged such compensation for the damage suffered by him by reason of the charge having been made against him as the court may award.

179. Deserter's certificates of discharge may be withheld

If it is shown to the satisfaction of a proper officer that a seaman engaged or belonging to a South African ship has been guilty of desertion or absence without leave, as defined by sections one hundred and seventy-five and one hundred and seventy-six respectively, the Minister may direct that the seaman's certificates of discharge shall be withheld for such period as the Minister may direct, and while such a direction is in force the proper officer or any other person may, notwithstanding anything to the contrary contained in this Act, refuse to furnish copies of any of the seaman's certificates of discharge or certified extracts of any particulars of his service or character.

180. Deserters from foreign ships

- (1) If the Minister is satisfied that due facilities are or will be given by the Government of any foreign country for apprehending seamen and apprentice-officers who desert or are absent without leave from South African ships in that country, he may by notice in the *Gazette* declare that the provisions of sub-section (2) shall apply to seamen and apprentice-officers belonging to ships of that country.

[subsection (1) amended by section 24(a) of Act 30 of 1959]

- (2) If the provisions of this sub-section have in terms of sub-section (1) been applied to seamen and apprentice-officers belonging to ships of any foreign country, any magistrate may, on application by the master of a ship of that country, if he is satisfied from information taken on oath that reasonable grounds exist for suspecting that any seaman or apprentice officer has deserted or is absent without leave from that ship, issue a warrant for the apprehension of that seaman or apprentice-officer and for bringing him before a judicial officer. Every such warrant shall be executed in the same manner as a warrant issued under section twenty-eight of the Criminal Procedure Act, 1955 ([Act No. 56 of 1955](#)). A judicial officer before whom the seaman or apprentice-officer is brought may, on proof that he has deserted or is absent without leave from that ship, order that he be conveyed on board that ship or delivered to the master or a ship's officer or the owner of that ship, to be so conveyed, and any such order shall be duly executed.

[subsection (2) amended by section 24(b) of [Act 30 of 1959](#)]

- (3) No person shall knowingly harbour or secrete any person liable to be apprehended under the provision's of this section.

181. Entry of offences in official log

If in or in respect of any South African ship any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and for which it is intended to enforce the fine—

- (a) an entry of the offence or act shall be made by the master in the official log-book, and signed by him and also by a ship's officer or one of the crew;
- (b) the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or, if the ship is at the time in port, before her departure therefrom, either be furnished by the master with a copy of the entry or have the same read over distinctly and audibly to him in one of the official languages selected by the offender, and he may thereupon make such reply thereto as he thinks fit;
- (c) a statement that a copy of the entry has been so furnished or, as the case may be, that the entry has been so read over, and of the offender's reply (if any) shall be entered and signed in manner aforesaid;
- (d) in any subsequent legal proceedings the entries required by this section shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may in its discretion refuse to, receive evidence of the offence or act of misconduct.

182. Official log-books to be kept

- (1) The master of every South African ship of more than one hundred gross register tons, and the master of every South African ship of one hundred gross register tons or less who has entered into an agreement with the crew of the ship, shall keep an official log-book in the prescribed form and in one of the official languages of the Union.
- (2) The official log-book may, at the discretion of the master, be kept distinct from or united with the ordinary ship's logbook. In all cases the spaces in the official log-book shall be duly filled up.
- (3) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be so made and dated as to show the dates of the occurrence and of the entry respecting it.
- (4) Every entry in the official log-book shall be signed by the master, and by a ship's officer or some other member of the crew, and also—
 - (a) if it is an entry in respect of illness, hurt, injury or death, by the surgeon or medical practitioner, if any, on board; and

- (b) if it is an entry in respect of wages due to, or of the property of, a seaman or apprentice-officer who dies, by some other member of the crew.
- (5) Every entry made in an official log-book in the manner provided by this Act shall be admissible in evidence.

183. Entries in official log-books

The master of a ship on board of which an official log-book is required to be kept in terms of this Act shall enter or cause to be entered in that book the following matters:

- (a) every conviction by a legal tribunal of a member of his crew, and the punishment inflicted;
- (b) every offence for which punishment is inflicted on board, and the nature of the punishment inflicted;
- (c) a statement of the conduct, character and qualifications of each member of the crew, or a statement that he declines to express an opinion thereon, with a statement of his reasons for so declining;
- (d) every case of illness, hurt or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted, if any;
- (e) every case of death happening on board, and the cause thereof, together with such particulars as may be prescribed;
- (f) every birth happening on board, with the sex of the infant and names of the parents, together with such particulars as may be prescribed;
- (g) every marriage taking place on board, with the names and the ages of the parties;
- (h) the name of every seaman or apprentice-officer who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof;
- (i) the wages due to any seaman or apprentice-officer who dies during the voyage, and the gross amount of all deductions to be made therefrom;
- (j) every collision with any other ship, and the circumstances under which the same occurred;
- (k) every casualty or accident of which a report is required to be made under this Act;
- (l) every meeting with any other ship at sea, when persons or goods are transhipped; and
- (m) any other matter directed by this Act to be entered.

184. Unlawful entries or alterations in official log-books

- (1) No person shall twenty-four hours after the arrival of a South African ship at its final port of destination of a voyage make any entry in the official log-book of that ship respecting an occurrence prior to the arrival of the ship at that port.
- (2) No person shall wilfully destroy or mutilate or render illegible an entry in an official log-book, or wilfully make a false entry in such book, or wilfully fail to make any entry which it is his duty to make in such book.

185. Delivery of official log-books to proper officer

The master of every ship on board of which an official log-book is required to be kept in terms of this Act shall within forty-eight hours after the ship's arrival at its final port of destination in the Union or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the proper officer before whom the crew is discharged.

186. Transmission of official log-books to proper officer

- (1) If for any reason the official log-book ceases to be required in respect of a South African ship, the master or owner of the ship, shall, if the ship is then in the Union, within one month, and if it is elsewhere, within six months, after the cessation, deliver or transmit to the proper officer at the port to which the ship belonged the official log-book duly completed up to the time of the cessation.
- (2) If a ship is lost or abandoned the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the proper officer at the port to which the ship belonged the official log-book duly completed up to the time of the loss or abandonment.

187. Documents to be handed to successor on change of master

If, at any time before or during the progress of a voyage, the master of a South African ship is 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 in his custody relating to the navigation of the ship and to the crew, and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

188. List of the crew

- (1) The master of a foreign-going South African ship who has entered into an agreement with the crew of the ship, and the master or the owner of a coasting ship or a fishing, sealing or shore-based whaling boat registered in the Union who has entered into an agreement with the crew of the ship, shall, upon the discharge of the crew, whether within or outside the Union, make out and sign a list (in this Act referred to as the list of the crew) which may be combined in one document with the agreement with the crew, in the prescribed form, containing the following particulars:
 - (i) the number and date of the ship's register, and her register tonnage;
 - (ii) the length and general nature of the voyage or employment;
 - (iii) the names, ages, and places of birth of all the crew, including the master and apprentice-officers; their ratings on board, their last ships or other employments and the dates and places of their joining the ship; and
 - (iv) the names of any of the crew who have ceased to belong to the ship, with the times, places, causes and circumstances thereof.

[subsection (1) substituted by section 25 of [Act 30 of 1959](#)]

- (2) The list of the crew shall be delivered to the proper officer—
 - (a) in the case of a foreign-going ship, by the master, within forty-eight hours after the ship's arrival at her final port of destination for the voyage, or, if the agreement entered into with the crew was a running agreement, within forty-eight hours after her arrival at her final port of destination for the last voyage over which the agreement extends, or upon the discharge of the crew, whichever event first occurs; and
 - (b) in the case of a coasting ship or a fishing, sealing or shore-based whaling boat, by the master or the owner, as the case may be, who entered into the agreement with the crew, within twenty-one days after the expiry of the agreement,

and the proper officer shall give to the master or owner from whom he has received the list a certificate of such delivery and any such ship may be detained until the certificate is produced.

[subsection (2) substituted by section 25 of [Act 30 of 1959](#)]

189. Returns of births and details

- (1) Within forty-eight hours after the arrival of any ship at any port in the Union, the master shall deliver or transmit to the proper officer in the prescribed form a return of such particulars as may be prescribed—
 - (a) in the case of a South African ship, of every birth of a child and every death of a person on board the ship which has occurred after the last preceding occasion on which the ship left a port in the Union; or
 - (b) in the case of a ship other than a South African ship, of every birth of a child on board the ship whose parents reside or intend to reside in the Union, and of every death of a person on board the ship who at the time of his death was residing in the Union, which has occurred during the voyage.
- (2) The proper officer shall transmit every such return received by him to the district registrar or assistant district registrar of births and deaths within whose area the port is situated.

Chapter V
Safety of ships and life at sea

Part I – Construction of ships, provision of life-saving appliances and installation of radio

190. Initial and subsequent surveys of vessels in respect of safety provisions

- (1) If the owner of any vessel which, in terms of this Act, is required to be registered or licensed desires that a safety convention certificate or a local safety certificate be issued in respect of the vessel, he shall, before he applies for the issue of the certificate, cause her to be inspected by a surveyor.
- (2) The owner of every vessel in respect of which a safety convention certificate or a local safety certificate has been issued shall cause her to be inspected by a surveyor at intervals, calculated from the date of the initial survey referred to in sub-section (1), as follows:
 - (a) in the case of a passenger ship, at intervals not exceeding twelve months in accordance with the construction regulations, the life-saving equipment regulations, the collision regulations and the radio regulations;
 - (b) in the case of a vessel (other than a passenger ship) plying on international voyages, at intervals not exceeding twenty-four months in accordance with the construction regulations, the life-saving equipment regulations and the collision regulations;
 - (c) in the case of a vessel (other than a passenger ship) which does not ply on international voyages, at intervals not exceeding twelve months in accordance with the construction regulations, the life-saving equipment regulations and the collision regulations;
 - (d) in the case of a vessel (other than a passenger ship), which by the radio regulations is required to be fitted with a radio installation, at intervals not exceeding twelve months in accordance with the radio regulations applicable to her.
- (3) On the inspection of a vessel in terms of sub-section (1) or (2) there shall be paid by the owner of the vessel such fee as may be prescribed.

191. Surveyor's report on inspection under safety regulations

- (1) Every surveyor who inspects a vessel in pursuance of section one hundred and ninety or any provision of the construction regulations, the life-saving equipment regulations, the radio

regulations or the collision regulations shall draw up a report of his inspection in the prescribed form.

- (2) The report shall contain full and clear statements as to the extent to which, in the case of an inspection of a ship referred to in paragraph (a), (b), (c) or (d) of sub-section (2) of the said section, the vessel is constructed and equipped in accordance with the regulations referred to in those paragraphs, respectively, and as to all matters on which the form indicates that a report is required.
- (3) The surveyor shall forward the report to the proper officer.

192. Issue of safety convention certificates in respect of passenger ships

If, after consideration of the report of a surveyor, the Minister is satisfied—

- (a) that a passenger ship which, in terms of this Act, is required, to be registered is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations and the collision regulations applicable to the ship when plying on international voyages, he shall cause to be issued in respect of the ship a general safety certificate, stating that she is so constructed and equipped;
- (b) that a passenger ship which, in terms of this Act, is required to be registered is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations and the collision regulations applicable to the ship when plying on short international voyages, he shall cause to be issued in respect of the ship a short voyage safety certificate, stating that she is so constructed and equipped;
- (c) that a passenger ship which, in terms of this Act, is required to be registered is exempt, by virtue of the exercise by him of a power conferred on him by the construction regulations, the life-saving equipment regulations, the radio regulations or the collision regulations, from any of the requirements of the said regulations applicable to the ship when plying on international voyages, or on short international voyages, or when engaged in any special passenger trade, and that she is constructed and equipped in accordance with the remaining requirements, he shall cause to be issued in respect of the ship—
 - (i) a passenger ship's exemption certificate stating which of the said requirements the ship is exempt from, and that the exemption is conditional on her plying only on the voyages and being engaged only in the trade and complying with the other conditions (if any) specified in the certificate; and
 - (ii) a qualified safety certificate stating that the ship is constructed and equipped in accordance with the remaining requirements.

193. Issue of safety convention certificates in respect of ships other than passenger ships

If, after consideration of the report of a surveyor, the Minister is satisfied—

- (1) that a ship (other than a passenger ship) of not less than five hundred gross register tons which, in terms of this Act, is required to be registered is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations and the collision regulations applicable to the ship when plying on international voyages, he shall cause to be issued in respect of the ship a safety equipment certificate, stating that she is so constructed and equipped;
- (2) that a ship (other than a passenger ship) of not less than five hundred gross register tons which, in terms of this Act, is required to be registered is exempt, by virtue of the exercise by him of a power conferred on him by the construction regulations, the lifesaving equipment regulations or the collision regulations, from any of the requirements of the said regulations applicable to the ship

when plying on international voyages, and that she is constructed and equipped in accordance with the remaining requirements, he shall cause to be issued in respect of the ship—

- (a) a safety equipment exemption certificate stating which of the said requirements the ship is exempt from, and that the exemption is conditional on her complying with the conditions (if any) specified in the certificate; and
 - (b) a qualified safety equipment certificate stating that the ship is constructed and equipped in accordance with the remaining requirements;
- (3) that a ship (other than a passenger ship) of not less than five hundred gross register tons which, in terms of this Act, is required to be registered is equipped in accordance with all the requirements of the radio regulations applicable to the ship when plying on international voyages, he shall cause to be issued in respect of the ship—
- (a) if she is equipped with a radiotelegraph installation, a safety radiotelegraphy certificate, stating that she is equipped in accordance with the said requirements; or
 - (b) if she is equipped with a radiotelephone installation, a safety radiotelephony certificate, stating that she is equipped in accordance with the said requirements;
- (4) that a ship (other than a passenger ship) of not less than five hundred gross register tons which, in terms of this Act, is required to be registered is exempt, by virtue of the exercise by him of a power conferred on him by the radio regulations, from any of the requirements of the said regulations applicable to the ship when plying on international voyages, and that she is equipped in accordance with the remaining requirements, he shall cause to be issued in respect of the ship—
- (a) a qualified safety radio exemption certificate stating which of the said requirements the ship is exempt from, and that the exemption is conditional on her complying with the conditions (if any) specified in the certificate; and
 - (b)
 - (i) if she is equipped with a radiotelegraph installation, a qualified safety radiotelegraphy certificate, stating that she is equipped in accordance with the remaining requirements; or
 - (ii) if she is equipped with a radiotelephone, a qualified safety radiotelephony certificate, stating that she is equipped in accordance with the remaining requirements;
- (5) that a ship (other than a passenger ship) of not less than five hundred gross register tons which, in terms of this Act, is required to be registered is wholly exempt, by virtue of the exercise by him of a power conferred on him by the radio regulations, from the requirements of the said regulations applicable to the ship when plying on international voyages, he shall cause to be issued in respect of the ship a safety radio exemption certificate stating that she is wholly exempt from the said requirements, and that the exemption is conditional on her complying with the conditions (if any) specified in the certificate.

194. Issue of local safety certificates

- (1) If, after consideration of the report of a surveyor, the Secretary is satisfied that a vessel referred to in sub-section (2)—
 - (a) is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations and the collision regulations applicable to the vessel when engaged in the voyages or the operations in which it is intended that she shall be engaged, he shall cause to be issued in respect of the vessel a local general safety certificate stating that she is so constructed and equipped, and specifying the voyages or the operations in which the vessel is by the certificate authorized to be engaged;
 - (b) is exempt, by virtue of the exercise by him of a power conferred on him by the regulations referred to in paragraph (a), from any of the requirements of the said regulations and is

constructed and equipped in accordance with the remaining requirements, he shall cause to be issued in respect of the vessel—

- (i) a local safety exemption certificate stating which of the said requirements the vessel is exempt from, and that the exemption is conditional on her being engaged only in the voyages or operations and complying with the other conditions (if any) specified in the certificates; and
 - (ii) a qualified local safety certificate stating that the vessel is constructed and equipped in accordance with the remaining requirements.
- (2) The provisions of sub-section (1) shall apply in respect of all—
- (a) passenger ships of whatever size which are not intended to be engaged in international voyages; or
 - (b) ships (other than passenger ships)—
 - (i) of less than five hundred gross register tons which are intended to be engaged in international voyages; or
 - (ii) of whatever size which are not intended to be engaged in international voyages, and which, in terms of this Act, are required to be registered or licensed.

195. Form of safety certificate

- (1) Every safety convention certificate and every local safety certificate shall be in the form prescribed.
- (2) Every general safety certificate, short voyage safety certificate, qualified safety certificate, safety equipment certificate, qualified safety equipment certificate, local general safety certificate or qualified local safety certificate shall state the maximum number of persons which the vessel is fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins, and any conditions and variations to which those numbers shall be subject, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires.
- (3) Every local general safety certificate or qualified local safety certificate shall state the limits, if any, beyond which the vessel is not fit to proceed, and such other particulars as may be prescribed.

196. Modification of safety convention certificates as respects life-saving appliances

- (1) If, on any international voyage, a passenger ship registered in the Union, in respect of which a safety convention 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 ship provides, the Secretary or any other person authorized by him for the purpose may, at the request of the master of the ship, issue a memorandum stating the total number of persons carried on the ship on that voyage, and the consequent modification which may be made for the purpose 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.
- (2) The master of the ship in respect of which any such memorandum has been issued shall return it to the Secretary at the end of the voyage to which it relates.
- (3) If a recognized non-Union safety convention certificate is produced in respect of a passenger ship not registered in the Union, and there is attached to the certificate a memorandum which—
 - (a) has been issued by or under the authority of the Government of the country in which the ship is registered; and

- (b) modifies for the purpose of any particular voyage, in view of the number of persons actually 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.

197. Duration of safety certificates

- (1) A safety convention certificate or a local safety certificate shall expire at the end of such period, not exceeding two years, in the case of a safety equipment certificate, a qualified safety equipment certificate or a safety equipment exemption certificate, or one year, in the case of any other certificate, from the date of its issue, as may be specified therein, or upon the giving of notice by the Secretary to the owner or master of the vessel that it has been cancelled.
- (2) A passenger ship's exemption certificate shall remain in force for the same period as the qualified safety certificate, a safety equipment exemption certificate for the same period as the qualified safety equipment certificate, a qualified safety radio exemption certificate for the same period as the qualified safety radiotelegraphy certificate or the qualified safety radiotelephony certificate (as the case may be), and a local safety exemption certificate for the same period as the qualified local safety certificate, issued in respect of the same vessel.
- (3) The Minister or any person thereto authorized by him may grant an extension of any safety convention certificate, and the Secretary may grant an extension of any local safety certificate, issued in respect of any vessel registered or licensed under this Act, for a period not exceeding one month from the date when the certificate would, but for the extension, have expired, or, if the vessel is absent from the Union on that date, for a period not exceeding five months from that date.

198. Cancellation of safety convention certificates and local safety certificates

- (1) The Minister may direct that a safety convention certificate be cancelled, and the Secretary may direct that a local safety certificate be cancelled, if, by reason of the contents of a report by a surveyor, or for any other reason, he is satisfied that—
 - (a) it was obtained fraudulently or on wrong information; or
 - (b) since it was issued, the hull, equipment or machinery of the vessel has, by reason of any alteration made thereto, or by reason of any injury sustained by the vessel, or for any other reason, become insufficient; or
 - (c) since it was issued, the vessel has for any reason become unseaworthy; or
 - (d) the vessel no longer complies with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations and the collision regulations to the same extent to which she complied with those regulations when the certificate was issued.
- (2) For the purposes of this section the word "alteration", in relation to the hull, equipment or machinery of a vessel, includes the renewal of any part thereof.
- (3) Whenever a direction is issued under sub-section (1) for the cancellation of a certificate, the Secretary shall notify the owner or master of the vessel in respect of which the certificate was issued of the cancellation.

199. Surrender of expired or cancelled safety convention certificate or local safety certificate

- (1) A safety convention certificate or a local safety certificate which has expired or has been cancelled shall on demand be surrendered by the owner or master of the ship to the Secretary or a person nominated by him.

- (2) If any certificate required to be surrendered under sub-section (1) is not surrendered, the Secretary or his nominee who has demanded its surrender may cause the ship to be detained until the certificate is surrendered.

200. South African ships not to be taken to sea without safety certificates

- (1) Neither the owner nor the master of a South African ship shall cause or permit her to proceed to sea from any port within or outside the Union, unless there is on board and in force in respect of that ship—
- (a) if she is a passenger ship engaged in an international voyage—
 - (i) a general safety certificate or a short voyage safety certificate, whichever is appropriate to the voyage in which she is engaged; or
 - (ii) a qualified safety certificate appropriate to the voyage and trade in which she is engaged and a passenger ship's exemption certificate; or
 - (b) if she is a passenger ship not engaged in an international voyage—
 - (i) a local general safety certificate appropriate to the voyage in which she is engaged; or
 - (ii) a qualified local safety certificate appropriate to the voyage in which she is engaged and a local safety exemption certificate; or
 - (c) if she is a ship (other than a passenger ship) of not less than five hundred gross register tons engaged in an international voyage—
 - (i) a safety equipment certificate and a safety radiotelegraphy certificate; or
 - (ii) a safety equipment certificate and a safety radiotelephony certificate; or
 - (iii) a safety equipment certificate, a qualified safety radiotelegraphy certificate and a qualified safety radio exemption certificate; or
 - (iv) a safety equipment certificate, a qualified safety radiotelephony certificate and a qualified safety radio exemption certificate; or
 - (v) a safety equipment certificate and a safety radio exemption certificate; or
 - (vi) a qualified safety equipment certificate, a safety equipment exemption certificate and a safety radiotelegraphy certificate; or
 - (vii) a qualified safety equipment certificate, a safety equipment exemption certificate and a safety radiotelephony certificate; or
 - (viii) a qualified safety equipment certificate, a safety equipment exemption certificate, a qualified safety radiotelegraphy certificate and a qualified safety radio exemption certificate; or
 - (ix) a qualified safety equipment certificate, a safety equipment exemption certificate, a qualified safety radiotelephony certificate and a qualified safety radio exemption certificate; or
 - (x) a qualified safety equipment certificate, a safety equipment exemption certificate and a safety radio exemption certificate; or
 - (d) if she is a Ship (other than a passenger ship) not engaged in an international voyage or of less than five hundred gross register tons and engaged in an international voyage—
 - (i) a local general safety certificate appropriate to the voyage in which she is engaged; or
 - (ii) a qualified local safety certificate appropriate to the voyage in which she is engaged and a local safety exemption certificate.

- (2) Sub-section (1) shall not prohibit the owner or master of a ship from causing or permitting her to proceed to sea—
- (a) on a voyage other than an international voyage, if there are on board and in force in respect of the ship such certificates as would be required if she were engaged in an international voyage; or
 - (b) if she is not a passenger ship, and if there are on board and in force in respect of the ship such certificates as would be required if she were a passenger ship.
- (3) The Minister may authorize the owner or master of a passenger ship registered in the Union to cause the ship to proceed to sea from a port in the Union on an international voyage not exceeding twelve hundred nautical miles in length between the last port of call in the Union and the final port of destination: Provided there is on board and in force in respect of that ship—
- (a) a short voyage safety certificate; or
 - (b) a qualified, safety certificate appropriate to short international voyages and a passenger ship's exemption certificate;

and upon such authority being granted, the certificate or certificates referred to shall for the purposes of this section be deemed to be appropriate to such voyage, notwithstanding the fact that the distance between the said ports exceeds six hundred nautical miles.

201. Carrying persons in excess

No master or owner of any vessel registered or licensed in the Union shall anywhere, and no master of any vessel not registered or licensed in the Union shall in the Union or the territorial waters thereof, permit persons to be on board or on or in any part of the vessel in excess of the number permitted by the vessel's safety convention certificate, local safety certificate, memorandum referred to in section one hundred and ninety-six or certificate referred to in sub-section (4) or (5) of section two hundred and three: Provided that the Minister may, for the purpose of enabling persons to be moved from any place in consequence of a threat to their lives, authorize more persons to be carried on board a ship than are permitted by the said certificate or memorandum; and the carriage of persons in accordance with such authority shall not constitute a contravention of the provisions of this section.

202. Issue of safety convention certificate by one Government at request of another

- (1) The Minister may request the Government of a country to which the Safety Convention applies to issue an appropriate safety convention certificate in respect of a ship registered in the Union; and a certificate issued in pursuance of such a request shall contain a statement that it has been so issued, and shall be deemed to have been issued—
- (a) in the case of a passenger ship, under section one hundred and ninety-two; or
 - (b) in the case of a ship other than a passenger ship, under section one hundred and ninety-three.
- (2) The Minister may, at the request of the Government of a country to which the Safety Convention applies, cause an appropriate safety convention certificate to be issued in respect of a ship registered in that country, if he is satisfied, in like manner as in the case of a ship registered in the Union, that the certificate can properly be issued:

Provided that he may cause the certificate to be issued if he is satisfied that the ship is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations and the radio regulations applicable to the ship and to the voyages on which she is to be engaged in so far as those requirements are requirements of the Safety Convention applicable as aforesaid, notwithstanding the fact (if it be so) that she is not constructed or equipped in accordance with any requirements of the said regulations that are not applicable requirements of the Safety Convention, and that she is equipped in accordance with the

requirements of the collision regulations. A certificate issued in pursuance of such a request shall contain a statement that it has been so issued, and shall have effect as if it had been issued by the Government of the country in which the ship is registered.

203. Application of this Part to ships not registered or licensed in the Union while in the Union

- (1) Subject to the provisions of this section, the provisions of this Part shall, *mutatis mutandis*, apply in respect of all ships not registered or licensed in the Union while they are within the Union or the territorial waters thereof.
- (2) A recognized non-Union safety convention certificate issued in respect of any such ship by the Government of the country in which the ship is registered shall, subject to the provisions of sub-section (3), have the same effect as a corresponding certificate issued by the Minister under section one hundred and ninety-two or one hundred and ninety-three.
- (3) If a recognized non-Union safety convention certificate is produced which has been issued in respect of any such ship by or under the authority of the Government of the country in which the ship is registered, and which corresponds with the safety convention certificate which, in accordance with the provisions of this Part, the ship would be required to carry if she were registered in the Union, the ship shall not be required to be inspected by a surveyor except—
 - (a) for the purpose of determining the maximum number of persons that the ship is fit to carry; or
 - (b) if the proper officer so directs, for the purpose of verifying that the ship is in the condition of seaworthiness indicated in the non-Union safety convention certificate produced.
- (4) On receipt of the report of a surveyor of an inspection made under paragraph (a) of sub-section (3), the Minister shall cause to be issued in respect of the ship a certificate stating the maximum number of persons which the ship is fit to carry.
- (5) Notwithstanding the provisions of paragraph (a) of sub-section (3), if the non-Union safety convention certificate produced in respect of any such ship states the maximum number of persons that the ship is fit to carry, or if in addition to the non-Union safety convention certificate there is produced a certificate issued by or under the authority of the Government of the country in which the ship is registered stating the maximum number of persons that the ship is fit to carry, and the Minister is satisfied that that number has been determined substantially in the same manner as it would have been determined in the case of a ship registered in the Union, he may, if he thinks fit, dispense with any inspection of the ship for the purpose of determining the maximum number of persons that she is fit to carry.
- (6) If after consideration of the report of a surveyor of an inspection made under paragraph (b) of sub-section (3), the Minister is satisfied that a ship in respect of which a non-Union safety convention certificate has been produced is unseaworthy, he may direct that the said certificate be not recognized in the Union, and thereafter the said certificate shall have no effect in the Union.

Part II – Load lines

204. Exemption from this Part and issue of load line exemption certificates

- (1) The Minister may, either unconditionally or on such conditions as he thinks fit, exempt from the provisions of this Part (other than those of this section and sections two hundred and eleven and two hundred and twelve) any South African ship plying on international voyages between near neighbouring ports of two or more countries, if the Government of the Union and the Government of the other country or countries in which the ports are situated, are satisfied that the sheltered nature and conditions of the voyages between such ports make it unreasonable or impracticable to apply the provisions of this Part to ships so plying.

- (2) If any ship is exempted under this section from the provisions of this Part, the Minister on application by the owner of the ship shall cause to be issued in respect of that ship a load line exemption certificate in the prescribed form, stating that the ship is so exempted and specifying the voyages and conditions (if any) on which the ship is so exempted.
- (3) The owner and the master of a ship in respect of which a load line exemption certificate has been issued shall observe the terms and conditions specified therein.
- (4) The Minister may, in his discretion, direct that any load line exemption certificate be cancelled, and thereupon the Secretary shall notify the owner or master of the ship concerned of the cancellation.

205. Initial and subsequent surveys of ships in respect of load, line provisions

- (1) If the owner of any load line ship which, in terms of this Act, is required to be registered desires that a load line certificate be issued in respect of the ship, he shall, before he applies for the issue of the certificate, cause her to be inspected by a surveyor.
- (2) The owner of every ship in respect of which a load line certificate has been issued shall cause her to be inspected by a surveyor in accordance with the load line regulations, at intervals not exceeding twelve months, calculated from the date of the initial survey referred to in sub-section (1).
- (3) On the inspection of any ship in terms of sub-section (1) or (2) there shall be paid by the owner of the ship such fee as may be prescribed.

206. Surveyor's inspection report on load line ship

- (1) Every surveyor who inspects a ship in pursuance of section two hundred and five or of any provision of the load line regulations shall draw up a report of his inspection in the prescribed form.
- (2) The report of the inspection of a load line ship in respect of which no load line certificate is in force, or in respect of which a load line certificate is in force which is due to expire within a period of twelve months after the date on which the inspection takes place, shall deal fully with the matters mentioned in section two hundred and seven and with such other matters as may be prescribed.
- (3) The report of the inspection of a load line ship in respect of which a load line certificate is in force which is due to expire at a date later than twelve months after the date on which the inspection takes place, shall deal in detail with the question whether the certificate ought to remain in force during the period of twelve months following the inspection, with the matters mentioned in section two hundred and seven and with such other matters as may be prescribed.
- (4) The surveyor shall forward his report to the proper officer.

207. Issue of load line certificates

If, after consideration of the report of a surveyor of his inspection of a load line ship registered in the Union the Minister (in the case of an international load line ship), or the Secretary (in the case of a local load line ship), is satisfied that—

- (a) the ship is marked with deck lines and load lines of the description and number required by the load line regulations; and
- (b)
 - (i) if she is an international load line ship constructed after the thirtieth day of June, 1932, or a local load line ship constructed after the date on which this section comes into operation, her load lines are in the position required by the load line regulations; or
 - (ii) if she is an international load line ship constructed not later than the thirtieth day of June, 1932, or a local load line ship constructed not later than the date on which this section comes into operation, her load lines are either in the position required by the tables used by the Ministry of Transport and Civil Aviation of the United Kingdom, as

modified and in force immediately before the fifth day of July, 1930, or in the position required by the load line regulations; and

[paragraph (b) substituted by section 26 of Act 30 of 1959]

- (c) (i) if she is an international load line ship constructed after the thirtieth day of June, 1932, or a local load line ship constructed after the date on which this section comes into operation, she complies with the conditions of assignment; or
- (ii) if she is an international load line ship constructed not later than the thirtieth day of June, 1932, or a local load line ship constructed not later than the date on which this section comes into operation, she complies with the conditions of assignment in principle and also so far in detail as, in the opinion of the Minister or the Secretary, as the case may be, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew accommodation provided by the arrangements, fittings and appliances existing on the ship at the coming into operation of this section,

the Minister or the Secretary, as the case may be, shall cause to be issued in respect of that ship—

- (1) if she is an international load line ship, a load line convention certificate; or
- (2) if she is a local load line ship, a local load line certificate,

which shall be in the form prescribed.

[paragraph (c) amended by section 26 of Act 30 of 1959]

208. Entry of load line particulars in official log-book

- (1) When a load line certificate has been issued in terms of this Act in respect of a load line ship registered in the Union, the master, before making any other entry in the official log-book shall enter therein the particulars as to the position of the deck line and load lines specified in the certificate.
- (2) Before any load line ship registered in the Union leaves any port within or outside the Union, or before any passenger ship not registered in the Union and plying between Union ports or between a Union port and any other port leaves any Union port, for the purpose of proceeding to sea the master shall—
 - (a) enter in the official log-book the prescribed particulars relating to the depth to which the ship is for the time being loaded; and
 - (b) cause a notice in the prescribed form, and containing such of the said particulars as may be prescribed, to be displayed in some conspicuous place on board the ship and to be kept so displayed and legible until the ship arrives at some other port.

209. Duration of load line certificates

- (1) A load line certificate issued under the provisions of this Act shall expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein, or upon the giving of notice by the Secretary to the owner or master of the ship that it has been cancelled.
- (2) The Minister or any person thereto authorized by him may grant an extension of any load line convention certificate, and the Secretary may grant an extension of any local load line certificate, issued in respect of any ship registered under this Act, 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 Union on that date, for a period not exceeding five months from that date.

210. Cancellation of load line certificates

- (1) The Minister may direct that a load line convention certificate be cancelled, and the Secretary may direct that a local load line certificate be cancelled, if he is satisfied that—
 - (a) it was obtained fraudulently or on wrong information; or
 - (b) since it was issued, structural alterations, which affect the position of the load lines, have taken place in the hull or superstructures of the ship; or
 - (c) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew accommodation have not been maintained on the ship in US effective a condition as that in which they were when the certificate was issued; or
 - (d) the owner of the ship has failed to cause her to be inspected in accordance with the provisions of section two hundred and five; or
 - (e) the marking of the deck lines and load lines on the ship have not been properly maintained.
- (2) For the purposes of this section the word “alteration” in relation to the hull or superstructures of a ship, includes the renewal of any part thereof.
- (3) Whenever a direction is issued under sub-section (1) for the cancellation of a load line certificate, the Secretary shall notify the owner or master of the ship in respect of which the certificate was issued of the cancellation.

211. Surrender of expired or cancelled load line certificate

- (1) A load line certificate which has expired or has been cancelled, or a load line exemption certificate issued under section two hundred, and four which has been cancelled, shall on demand be surrendered by the owner or master of the ship to the Secretary or a person nominated by him.
- (2) If any certificate required to be surrendered under sub-section (1) is not surrendered, the Secretary or his nominee who has demanded its surrender may cause the ship to be detained until the certificate is surrendered.

212. South African ships not to be taken to sea without load line certificates

Neither the owner nor the master of a load line ship registered in the Union shall cause or permit her to proceed to sea from a port within or outside the Union unless there is on board and in force in respect of that ship—

- (a) if the voyage which she is undertaking is an international voyage—
 - (i) in the case of an international load line ship, a load line convention certificate; or
 - (ii) in the case of a local load line ship, a local load line certificate,or, in either case, a load line exemption certificate issued under section two hundred and four; or
[paragraph (a) substituted by section 27 of Act 30 of 1959]
- (b) if the voyage which she is undertaking is not an international voyage, a load line convention certificate or a local load line certificate.
[paragraph (b) substituted by section 27 of Act 30 of 1959]

213. Maintenance of load lines and deck lines

- (1) The owner and the master of a load line ship registered in the Union shall maintain the marking of her deck lines and load lines in the position specified in the load line certificate in force in respect

of that ship or in the position approved by a person entitled under the load line regulations to approve the alteration of the position of the said deck lines or load lines.

- (2) No person shall conceal, remove, alter, deface or obliterate, or suffer any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any ship in accordance with the provisions of this Act, except with the authority of a person entitled under the load line regulations to authorize the alteration of the mark, or except for the purpose of escaping capture by an enemy or by a foreign ship in the exercise of some belligerent right.

214. Submersion of load line on South African ships

- (1) The master of a load line ship registered in the Union shall not—
 - (a) so load the ship; or
 - (b) suffer the ship to be so loaded; or
 - (c) bring the ship into any port in the Union so loaded,

as to submerge in salt water, when the ship has no list, the load line on each side of the ship appropriate to the circumstances then existing.

[subsection (1) substituted by section 28 of [Act 30 of 1959](#)]

- (2) Any surveyor who finds upon inspection that the ship is loaded in contravention of sub-section (1) shall give notice in writing to that effect to the master, pointing out the extent of the overloading, and requiring that the matter be rectified.
- (3) A copy of every notice so given shall be transmitted by the surveyor to the proper officer at any port at which a clearance for that ship may be requested, and a clearance shall not be granted, and the ship shall be detained, until a certificate under the hand of a surveyor is produced stating that the deficiency has been made good.

215. Issue of load line convention certificate by one Government at request of another

- (1) The Minister may request the Government of a country to which the Load Line Convention applies to issue a load line convention certificate in respect of a load line ship registered in the Union; and a certificate issued in pursuance of such a request shall contain a statement that it has been so issued, and shall be deemed to have been issued under paragraph 1 of section two hundred and seven.
- (2) The Minister may, at the request of the Government of a country to which the Load Line Convention applies, cause a load line convention certificate to be issued in respect of a load line ship registered in that country, if he is satisfied, in like manner as in the case of a ship registered in the Union, that the certificate can properly be issued: Provided that he may cause the certificate to be issued if he is satisfied that the ship is marked with deck lines and load lines in accordance with the requirements of the load line regulations in so far as those requirements are requirements of the Load Line Convention, notwithstanding the fact (if it be so) that she is not marked with deck lines and load lines in accordance with any requirements of the said regulations that are not requirements of the Load Line Convention. A certificate issued in pursuance of such a request shall contain a statement that it has been so issued, and shall have effect as if it had been issued by the Government of the country in which the ship is registered.

216. Inspection and control of load line convention ships not registered in the Union

- (1) If a recognized non-Union load line convention certificate is produced in respect of a load line ship which is registered in a country (other than the Union) to which the Load Line Convention applies and is at a place within the Union or the territorial waters thereof, a surveyor's powers of inspecting the ship with respect to load line shall be limited to ascertaining—
 - (a) whether the ship is loaded beyond the limits allowed by the certificate;

- (b) whether the position of the load lines on the ship corresponds with the position specified in the certificate;
 - (c) whether since the certificate was issued any structural alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; and
 - (d) whether the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew accommodation have been maintained on the ship in as effective a condition as they were in when the certificate was issued.
- (2) If a surveyor finds on inspection that the ship is loaded beyond the limits allowed by the certificate, he shall give notice in writing to that effect to the master, pointing out the extent of the overloading and requiring that the matter be rectified.
- (3) If a surveyor finds on inspection that the load lines of the ship are not in the position specified in the certificate, he shall give notice in writing to that effect to the owner or master, pointing out the defects and requiring the same to be made good.
- (4) A copy of every notice given under sub-section (2) or (3) shall be transmitted by the surveyor to the proper officer at any port at which a clearance for that ship may be requested, and a clearance shall not be granted, and the ship shall be detained, until a certificate under the hand of a surveyor is produced stating that the matter has been rectified or the deficiency made good, as the case may be.
- (5) If a recognized non-Union load line convention certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part have been complied with, as if the ship were a ship registered in the Union.
- (6) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

217. Issue of load line certificates in respect of ships not registered in the Union

- (1) The Minister may cause a special load line certificate to be issued in respect of any load line ship not registered in the Union.
- (2) The provisions of this Chapter relating to the issue, effect, duration, renewal and cancellation of local load line certificates shall apply, *mutatis mutandis*, in relation to special load line certificates: Provided that—
- (a) if a special load line certificate is issued in respect of a load line ship registered in a country to which the Load Line Convention does not apply, it shall be available in respect of international voyages as well as other voyages, but if issued in respect of a load line ship registered in a country to which the Load Line Convention applies, shall only be valid so long as the ship is not plying on international voyages, and shall be endorsed with a statement to that effect, and may be cancelled by the Minister if he is satisfied that the ship is so plying; and
 - (b) a survey for the purpose of ascertaining whether the certificate should remain in force shall take place whenever the Minister so requires.

218. Recognition of certificates as to load lines issued in other countries

If the Minister is satisfied—

- (a) either—
 - (i) that, by the law in force in any part of the Commonwealth outside the Union provision has been made for the fixing, marking and certifying of load lines on ships (or any class or description of ships) registered in that part of the Commonwealth; or
 - (ii) that such provision has been made by the law in force in any foreign country with respect to ships (or any class or description of ships) registered in that country, and has also been so made (or it has been agreed that provision shall be so made) for recognizing load line certificates issued in the Union as having the same effect in ports of that country as certificates issued under the said provision; and
- (b) that the provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Chapter and of the load line regulations and is equally effective,

he may, by notice in the *Gazette*, direct that certificates issued in pursuance of that provision in respect of ships (or that class or description of ships) registered in that part of the Commonwealth, or in respect of ships (or that class or description of ships) registered in that foreign country, as the case may be, shall have the same effect, for the purposes of this Chapter as special load line certificates.

[section 218 amended by section 29 of [Act 30 of 1959](#)]

219. Load line ships not registered in the Union not to be taken to sea without load line certificates

The master of a load line ship not registered in the Union shall not cause or permit her to proceed to sea from a port in the Union unless there is on board and in force in respect of that ship—

- (a) if she is registered in a country to which the Load Line Convention applies, and—
 - (i) is engaged in an international voyage, a recognized non-Union load line convention certificate or a certificate issued under sub-section (2) of section two hundred and fifteen; or
 - (ii) is not engaged in an international voyage, a certificate referred to in paragraph (i) or a special load line certificate or a certificate which in terms of a proclamation issued under section two hundred and eighteen has the same effect as a special load line certificate; or
- (b) if she is not registered in a country to which the Load Line Convention applies, a special load line certificate or a certificate which in terms of a proclamation issued under section two hundred and eighteen has the same effect as a special load line certificate.

220. Submersion of load line on ships not registered in the Union

The provisions of section two hundred and fourteen shall apply to load line ships not registered in the Union, while they are at any port in the Union, as they apply to load line ships registered in the Union: Provided that in the application of the said provisions the expression "the load line" shall mean—

- (a) in the case of a ship in respect of which there is produced a recognized non-Union load line convention certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded; or

- (b) in the case of a ship in respect of which there is produced a certificate which, in terms of a proclamation issued under section two hundred and eighteen, has the same effect for the purposes of this Chapter as a special load line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled, under the law in force in the country in which the ship is registered, to be loaded; or
- (c) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line regulations to be loaded, or if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Part III – Safety of navigation

221. Ship's complement

- (1) The owner and the master of every—
 - (a) South African ship going to sea from any port whatsoever; or
 - (b) ship (other than a South African ship) embarking passengers at, and going to sea from, any port in the Union,shall ensure that, in addition to the ships' officers which in terms of section seventy-three must be employed on board that ship, there are employed as crew—the number and description of persons prescribed.
- (2) The owner of every Commonwealth ship (other than a ship embarking passengers at a port in the Union) going to sea from any port in the Union shall ensure that, in addition to the ships' officers which in terms of sub-section (4) of section seventy-three must be employed on board that ship, there are employed as crew the number and descriptions of persons which, by the relative laws in force in that part of the Commonwealth in which the ship is registered, she is required to carry when going to sea from a port in that part of the Commonwealth.
- (3) Paragraph (a) of sub-section (1) shall not apply in respect of any vessel belonging to the Railway Administration and used by that Administration in connection with the working of its harbours, if that vessel goes to sea in an emergency.

222. Employment of radio officers and operators

- (1) No person shall be employed as a radio officer or operator of a radio installation on any South African ship unless he is a South African citizen or a citizen of a country (other than the Union) which is a member of the Commonwealth, and unless he holds an appropriate certificate of proficiency issued or approved in accordance with the radio regulations.
- (2) A person employed as a radio officer or operator on board a South African ship shall subscribe to a declaration of secrecy, which shall be in the approved form; and no person, having made the declaration, shall, either directly or indirectly, divulge to any other person unless lawfully authorized to do so, any information which he has acquired by virtue of his employment.

223. Surveyor may direct that defects be made good

- (1) If upon the inspection of a vessel a surveyor find that the provisions of section seventy-three or two hundred and twenty-one are not being complied with, or that the vessel is not equipped as required by the construction regulations, the life-saving equipment regulations, the radio regulations or the collision regulations, or not marked as required by the load line regulations, or that the equipment is not in good condition, or that the deck lines or load lines are not being properly maintained, or that the qualified staff required by the radio regulations for the operation of the radio installation is

not provided, he shall give notice in writing to that effect to the owner or master, pointing out the deficiencies or defects and requiring that they be made good.

- (2) A copy of every notice so given shall be transmitted by the surveyor to the proper officer at any port at which a clearance for that vessel may be requested, and a clearance shall not be granted, and the vessel shall be detained, until a certificate under the hand of a surveyor is produced stating that the deficiencies or defects have been supplied or made good.

224. Display of safety convention certificate, local safety certificate or load line certificate

Immediately after receipt of a safety convention certificate, a local safety certificate, a load line certificate or a load line exemption certificate, the owner or master shall cause it to be framed and displayed in some conspicuous place on board the vessel for the information of all on board, and shall cause it to be kept so framed and displayed so long as it remains in force and the vessel is in use: Provided that this section shall not apply in respect of any vessel of less than one hundred gross tons, if the Secretary has exempted her from its provisions.

225. Printed notices and diagrams as to location of lifeboats, etc.

- (1) The master of every passenger ship, wherever registered, plying between Union ports or between a Union port and any other port shall cause ample provision to be made, to the satisfaction of a surveyor, by printed notices, and by diagrams where necessary, to enable the passengers to ascertain the position of lifeboats, life-jackets and other life-saving appliances, fire-buckets, axes and fire-extinguishers. He shall also cause to be kept exhibited in each cabin, and throughout the ship to the satisfaction of a surveyor, notices showing the method of adjusting life-jackets to the body.
- (2) The master of every passenger ship registered in the Union shall cause to be kept in some conspicuous place accessible to all the passengers a printed copy of this Part.

226. Information about stability of ship

- (1) The owner of every South African ship built after the coming into operation of this section shall cause to be kept on board the ship such information in writing about the stability of the ship as is necessary for the guidance of the master in loading and ballasting the ship.
- (2) The information required in terms of sub-section (1) shall be in the prescribed form, and shall be based upon the determination of the stability of the ship by means of an inclining test of the ship: Provided that the Secretary may allow the information to be based on a similar determination of the stability of a sister ship.
- (3) When any such information is provided concerning any ship, the owner of the ship shall send a copy thereof to the Secretary: Provided that the owner shall not be required to send a copy of any information to the Secretary if a copy of the same information has been previously sent to him.
- (4) For the purposes of section one hundred and eighty-seven every document containing such information as is referred to in this section shall be deemed to be a document relating to the navigation of the ship.

227. Production of certificates to officers of customs

- (1) The master of any ship which is at any port in the Union shall produce to the officer of customs from whom a clearance for that ship is requested—
 - (a) if she is a ship to which section two hundred or two hundred and three applies, the certificate or certificates which in terms of those sections must be on board that ship; or
 - (b) if she is a load line ship registered in the Union, the certificate which in terms of section two hundred and twelve must be on board that ship; or

- (c) if she is a load line ship not registered in the Union, the certificate which in terms of section two hundred and nineteen must be on board that ship; or
 - (d) if she is a load line ship carrying a deck cargo of timber, a certificate issued under sub-section (1) of section two hundred and thirty-seven.
- (2) If the certificate or certificates required to be produced by or under sub-section (1) are not produced, the ship shall be detained until such certificate or certificates are produced.

228. Compasses to be adjusted

- (1) The master of every ship plying between Union ports or between a Union port and any other port, wherever she may be registered, shall ensure that the compasses on board that ship are properly adjusted from time to time, in accordance with the regulations.
- (2) Any person thereto authorized by the Secretary may at any time inspect the compasses of any ship referred to in sub-section (1) and shall report to the Secretary the result of his inspection; and the Secretary may upon such report direct that the compasses of the ship shall be adjusted in accordance with the regulations by an adjuster of compasses licensed under the regulations; and the master of the ship shall ensure that such direction is carried out.

229. Signalling lamps

The master or owner of a South African ship of one hundred or more gross register tons (or of such lower tonnage gross register as may be prescribed) shall not cause or permit the ship to proceed to sea unless she is provided with a signalling lamp in accordance with the regulations.

230. ***

[section 230 repealed by section 30 of [Act 30 of 1959](#)]

231. Registration of private cods or signals

- (1) If the owner of a ship, wherever registered, desires to use any signals for the purpose of a private code he may register them with the Secretary, who may from time to time publish a list of the signals so registered.
- (2) The Secretary may refuse to register any signals which, in his opinion, cannot easily be distinguished from signals generally used as signals of distress, signals for pilots, signals of urgency signals prescribed for indicating that a message is about to be sent relating to a danger, or from signals registered in the name of any other person.
- (3) The Secretary may, if he think fit, cancel the registration of any signal at any time.
- (4) No person shall—
 - (a) use any signal so registered, except by the authority of the person in whose name it is registered; or
 - (b) use any signal the registration of which has been cancelled by the Secretary.

232. Signals of distress

- (1) The master of a South African ship shall not, within or outside the Union, and the master of a ship not registered in the Union shall not, within the Union or the territorial waters thereof, use or display or cause or permit any person under his authority to use or display—
 - (a) any signal which by regulation is declared to be a signal of distress, except in the circumstances and for the purpose prescribed; or

- (b) any private signal, whether registered or not, which is likely to be mistaken for any such signal of distress.
- (2) Any person convicted of contravening sub-section (1) shall be liable, in addition to any penalty imposed under section three hundred and thirteen, to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal used or displayed having been taken to be a signal of distress, Such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable in terms of this Act.

233. Boat and fire drills and inspection of life-saving appliances

- (1) The master of every—
- (a) passenger ship; or
 - (b) ship (other than a passenger ship) of not less than five hundred gross register tons (or of such lower tonnage gross register as may be prescribed),
- which is registered in the Union, shall, if it be practicable to do so, cause—
- (i) boat drill and fire drill to be practised, in the case of a passenger ship, at least once in every week, and, in the case of a ship other than a passenger ship, at least once in every month; and
 - (ii) the life-saving appliances on board the ship to be inspected to ascertain whether they are fit and ready for use, at least once in every such period as may be prescribed.
- (2) The master of every such ship shall cause an entry to be made in the official log-book of every occasion on which boat drill and fire drill are practised or the said appliances are inspected; and if, —
- (a) in the case of a passenger ship, boat drill or fire drill is not practised in any week; or
 - (b) in the case of a ship other than a passenger ship, boat drill or fire drill is not practised in any month; or
 - (c) in the case of any ship, the said appliances are not inspected in any such period as is prescribed,

the master shall cause a statement to be entered in the official log-book of the reasons why the drill was not practised or the appliances were not inspected in that week, month or period.

234. Obligation to assist ships in distress

- (1) The master of a South African ship, on receiving at sea a signal of distress or information from any source that a ship is in distress, shall proceed with all speed to the assistance of the persons in distress (informing them 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 the provisions of sub-section (3) or (4) from the obligation imposed by this sub-section.
- (2) Where the master of any ship in distress has requisitioned any South African ship that has answered his call for assistance, it shall be the duty of the master of the South African ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress unless he is released under the provisions of sub-section (4) from the obligation imposed by this sub-section.
- (3) A master shall be released from the obligation imposed by sub-section (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 sub-section (1), and, if his ship has been requisitioned, from the obligation imposed by sub-section (2), if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.
- (5) If the master of a South African ship, on receiving at sea a signal of distress or information from any source that a ship is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log-book, of his reasons for not going to the assistance of those persons.
- (6) Compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.
- (7) In the application of this section every reference to a ship in distress shall be interpreted so as to include a reference to an aircraft or a survival craft from a vessel or an aircraft in distress.

235. Dangerous goods not to be carried

- (1) No person shall send, by or carry in any ship, except in accordance with the prescribed regulations, as cargo or ballast, any dangerous goods.
- (2) No person shall send by any ship, or, if he be not the master or owner of a ship carry in that ship, any dangerous goods without distinctly marking, in one of the official languages of the Union, their nature on the outside of the package containing the same, in accordance with the prescribed regulations, and without giving written notice of the nature of such goods and of the name and address of the sender thereof to the master or owner of a ship at or before the time of sending the same to be taken on board the ship.
- (3) The master or owner of any ship may refuse to take on board any package or parcel which he suspects to contain dangerous goods, and may require such package or parcel to be opened to ascertain the fact.
- (4) The provisions of this section shall not apply to ships' distress signals, or to the carriage of naval or military stores for the public service under conditions authorized by the Secretary.
- (5) This section shall apply—
 - (a) to South African ships wherever they may be; and
 - (b) to all other ships while they are within any port in the Union, or are embarking or disembarking passengers within the territorial waters of the Union, or are loading or discharging cargo or fuel within those waters.

236. Carriage of grain

- (1) Whenever grain is loaded in any port in the Union on board any ship, wherever she may be registered, or is loaded on board a South African ship in any port outside the Union, the owner or the master of the ship, or any agent of the owner who is charged with the loading or with sending the ship to sea laden with the grain, shall take all precautions prescribed by regulation to prevent the grain from shifting and in addition shall take all other precautions to prevent the grain from shifting which in the circumstances are necessary and reasonable; and if all such precautions are not taken, the ship shall be deemed to be unseaworthy.
- (2) Whenever any ship, wherever she may be registered, having been loaded with grain outside the Union without the taking of all such precautions as are referred to in sub-section (1), enters any port in the Union so laden, the owner or master of the ship shall be guilty of an offence and the ship shall be deemed to be unseaworthy:

Provided that this sub-section shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

- (3) Sub-sections (1) and (2) shall not apply in respect of a ship loaded in all respects in accordance with any provisions approved by the Minister in the special case.
- (4) On the arrival at a port in the Union from a port outside the Union of any ship, wherever she may be registered, carrying a cargo of grain, the master shall cause to be delivered to the proper officer a notice stating—
 - (a) the draught of water and freeboard of the said ship after the loading of her cargo was completed at the final port of loading; and
 - (b) the following particulars of the grain carried, namely,—
 - (i) the kind of grain and the quantity thereof, stated in cubic feet, bushels, or tons weight;
 - (ii) the mode in which the grain is stowed; and
 - (iii) the precautions-taken to prevent the grain from shifting.
- (5) In this section the word “grain” includes wheat, maize, oats, rye, barley, rice, pulses and seeds, and in sub-section (4) the expression “ship carrying a cargo of grain” means a ship carrying a quantity of grain exceeding one-third of the ship’s net register tonnage, reckoning one hundred cubic feet, or two tons weight, of grain as equivalent to one ton of net register tonnage.

237. Carriage of timber deck cargo

- (1) Whenever a deck cargo of timber is loaded on a load line ship at a port in the Union the owner or master shall cause the ship to be inspected by a surveyor who, if satisfied that the ship is suitable for the carriage of deck cargoes of timber and that such cargo is properly stowed and secured in accordance with the timber cargo regulations, shall issue a certificate to that effect.
[subsection (1) amended by section 31 of Act 30 of 1959]
- (2) Neither the owner nor the master of any such ship shall cause or permit her to proceed to sea from a port in the Union unless there is on board a certificate issued under sub-section (1) in force in respect of that ship.
- (3) In any proceedings against an owner or master in respect of a contravention of the timber cargo regulations, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (4) This section shall apply to all ships wherever they may be registered.

238. Marking of heavy packages or objects

No person shall in the Union consign to be loaded on any ship, and no owner or master of any ship in the Union, wherever she may be registered, shall cause or permit to be loaded on that ship any package or object of a gross weight of two thousand pounds or more, unless its weight is plainly and durably marked on the outside of the package or object: Provided that in the case of a package or object of such a character that its exact weight would be difficult to ascertain an approximate weight may be so marked accompanied by the word “approximate” or “ongeveer” or any reasonable abbreviation thereof.

239. Report of alteration or damage affecting seaworthiness, efficiency or compliance with regulations

- (1) If any alteration has been made in, or any damage has been sustained by, a South African ship so material as to affect her seaworthiness or her efficiency, whether in her hull, equipment or machinery, or her compliance with such of the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations or the load line regulations as apply to her, the owner or master shall, as soon as possible, forward a report to the Secretary, giving full particulars of the alteration or damage.
- (2) If, by reason of the contents of a report made in terms of sub-section (1), or for any other reason, the Secretary is of the opinion or suspects—
 - (a) that a South African ship is unseaworthy; or
 - (b) that the hull, equipment or machinery of a South-African ship is insufficient; or
 - (c) that a South African ship does not comply with such of the regulations referred to in sub-section (1) as apply to her,

he may give special directions for the inspection of the ship by a surveyor, notwithstanding the fact that a safety convention certificate, a local safety certificate or a load line certificate is still in force in respect of that ship.

- (3) Any ship in respect of which any such directions as are referred to in sub-section (2) have been given may be detained by the proper officer.
- (4) If any such directions are not complied with, the Minister may cancel any certificates issued in respect of that ship under this Chapter.
- (5) For the purpose of this section the expression “alteration” in relation to the hull, equipment or machinery of a ship includes the renewal of any part thereof.

240. Sending unseaworthy ships to sea

No person including the owner or master shall cause or permit—

- (a) any ship (other than a South African ship) to go to sea from any port in the Union;
- (b) a South African ship to go to sea from any port whatsoever,

in an unseaworthy state.

241. Obligation to secure seaworthiness of ship

- (1) In every contract of service, express or implied, between the owner of a ship and the master or an apprentice officer and in every agreement between the master and the crew there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that he and the master and every agent charged with the loading, preparing for sea or sending to sea of the ship shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage and during the voyage.
- (2) This section shall apply in respect of every contract to serve on a South African ship, wherever the contract be entered into, and in respect of every contract to serve on a ship not registered in the Union, if the contract is entered into in the Union.

242. Sending unseaworthy ship to sea in special circumstances

Nothing in sections two hundred and forty and two hundred and forty-one contained shall subject the owner or master of any ship to any liability, civil or criminal, by reason of the ship being sent or taken to sea in an unseaworthy state, if it be proved—

- (a) that he used all reasonable means to ensure the seaworthiness of the ship; and
- (b) that, owing to special circumstances, the sending or taking of the ship to sea in such an unseaworthy state was reasonable and justifiable.

243. Unseaworthy ships to be detained

If on complaint made to him in accordance with the provisions hereinafter contained, or without any complaint, a proper officer has reason to believe that a ship at any port in the Union is unseaworthy, he shall, whether or not she is registered in the Union, detain her until he is satisfied that she is in a seaworthy state.

244. Ships may be inspected

- (1) If any ship is detained in terms of section two hundred and forty-three, the proper officer may, before releasing it, require those defects or deficiencies which are believed or alleged to exist to be inspected by a surveyor.
- (2) The surveyor who makes the inspection under this section, shall report fully to the proper officer who detained the ship on such supposed or alleged defects or deficiencies.
- (3) The proper officer shall transmit a copy of the surveyors' report to the Secretary and to the master of the ship.

245. Complaint as to seaworthiness to be in writing

Every complaint in respect of the seaworthiness of a ship shall be in writing, stating the name and address of the complainant, and if the ship be detained, a copy of the complaint, including the name and address of the complainant, shall be served on the master of the ship together with the notice of detention issued under section three hundred and thirty-five.

246. Complainant as to unseaworthiness may be required to give security

Before a ship is detained by a proper officer under the provisions of section two hundred and forty-three in consequence of a complaint, he shall assure himself by all means at his disposal that the complaint is not vexatious, frivolous or unreasonable, and if he thinks fit so to do, he may, except where the complaint is made by three or more of the members of the crew of the ship, require the complainant to give security to his satisfaction for the expenses of the inspection and any loss which may be sustained by the owner on account of the detention of the ship.

247. Complainant to pay costs if not successful

- (1) If, on inspection, it is determined that any ship detained under the provisions of section two hundred and forty-three was not an unseaworthy ship, the expenses incurred in connection with the inspection shall be paid to the Secretary by the person making the complaint, and if it be proved that there was not reasonable cause, by reason of the condition of the ship or the act or default of the owner or master, for the detention of the ship, the Minister shall, out of moneys made available by Parliament for the purpose pay to the owner compensation for any damage suffered by him by reason of the detention or survey.

- (2) The provisions of this section in respect of payment of the cost of the inspection shall not have effect where the complaint is made by members of the crew of the ship complained of, unless, in the opinion of the Secretary, such complaint was frivolous or vexatious.

248. Expenses to be paid by owner if complaint founded

If, on inspection, it is found that any complaint in respect of a ship detained under section two hundred and forty-three was well-founded, all expenses incurred in connection with the inspection shall be paid by the owner, and the ship shall not be released until they are paid.

249. Reports of dangers to navigation

- (1) The master of a South African ship on meeting with dangerous ice, a dangerous derelict, dangerous storm or any other direct danger to navigation, shall forthwith send information accordingly by all means of communication at his disposal and in accordance with the regulations, to ships in the vicinity and to such authorities on shore as may be prescribed.
- (2) Any person in charge of a radio station which is under the control of the Postmaster-General or which is carried on under licence issued by the Postmaster-General, shall on receiving the prescribed signal 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 shall transmit the message in such manner as may be required by the Secretary. Compliance with this sub-section shall be deemed to be a condition of every licence granted by the Postmaster-General under the Radio Act, 1952 ([Act No. 3 of 1952](#)), or any amendment thereto. Nothing in this sub-section shall interfere with the transmission by radio of any signal which by regulation has been declared to be a signal of distress.
[subsection (2) amended by section 32 of [Act 30 of 1959](#)]
- (3) For the purpose of this section, the expression “dangerous 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 dangerous storm if he has reason to believe that there is such a storm in his vicinity.

250. Careful navigation near ice

The master of a South African ship, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change course so as to keep well clear of the ice reported and of the area of danger.

251. Safety certificates and memoranda issued before commencement of this Act

Any certificate or memorandum issued under the authority of the Government of the Union before the coming into operation of this section, and being of a similar nature to any certificate or memorandum for the issue of which provision is made by this Chapter, shall, during the period for which it is expressed to be valid, be deemed to have been issued under this Act.

252. Period of grace for compliance with certain provisions

- (1) Nothing contained in section two hundred, two hundred and three, two hundred and twelve or two hundred and nineteen shall prohibit a ship from going to sea without the certificates referred to in those sections until after the expiration of one year from the date on which, in terms of a proclamation issued under section three hundred and fifty-eight, those sections are put into operation.
- (2) Nothing contained in section two hundred and twenty seven shall require the master of any ship to produce any certificate referred to in that section until after the expiration of one year from the date on which, in terms of a proclamation issued under section three hundred and fifty-eight, the first mentioned section is put into operation.

253. Provisions of this Chapter not to be applied to ships not registered in the Union driven, into Union ports by stress of weather

Notwithstanding the fact that any provision of this Chapter is expressed to apply to ships not registered in the Union while they are within the Union or within the territorial waters thereof that provision shall not be applied to a ship not registered in the Union if she would not have been within the Union or within the territorial waters thereof but for stress of weather or any other circumstances that neither the master, nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

254. Admissibility in evidence of safety and load line certificates and surveyors' reports

Every safety convention certificate, local safety certificate, and load line certificate and every report made by a surveyor in terms of any provision of this Act shall be admissible in evidence.

Part IV – Collisions, accidents at sea, and limitation of liability**255. Division of loss in case of collision**

- (1) Whenever by the fault of two or more ships damage or loss is caused to one or more of them or to the cargo or freight of one or more of them or to any property on board one or more of them, the liability to make good the damage or loss shall be in proportion to the degree in which each ship was at fault: Provided that—
 - (a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally; and
 - (b) nothing in this section shall operate so as to render any ship liable for any loss or damage to which her fault has not contributed; and
 - (c) nothing in this section shall affect the liability of any person under any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.
- (2) For the purposes of this chapter, references to damage or loss caused by the fault of a ship shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

256. Damages for personal injury

- (1) Whenever loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships concerned shall be joint and several.
- (2) Nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

257. Right of contribution

- (1) Whenever loss of life or personal injuries are suffered by a person on board a ship owing to the fault of that ship and of any other ship or ships, and a proportion of the damages is recovered against the owner of one of the ships which exceeds the proportion in which she was in fault, the said owner may recover by way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively in fault: Provided that no amount shall be so recovered which could not, by reason of any statutory or contractual limitation of, or exemption

from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

- (2) In addition to any other remedy provided by law, the person entitled to any contributions under sub-section (1) shall, for the purpose of recovering the contribution, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to use for damages in the first instance.

258. Duty of masters of ships in collision to render assistance

- (1) In every case of collision between two or more ships, it shall be the duty of the master of each ship, if and so far as he can do so without danger to his own ship and its crew and passengers—
 - (a) to render to the other ship or ships and the masters, crews and passengers thereof such assistance as may be practicable and necessary to save them from any danger caused by the collision, and to stay by the other ship or ships until he has ascertained that there is no need of further assistance; and
 - (b) to give to the masters of the other ship or ships the name of his own ship and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.
- (2) Compliance by the master of a ship with the provisions of sub-section (1) shall not affect his right, or the right of any other person, to salvage.
- (3) This section shall apply to all ships wherever they may be registered.

259. Report to proper officer of accidents to ships

- (1) The owner or master of any ship—
 - (a) which has been lost, abandoned or stranded; or
 - (b) which has been seriously damaged or has caused serious damage to any other ship; or
 - (c) on which any casualty resulting in loss of life or serious injury to any person has occurred; or
 - (d) which has been in a position of great peril either from the action of some other ship or for any other reason; or
 - (e) which, having left any port in the Union has put back to that port; or
 - (f) which has fouled or done any damage to any harbour, deck or wharf or to any lightship, buoy, beacon or sea mark,

shall within twenty-four hours after the happening of the event, or as soon thereafter as possible, report it to the nearest proper officer in the form prescribed, stating the nature of the event and of the probable cause therefor, the name of the ship, her official number, the port to which she belongs, the place where the event occurred and the place where the ship then is, and giving all other available relevant information.

- (2) Sub-section (1) shall, subject to sub-section (3), apply to every South African ship to or in respect of or on board of which any such event as is referred to in sub-section (1) has occurred anywhere, and it shall apply to a ship not registered in the Union only while she is within the Union or the territorial waters thereof and if any such event has occurred to or in respect of or on board of the ship during a voyage to a port in the Union or within the Union or the territorial waters thereof.
- (3) Paragraph (f) of sub-section (1) shall not apply to any vessel belonging to the Railway Administration and used by that Administration in connection with the working of its harbours.

260. Notice to Secretary of loss of ship

If the owner or the agent of the owner of a South African ship or of a ship plying between Union ports or between a Union port and any other port has reason, owing to the non-appearance of the ship or to any other circumstances, to believe or to fear that the ship has been wholly lost, he shall as soon as conveniently may be notify the Secretary in writing of the loss or the feared loss and of the probable occasion thereof, stating the name of the ship, her official number, the port to which she belongs, and giving all other available relevant information.

261. When owner not liable for whole damage

- (1) The owner of a ship, whether registered in the Union or not, shall not, if any loss of life or personal injury to any person, or any loss of or damage to any property or rights of any kind, whether movable or immovable, is caused without his actual fault or privity—
 - (a) if no claim for damages in respect of loss of or damage to property or rights arises, be liable for damages, in respect of loss of life or personal injury to an aggregate amount exceeding an amount equivalent to three thousand one hundred gold francs for each ton of the ship's tonnage; or
[paragraph (a) amended by section 33(a) of Act 30 of 1959]
 - (b) if no claim for damages in respect of loss of life or personal injury arises, be liable for damages in respect of loss of or damage to property or rights to an aggregate amount exceeding an amount equivalent to one thousand gold francs for each ton of the ship's tonnage; or
[paragraph (b) amended by section 33(b) of Act 30 of 1959]
 - (c) if claims for damages in respect of loss of life or personal injury and also claims for damages in respect of loss of or damage to property or rights arise be liable for damages to an aggregate amount exceeding an amount equivalent to three thousand one hundred gold francs for each ton of the ship's tonnage: Provided that in such a case claims for damages in respect of loss of life or personal injury shall, to the extent of an aggregate amount equivalent to two thousand one hundred gold francs for each ton of the ship's tonnage, have priority over claims for damages in respect of loss of or damage to property or rights, and, as regards the balance of the aggregate amount equivalent to three thousand one hundred gold francs for each ton of the ship's tonnage, the unsatisfied portion of the first-mentioned claims shall rank *pari passu* with the last-mentioned claims.
[paragraph (c) amended by section 33(c) and (d) of Act 30 of 1959]
- (2) The provisions of this section shall extend and apply to the owners, builders or other persons interested in any ship built at any port or place in the Union, from and including the launching of such ship until the registration thereof under the provisions of this Act.
- (3) The provisions of this section shall apply in respect of claims for damages in respect of loss of life, personal injury and loss of or damage to property or rights arising on any single occasion, and in the application of the said provisions claims for damages in respect of loss, injury or damage arising out of two or more distinct occasions shall not be combined.
- (4) For the purposes of this section a gold franc shall be taken to be a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred.
[subsection (4) added by section 33(e) of Act 30 of 1959]
- (5) The Secretary may from time to time by notice in the *Gazette* specify the amounts which for the purposes of this section shall be taken as equivalent to three thousand one hundred and one thousand gold francs, respectively.
[subsection (5) added by section 33(e) of Act 30 of 1959]

262. Tonnage how calculated

- (1) For the purpose of section two hundred and sixty-one, the tonnage of a ship shall be her register tonnage with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage; and the tonnage of a sailing ship shall be her register tonnage.
- (2) There shall not be included in such tonnage any space occupied by-seamen or apprentice-officers and appropriated to their use which has been certified by a surveyor to comply in all respects with the requirements of this Act.
- (3) The measurement of such tonnage shall be—
 - (a) in the case of a South African ship, according to the law of the Union;
 - (b) in the case of a Commonwealth ship registered elsewhere than in the Union, according to, the law of that part of the Commonwealth where the ship is registered;
 - (c) in the case of a foreign ship, according to the law of the Union, if capable of being so measured.
- (4) In the case of any foreign ship, which is incapable of being measured under the law of the Union, the Minister shall, after consideration of the available evidence concerning the dimensions of the ship, give a certificate under his hand stating what would, in his opinion, have been the tonnage of the ship if she had been duly measured according to the law of the Union; and the tonnage so stated in such certificate shall, for the purpose of section two hundred and sixty-one, be deemed to be the tonnage of the ship.

263. Application of this Part to persons other than the owners

Any obligation imposed by this Part upon any owner of a ship shall be imposed also upon any person (other than the owner) who is responsible for the fault of the ship; and in any case where, by virtue of any charter or lease, or for any other reason, the owner is not responsible for the navigation and management of the ship, this Part shall be construed to impose any such obligation upon the charterer or other person for the time being so responsible, and not upon the owner.

Chapter VI

Special shipping enquiries and courts of enquiry and courts of survey

264. Preliminary enquiry into shipping casualties

- (1) The Secretary may, in his discretion, appoint any competent person to hold a preliminary enquiry—
 - (a) whenever an allegation of incompetency or misconduct is made against the master or any of the ship's officers of a South African ship; or
 - (b) whenever—
 - (i) a South African ship has been lost, abandoned or stranded; or
 - (ii) a South African ship has been damaged or has caused damage to any other ship; or
 - (iii) loss of life or injury to any person on board a South African ship has, occurred, at any place whatsoever.
- (2) The Secretary may, in his discretion, appoint any competent person to hold a preliminary enquiry whenever—
 - (a) any such allegation as is referred to in paragraph (a) of sub-section (1) is made against the master or any of the ship's officers of a ship (other than a South African ship) which is

wholly engaged implying between ports in the Union, or any such event as is referred to in paragraph (b) of that sub-section has occurred at any place whatsoever to or in respect of or on board such a ship; or

- (b) any such event as is referred to in paragraph (b) of sub-section (1) has occurred to or in respect of any ship (other than a South African ship and other than a ship referred to in paragraph (a) of this sub-section) in a Union port or on or near the coasts of the Union.
- (3) The Secretary may, in his discretion, appoint any competent person to hold a preliminary enquiry whenever any such event as is referred to in paragraph (b) of sub-section (1) has occurred to or in respect of or on board a ship other than a South African ship elsewhere than in a Union port or on or near the coasts of the Union, and
 - (a) the ship subsequently arrives at a port in the Union and an enquiry into the casualty has not been held by any competent court or other investigatory body in any other part of the Commonwealth; or
 - (b) in the case of a Commonwealth ship, evidence is obtainable in the Union as to the circumstances in which the ship proceeded to sea, or was last heard of, or was lost, abandoned or stranded, or suffered or caused damage, or in which loss of life or serious injury to any person on board the ship occurred.

265. Report to Secretary by person who has held preliminary enquiry

Upon the conclusion of an enquiry by a person appointed in terms of section two hundred and sixty-four he shall without delay transmit to the Secretary a report containing a full statement of the case, and of his opinion thereon, accompanied by such report of or extracts from the evidence and such observations as he thinks fit.

266. Convening of court of marine enquiry in the Union

- (1) The Minister may, in his discretion, and whether or not a preliminary enquiry has been made, under section two hundred and sixty-four, convene a court (hereinafter referred to as a court of marine enquiry) to hold formal investigation into any such allegation or event as is referred to in that section.
- (2) A formal investigation shall not be held into any allegation against the master or a ship's officer of a ship registered in any part of the Commonwealth other than the Union, or into any event that has occurred to or in respect of or on board any such ship, save at the request or with the consent of the Government of that part: Provided that this restriction shall not apply if—
 - (a) the allegation relates to the master or a ship's officer of a ship which is wholly engaged in plying between ports in the Union, or the event has occurred at any place whatsoever to or in respect of or on board any such ship; or
 - (b) the event has occurred in a Union port or on or near the coasts of the Union to or in respect of or on board a ship other than a ship referred to in paragraph (a).

267. Constitution of court of marine enquiry

- (1) A court of marine enquiry shall consist of a magistrate, who shall be the presiding officer, and either two or four other members.
- (2) The members of the court shall be appointed by the Minister, and all members other than the presiding officer shall be persons of suitable nautical, engineering or other special skill, knowledge or experience, and, whenever possible, at least one member shall be in active sea-going service.
- (3) The members of the court other than the presiding officer shall be selected from a list of persons approved by the Minister from time to time in accordance with the regulations:

Provided that the Minister may appoint as a member of the court a person whose name does not appear on the said list, if it appears to him expedient to do so by reason of the special nature of the investigation.

- (4) If by death, resignation or any other cause the number of members of the court is reduced, the remaining members shall, if they consist of the presiding officer and at least one other member, constitute the court.
- (5) If the court, as originally constituted or as reduced for any reason referred to in sub-section (4), consists of the presiding officer and two other members, the presiding officer and one other member shall form a quorum; and if it consists of the presiding officer and more than two other members, the presiding officer and two other members shall form a quorum.

268. How decisions of court of marine enquiry are reached and announced

- (1) Any matter of law arising for decision at any investigation held by a court of marine enquiry, and any question arising thereat as to whether a matter for decision is a matter of fact or a matter of law, shall be decided by the presiding officer, and no other member shall have a voice in any such decision.
- (2) The presiding officer may adjourn the argument upon any such matter or question as is mentioned in sub-section (1), and may sit alone for the hearing of such argument and the decision of such matter or question.
- (3) Whenever the presiding officer gives a decision in terms of sub-section (1), he shall give his reasons for that decision.
- (4) Upon all matters of fact the decision of the majority of the members of the court shall be the decision of the court.
- (5) The decision of the court upon any matter in terms of sub-section (4) shall be declared by one of the members concurring in that decision, and the reasons therefor shall be stated by at least one such member. Any member who, dissents from the decision of the court may declare his dissent and his reasons therefor.
- (6) If for any reason a majority of the members of the court (or, if the court consists of only two members, both members) are not agreed upon any matter of fact upon which a decision is necessary in order that the investigation may be completed, the presiding officer shall report that fact to the Secretary, and thereupon the Minister may refer the matter back to the court for reconsideration or may discharge the members of the court and, if he thinks fit, appoint another court of marine enquiry to hold the formal investigation.

269. Powers of court of marine enquiry as to certificates of master or ship's officer

- (1) If a court of marine enquiry finds that any master or ship's officer is incompetent or has been guilty of any act of misconduct, or that loss, abandonment or stranding of or serious damage to any ship or loss of life or serious injury to any person has been caused by the wrongful act or default of any master or ship's officer, it may, subject to the provisions of section two hundred and eighty-three, cancel the certificate of competency or service of the master or ship's officer or suspend it for a stated period.
- (2) Sub-section (1) shall apply in respect of certificates of masters or ships' officers of all South African ships, and in respect of certificates of masters or ships' officers of ships not registered in the Union only if those ships are wholly engaged in plying between ports in the Union.

270. Convening of maritime courts outside the Union

Whenever—

- (a) a complaint which appears to a proper officer outside the Union to require immediate investigation is made to him by the master or any member of the crew of a South African ship; or
- (b) the interest of the owner of a South African ship or of the cargo thereof appears to such an officer to require it; or
- (c) an allegation of incompetency or misconduct is made to him against the master or any of the ship's officers of a South African ship; or
- (d) any South African ship is lost, abandoned or stranded at or near the place where such an officer may be, or whenever the crew or part of the crew of any South African ship which has been lost, abandoned or stranded arrives at that place; or
- (e) any loss of life or any serious injury to any person has occurred on board a South African ship at or near that place,

he may, in his discretion, convene a court (hereinafter referred to as a maritime court) to investigate the said complaint or allegation or the matter affecting the said interest or the cause of the loss, abandonment or stranding of the ship or of the loss of life or of the injury to the person.

271. Constitution of maritime courts

- (1) A maritime court shall consist of the proper officer who convenes it and either two or four other members.
- (2) The other members of the court shall be appointed by the proper officer who convenes it, and shall be persons of suitable nautical, engineering or other special skill, knowledge or experience, and, whenever possible, at least one member shall be in active sea-going service.
- (3) If by death, resignation or any other cause the number of members of the court is reduced to not less than two, the remaining members shall constitute the court.
- (4) If the court, as originally constituted, or as reduced for any reason referred to in sub-section (3), consists of three members, two members shall form a quorum and if it consists of more than three members, three members shall form a quorum.
- (5) The proper officer who convened the court shall be the presiding officer unless for any reason referred to in sub-section (3) he ceases to be a member of the court, in which event the proper officer (or his successor) shall appoint one of the other members of the court to be the presiding officer.

272. How decisions of maritime courts are reached and announced

- (1) The decision of the majority of the members of a maritime court shall, subject to the provisions of paragraphs (a) and (b) of sub-section (1) of section two hundred and seventy-three, be the decision of the court.
- (2) The decision of the court shall be declared by one of the members concurring in that decision, and the reasons therefor shall be stated by at least one such member. Any member who dissents from the decision of the court may declare his dissent and his reasons therefor.
- (3) If for any reason a majority of the members of the court (or, if the court consists of only two members, both members) are not agreed upon any matter upon which a decision is necessary in order that the investigation may be completed, the presiding officer, if he is the proper officer, shall discharge the members of the court, and, if he thinks fit, he may summon another maritime court to hold the investigation, or, if he is not the proper officer, he shall report the fact to the proper officer,

and thereupon the proper officer may refer the matter back to the court for reconsideration or may discharge the members of the court, and, if he thinks fit, summon another maritime court to hold the investigation.

273. Powers of maritime courts

- (1) A maritime court may, after hearing and investigating the case, and subject to the provisions of section two hundred and eighty-three—
 - (a) if unanimous that the safety of a South African ship or her cargo or crew or the interest of the owner of a South African ship or of the cargo thereof requires it, remove the master and appoint another qualified person to act in his stead;
 - (b) if unanimous that any master or ship's officer of a South African ship is incompetent or has been, guilty of any act of misconduct, or that loss, abandonment or stranding of or serious damage to any ship or loss of life or serious injury to any person has been caused by the wrongful act or default of any master or ship's officer of a South African ship, suspend the certificate of competency or service of that master or ship's officer for a stated period;
 - (c) discharge a seaman from a South African ship and order the wages of any seaman so discharged or any part of those wages to be forfeited;
 - (d) decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings;
 - (e) direct that any or all of the costs incurred by the master or owner of a South African ship in procuring the imprisonment of any seaman or apprentice-officer in a port outside the Union, or in his maintenance while so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice-officer, whether then or subsequently earned;
 - (f) exercise the same powers with regard to persons charged before it with the commission of offences at sea or abroad as consular representatives can in terms of section three hundred and forty-one;
 - (g) punish any master or member of the crew of a South African ship respecting whose conduct a complaint is brought before it for any offence under this Act of which he has been found guilty by the court and shall for that purpose have the same powers as a magistrate's court would have if the case were tried in the Union: Provided that where an offender is sentenced to imprisonment, the proper officer shall approve the place of imprisonment, whether on land or on board ship: Provided, further, that the court may direct that any fine imposed upon an offender shall be paid out of and deducted from his wages and paid over to the proper officer, who shall transmit it to the Secretary;
 - (h) if it considers such a step expedient, order a survey to be made of any South African ship which is the subject of investigation;
 - (i) *[paragraph (i) deleted by section 34 of Act 30 of 1959]*
- (2) All orders made by a maritime court shall, whenever practicable, be entered in the official log-book of the ship which forms the subject of investigation or on board which the casualty or occurrence or conduct investigated took place, and be signed by the presiding officer of the court.

274. Appeal from surveyor to court of surveyor

- (1) If a surveyor who has inspected a vessel—
 - (a) makes a statement in his report of his inspection with which the owner (or his agent) or the master of the vessel is dissatisfied; or
 - (b) gives notice under sub-section (2) of section two hundred and fourteen, sub-section (2) or (3) of section two hundred and sixteen or sub-section (1) of section two hundred and twenty-three; or

- (c) declines to give the certificate referred to in sub-section (3) of section two hundred and fourteen, sub-section (4) of section two hundred and sixteen or sub-section (2) of section two hundred and twenty-three,

the owner (or his agent) or the master, as the case may be, may, subject to the provisions of sub-section (2) of this section and section two hundred and eighty-two, appeal to a court of surveyor.

- (2) Whenever a surveyor inspects any vessel, he shall, if the owner (or his agent) or the master of the vessel so requires, be accompanied on the inspection by some person nominated by the owner (or his agent, or the master, as the case may be, and if the person so nominated agrees with the surveyor as to the statement made or the notice given by the surveyor or the refusal by the surveyor to give a certificate, there shall be no appeal to a court of surveyor from that statement, notice or refusal.

[subsection 2 amended by section 35 of [Act 30 of 1959](#)]

275. Convening of court of survey

Whenever an appeal to a court of survey lies in terms of section two hundred and seventy-four and has been duly noted, the Minister shall, subject to the provisions of section two hundred and eighty-two, convene a court (hereinafter referred to as a court of survey) to hear the appeal.

276. Constitution of court of survey

- (1) A court of survey shall consist of a magistrate and either two or four other members.
- (2) The members of the court shall be appointed by the Minister, and all members other than the presiding officer shall be persons of suitable nautical, engineering or other special skill, knowledge or experience.
- (3) Whenever a foreign ship is the subject of an appeal the Minister may consult a diplomatic or consular representative of the country in which that ship is registered before nominating the members.
- (4) The members of the court other than the presiding officer shall be selected from a list of persons approved by the Minister from time to time in accordance with the regulations: Provided that the Minister may appoint as a member of the court a person whose name does not appear on the said list, if it appears to him expedient to do so by reason of the special, nature of the questions involved in the appeal.
- (5) If by death, resignation or any other cause the number of members of the court is reduced to not less than two, the remaining members shall constitute the court.
- (6) If the court, as originally constituted, or as reduced for any reason referred to in sub-section (5), consists of three members, two members shall form a quorum; and if it consists of more than three members, three members shall form a quorum.
- (7) The magistrate appointed as a member of the court as originally constituted shall be the presiding officer unless for any reason referred to in sub-section (5), he ceases to be a member of the court, in which event the Minister shall appoint one of the other members of the court to be the presiding officer.

277. How decisions of courts of survey are reached and announced

- (1) The decision of the majority of the members of a court of survey shall be the decision of the court.
- (2) The decision of the court shall be declared by one of the members concurring in that decision, and the reasons therefor shall be stated by at least one such member. Any member who dissents from the decision of the court may declare his dissent and his reasons therefor.

- (3) If for any reason a majority of the members of the court (or, if the court consists of only two members, both members) are not agreed upon the question what the decision upon the appeal should be, the presiding officer shall report the fact to the Secretary, and thereupon the Minister may refer the appeal back to the court for reconsideration, or may discharge the members' of the court and appoint another court of survey to hear the appeal.
- (4) Notwithstanding the provisions of this section, if a ship has been detained or it is proposed to detain a ship by reason of a report made or a notice given by a surveyor, or by reason of a refusal by a surveyor to grant a certificate, and appeal is made against the making of the report or the giving of the notice or the refusal to grant the certificate, the ship shall, if she has been detained, be released, and if she has not yet been detained, shall not be detained after the first meeting of the court, unless a majority of the members of the court are in favour of her being detained.

278. Powers of court of survey

A court of survey or, if an appeal has been referred to an expert or experts under section two hundred and eighty-two, that expert or those experts, may, if the appeal is against—

- (a) any statement in a report by a surveyor, dismiss the appeal, in which event the statement shall stand, or uphold the appeal and cancel or vary the statement; or
- (b) any notice given by a surveyor, dismiss the appeal and confirm that notice or uphold the appeal and set aside the notice; or
- (c) the refusal by a surveyor to grant a certificate, dismiss the appeal and confirm that refusal or uphold the appeal and grant the certificate.

279. Interested persons not to serve on courts of marine enquiry, maritime courts or courts of survey

- (1) No person who is connected, directly or indirectly, with the ship which forms the subject of investigation by a court of marine enquiry or a maritime court, or which forms the subject of an appeal to a court of survey, or on board which the casualty or occurrence or conduct to be investigated by a court of marine enquiry or a maritime court took place, or with the owners of that ship, shall be appointed as a member of that court or under section two hundred and eighty-two.
- (2) Nothing in sub-section (1) contained shall prohibit the appointment as a member of a court of marine enquiry or a maritime court or a court of survey or under section two hundred and eighty-two of any person who is in the employ of or entitled to receive a pension from the Government of the Union, merely on the ground that the said Government is the owner of the ship referred to in sub-section (1).

280. Procedure at court of marine enquiry or maritime court or court of survey

- (1) A court of marine enquiry, a maritime court or a court of survey, or an expert or experts to whom an appeal has been referred under section two hundred and eighty-two may, subject to the provisions of this Act, determine the procedure to be followed at the investigation or the hearing of the appeal.
- (2) Every such investigation shall, unless the court decide otherwise, be held in open court, and the hearing of every such appeal shall be held in open court; and the decision or finding shall, at the conclusion of the investigation or hearing, or as soon afterwards as possible, be delivered in open court.

281. Court of survey may cause ship to be surveyed

- (1) A court of survey may appoint a surveyor to inspect the ship which is the subject of appeal and report thereon to the court.

- (2) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Secretary, may attend at any inspection made in terms of this section.

282. Reference in difficult cases to scientific persons

- (1) If the Secretary is of opinion that an appeal to a court of survey involves a question of construction or design or of scientific difficulty or an important principle, he may refer the appeal to one or more experts approved by the Minister and selected by agreement between the Secretary and the appellant, or, in default of any such agreement, by the Minister, and thereupon the appeal shall be determined by such experts instead of by the court.
- (2) The Secretary, if the appellant in any appeal so requests and gives security to the satisfaction of the Secretary to pay any relative costs, shall refer the appeal to one or more experts selected in terms of sub-section (1).
- (3) An expert or experts to whom an appeal is referred in terms of sub-section (1) or (2) shall have the same powers as a court of survey.
- (4) If an appeal is referred to more than one expert, the provisions of section two hundred and seventy-seven shall apply, *mutatis mutandis*, to the hearing of the appeal.
- (5) If an appeal is referred under sub-section (1) to more experts than one, the Secretary shall appoint one of them as presiding officer.

283. Opportunity of making a defence

- (1) If at an investigation by a court of marine enquiry or a maritime court it is alleged or suggested that the conduct of any person has amounted to a punishable act or omission, that person shall be given a reasonable opportunity for making a defence.
- (2) A court of marine enquiry shall not cancel or suspend a certificate, and a maritime court shall not suspend a certificate—
 - (a) unless the holder of the certificate has been present at the hearing of any evidence on which the decision of the court to cancel or suspend his certificate is based, or, if he has not been so present, unless a transcript of the notes of such evidence has been furnished to him at least forty-eight hours before he is called upon to make his defence; and
 - (b) unless copies of any written depositions or reports upon which such decision is based have been furnished to him and a copy of the charges laid against him has been served upon him in the manner prescribed, at least forty-eight hours before he is called upon to make his defence, and if after a copy of a charge laid against him has been served upon him the charge is amended, he has been given a reasonable opportunity of making a defence to the amended charge.
- (3) If the holder of the certificate concerned has been summoned to attend before the court and has not done so, or if upon being asked in writing or otherwise whether he wishes to make a defence he has not replied that he wishes to do so, it shall not be necessary to furnish to him the notes, depositions or reports referred to in sub-section (2).

284. Court may require delivery of certificate during course of investigation

A court of marine enquiry or a maritime court may at any time during the progress of the investigation order any master or ship's officer affected by the investigation to deliver his certificate to the court forthwith.

285. Witnesses to be allowed expenses

Every witness summoned by a person appointed under section two hundred and sixty-four to make a preliminary enquiry or by a court of marine enquiry, a maritime court or a court of survey or an expert or experts to whom an appeal has been referred under section two hundred and eighty-two shall be paid such expenses as would be allowed to any witness attending or subpoenaed to give evidence in a civil case before a magistrate's court.

286. Transmission to Secretary of record and decision of court of marine enquiry, maritime court, or court of survey

- (1) The presiding officer of a court of marine enquiry, maritime court or court of survey or body of experts to whom an appeal has been referred under section two hundred and eighty-two, or, if an appeal has been referred to only one expert that expert shall, at the conclusion of the investigation or hearing transmit to the Secretary the notes of evidence and as many copies as the Secretary may require of the record of the proceedings and the report and decisions and any member of the court or any one of the experts who dissents from any decision may attach to the record his written reasons for so dissenting, and the presiding officer shall transmit such written reasons with the record.
- (2) When the investigation affects a master or ship's officer of a ship other than a South African ship the Secretary shall transmit a copy of the court's finding or decision, together with the notes of the evidence, to the proper authority in the country where the ship is registered.

287. Effect of cancellation or suspension of certificate

The cancellation or suspension of a certificate by the Minister or a court of marine enquiry, or the suspension of a certificate by a maritime court, shall—

- (a) if the certificate was issued in the Union, be effective everywhere and in respect of all ships; and
- (b) if the certificate was issued elsewhere than in the Union, be effective—
 - (i) within the Union and the territorial waters of the Union in respect of all ships; and
 - (ii) outside the Union and the territorial waters of the Union in respect of South African ships only.

288. Delivery of Union certificate cancelled or suspended

A master or ship's officer who is the holder of a certificate issued in the Union shall, if such certificate has been cancelled or suspended by the Minister or a court of marine enquiry or suspended by a maritime court, deliver his certificate to the Minister or court on demand, or if it is not demanded by the Minister or court, to the Secretary.

289. Suspended certificate not to be endorsed

If the certificate of a master or ship's officer is suspended by the Minister or a court of marine enquiry or a maritime court, or if a direction is given by the Minister under sub-section (2) of section eighty-seven in respect of the holder of a certificate, no person shall make any endorsement to that effect on the said certificate.

290. Powers of Minister in respect of cancelled or suspended certificates

The Minister may, if he thinks the justice of the case requires it—

- (a) set aside the suspension of a certificate suspended by a court of marine enquiry or a maritime court, or shorten or lengthen the period of suspension of, or cancel, a certificate so suspended; or
- (b) grant a new certificate of the same or any lower grade in the place of a certificate cancelled by any such court, if the certificate was issued in the Union, or return any certificate so cancelled, if it was issued elsewhere than in the Union.

291. Rehearing

- (1) Whenever an investigation has been held by a court of marine enquiry or a maritime court, the Minister may order the case to be reheard, either generally or as to any part thereof, and shall so order—
 - (a) if new and important evidence which could not be produced at the investigation has been discovered; or
 - (b) if for any other reason there has been in his opinion ground for suspicion that a miscarriage of justice has occurred.
- (2) The Minister may order the case to be reheard by the court of marine enquiry or the maritime court, as the case may be, consisting (if such is practicable) of the same members who, or other members than, constituted the court when it held the investigation in the first instance; and may, if the investigation was held by a maritime court, order the case to be reheard by a court of marine enquiry.

292. Appeals against decisions of courts of marine enquiry and maritime courts

- (1) Any person aggrieved by any decision of a court of marine enquiry or a maritime court may appeal to the superior court within the area of jurisdiction of which—
 - (a) in the case of a court of marine enquiry, the court was held; or
 - (b) in the case of a maritime court, the ship which formed the subject of investigation, or on board which the casualty or occurrence investigated by the court took place, is registered.
- (2) An appeal to a superior court shall, if the appeal is made merely on a point of law, be heard by a judge of that court, and in every other case by a judge of that court assisted by at least one assessor acting in an advisory capacity, who shall be a person of suitable nautical, engineering or other special skill, knowledge or experience summoned by the judge for the purpose.
- (3) The court to which the appeal is made may confirm or quash or vary the decision appealed from, or remit the case for rehearing either generally or as to any part thereof by the court from whose decision the appeal is brought, consisting (if such is practicable) of the same members who, or other members than, constituted that court when it held the investigation in the first instance.
- (4) An appeal under this section shall be made in the manner and subject to the conditions and in accordance with the provisions laid down in the regulations.

Chapter VII Wrecks and salvage

293. Application to aircraft

The provisions of this Act relating to wreck and to salvage of life or property and to the duty to render assistance to ships in distress shall, subject to such modifications and exemptions as may be made by the regulations, apply to aircraft on or over the sea or the tidal waters of the Union as they apply to ships, and the owner of an aircraft shall, subject to the modifications and exemptions so made, be entitled to the award of a reasonable sum for salvage services rendered by the aircraft and be liable to pay a reasonable amount of salvage in respect of services rendered in saving life from the aircraft or in saving the aircraft or any wreck from the aircraft, in any case where the owner of the aircraft would be so entitled or liable had it been a ship.

294. Salvage officers

- (1) The Secretary may appoint suitable persons to be salvage officers at ports or places in the Union.
- (2) An appointment as a salvage officer shall be in respect of a defined area and if at any time there is no salvage officer for any area, the collector of customs at the principal port in that area shall be the salvage officer for that area.

295. Power to pass over adjoining lands

Whenever a ship is wrecked, stranded or in distress within the territorial waters of or on or near the coasts of the Union, all persons may, for the purpose of rendering assistance to the ship, or of saving the lives of any shipwrecked persons, or of saving any wreck, unless there is some public road or camping site equally convenient, pass and repass either with or without vehicles or animals over any lands, and camp on such lands, without being subject to interruption by the owner or occupier, if they do so with as little damage as possible, and may also, on the like condition, deposit on such lands any goods required for the construction of a camp and their existence thereat, and also any wreck recovered from the ship.

296. Power of salvage officer to suppress plunder and disorder by force

- (1) No person shall, when a ship is wrecked, stranded, or in distress, plunder, create disorder or obstruct the preservation of the ship or of ship-wrecked persons or of wreck; and the salvage officer or his authorized representative may cause any person contravening the provisions of this subsection to be apprehended.
- (2) The salvage officer or his authorized representative may use whatever force may be necessary for the suppression of any such plundering, disorder, or obstruction, and may command all persons present to assist him in so doing, and no person shall fail without lawful excuse to obey any such command.
- (3) If any person is killed, maimed, or hurt by reason of his resisting a salvage officer or his authorized representative or any person acting under the orders of a salvage officer or such representative in the execution of the powers assigned to such officer or representative by this section, neither the said salvage officer nor his representative nor the person acting under his orders shall be liable to suffer any punishment or to pay any damages by reason of the person being so killed, maimed, or hurt.

297. Investigation concerning ships wrecked, stranded or in distress

If a ship is wrecked, stranded or in distress within the territorial waters of or on or near the coasts of the Union, a salvage officer or person authorized by him may conduct an investigation into all or any of the following matters:

- (a) the name and description of the ship;
- (b) the name of the master and of the owners;
- (c) the names of the owners of the cargo;
- (d) the ports from and to which the ship was bound;
- (e) the occasion of the wrecking, stranding, or distress of the ship;
- (f) the services rendered; and
- (g) such other relevant matters or circumstances as he deems fit.

298. Exercise of powers in absence of salvage officer

- (1) If a salvage officer or his authorized representative is not present, the following persons in succession (each in the absence of the other, in the order in which they are named) may do anything authorized to be done by the salvage officer:

- (a) any officer of customs;
- (b) any officer of police;
- (c) any officer of the Railways and Harbours Police, appointed under section fifty-seven of the Railways and Harbours Control and Management (Consolidation) Act, 1957 ([Act No. 70 of 1957](#));

[paragraph (c) amended by section 36(a) of [Act 30 of 1959](#)]

- (d) any commissioned officer in the Union Defence Forces.

- (2) Any person acting for a salvage officer in terms of sub-section (1) shall in respect of any wreck be considered to be the agent of the salvage officer and shall comply with the provisions of sub-section (2) of section one hundred and four of the Customs Act, 1955 ([Act No. 55 of 1955](#)), but shall not be deprived, by reason of his so acting of any right to salvage to which he would otherwise be entitled.

[subsection (2) amended by section 36(b) of [Act 30 of 1959](#)]

299. Interfering with wrecked ship or aircraft

- (1) No unauthorized person shall board any ship or aircraft wrecked, stranded or in distress within the territorial waters of or on or near the coasts of the Union without the leave of the person in charge of such ship or aircraft, and any person boarding such ship or aircraft without permission may be repelled by force.
- (2) No person shall—
 - (a) impede or hinder the saving of any ship stranded or in danger of being stranded, or otherwise in distress, or of any life from any such ship, or of any wreck;
 - (b) secrete any wreck, or deface or obliterate any marks thereon; or
 - (c) wrongfully carry away or remove any wreck.

300. Salvage payable for saving life

- (1) When services are rendered within the territorial waters of the Union in saving life from any ship, or elsewhere in saving life from any South African ship, there shall be payable to the salvor, by the owner of the ship and the owner of any wreck which may also have been saved, a reasonable amount of salvage, and the salvor shall have a lien upon the ship or wreck for the amount of salvage due to him.
- (2) Salvage in respect of the preservation of life, when payable by the owner of a ship, shall be payable in priority to all other claims for salvage.
- (3) When the ship or wreck is lost or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Minister may, in his discretion, award to the salvor, out of moneys made available by Parliament for the purpose, such sum as he thinks fit, in whole or part satisfaction of any amount of salvage so left unpaid.

301. Salvage payable for saving wreck

When any ship is wrecked, stranded, abandoned or in distress or any wreck is found within the territorial waters of or on or near the coasts of the Union, and services are rendered by any person other than a salvage officer or his authorized representative in saving such ship or wreck, there shall, subject to the provisions of sub-section (2) of section three hundred, be paid to that person, by the owner of the ship or wreck, or by the Commissioner of Customs if the ship or wreck is sold by him in terms of sub-section (3) of section one hundred and four of the Customs Act, 1955 ([Act No. 55 of 1955](#)), a reasonable amount of salvage.

[section 301 amended by section 37 of [Act 30 of 1959](#)]

302. Expenses incurred in rendering salvage services

Any person who is entitled under this Act to payment for salvage services rendered by him shall also be entitled to repayment of all reasonable expenses incurred by him in the performance of those services; and the provisions of this Act relating to payment for salvage services shall apply in respect of the repayment of such expenses.

303. Duty to render assistance to persons in danger at sea

- (1) The master of a ship shall, so far as he can do so without serious danger to his ship, her crew and passengers, render assistance to every person, who is found at sea in danger of being lost, even if that person be a citizen of a country at war with the Union or with the country in which the ship is registered.
- (2) Compliance by the master of a ship with the provisions of sub-section (1) shall not affect his right, or the right of any other person, to salvage.
- (3) This section shall apply to all ships wherever they may be registered.

304. Detention of wreck until salvage is paid

- (1) If the salvage officer is satisfied that salvage is due to any person under this Act, he shall detain the ship or wreck saved or assisted or from which life was saved, until payment is made for the salvage due or process for the arrest or detention thereof by a competent court is served.
- (2) The salvage officer may release any ship or wreck detained by him under sub-section (1) if security to his satisfaction is given for the payment of the salvage due.

305. Law applicable in apportionment of salvage amongst owners, etc. of ships not registered in the Union

If any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew, and other persons in the service of any ship other than a South African ship, the amount shall be apportioned in accordance with the law of the country in which the ship is registered.

306. Application of this Chapter

The provisions of this Chapter shall be applied in all cases determined in any court in the Union, in whatever waters the salvage services in question were rendered.

Chapter VIII Carriage of goods by sea

307. Application of Chapter

- (1) The provisions of this Chapter shall, subject to the provisions of sub-sections (2), (3) and (4), have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in the Union to any other port whether in or outside the Union.
- (2) Nothing in this Chapter shall affect the operation of any other law for the time being in force limiting the liability of the owners of sea-going ships.
- (3) The provisions of this Chapter shall not be applicable to charter parties, but if bills of lading are issued in the case of a ship under a charter party they shall comply with the said provisions.
- (4) The provisions of this Chapter shall not apply to any contract for the carriage of goods by sea made before the coming into operation of this Chapter, nor to any bill of lading or similar document of title issued in pursuance of such contract.
- (5) Every bill of lading, or similar document of title, issued in the Union which contains or is evidence of any contract to which this Chapter applies shall contain an express statement that it is to have effect subject to the provisions of this Chapter, and shall be deemed to have effect subject thereto, notwithstanding the omission of such express statement.

308. Responsibilities and liabilities of carrier

- (1) The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence—
 - (a) to make the ship seaworthy;
 - (b) to man, equip and supply the ship properly;
 - (c) to make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.
- (2) Subject to the provisions of section three hundred and nine, the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.
- (3) After receiving the goods into his charge, the carrier, or the master or agent of the carrier, shall, on the demand of the shipper, issue to the shipper a bill of lading showing amongst other things:
 - (a) the leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;

- (b) either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;
- (c) the apparent order and condition of the goods:

Provided that the carrier, or the master or agent of the carrier, shall not be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting do not accurately represent the goods actually received, or which he has had no reasonable means of checking.

- (4) Such a bill of lading shall, subject to the provisions of sub-section (6), be *prima facie* evidence of the receipt by the carrier of the goods as therein described in accordance with sub-section (3).
- (5) The shipper shall, subject to the provisions of sub-section (6), be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.
- (6) Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper and the fact that the weight is so ascertained or accepted is stated in the bill of lading, the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.
- (7) Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or, if the loss or damage be not apparent, within three days, such removal shall be *prima facie* evidence of the delivery by the carrier of the goods as described in the bill of lading. The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.
- (8) In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.
- (9) In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.
- (10) After the goods are loaded the bill of lading to be issued by the carrier, or the master or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading: Provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this section be deemed to constitute a "shipped" bill of lading.
- (11) A bill of lading issued in accordance with sub-section (3) shall for all purposes be deemed to be a valid bill of lading with the like effect, and capable of negotiation in all respects and with the like consequences, as if it were a "shipped" bill of lading.
- (12) Any clause, stipulation or agreement in a contract of carriage relieving the carrier or the ship from liability for loss of or damage to or in connection with goods arising from negligence, fault or failure in the duties and obligations provided in this section or lessening such liability otherwise than as provided in this Chapter, shall be null and void and of no effect. A benefit of insurance or similar clause shall, for the purposes of this sub-section, be deemed to be a clause relieving the carrier from liability.

- (13) There shall not be implied in any contract for the carriage of goods by sea any absolute undertaking by the carrier of the goods to provide a seaworthy ship.

309. Rights and immunities of carrier

- (1) Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness, unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of sub-section (1) of section three hundred and eight. Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this sub-section.
- (2) Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—
- (a) any act, neglect, or default of the master, crew, pilot, or the servants of the carrier in the navigation or in the management of the ship;
 - (b) fire, unless caused by the actual fault or privity of the carrier;
 - (c) perils, dangers and accidents of the sea or other navigable waters;
 - (d) act of God;
 - (e) act of war;
 - (f) act of public enemies;
 - (g) arrest or restraint of princes, rulers or people, or seizure under legal process;
 - (h) quarantine restrictions;
 - (i) any act or omission of the shipper or owner of the goods, his agent or representative;
 - (j) strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general;
 - (k) riots and civil commotions;
 - (l) saving or attempting to save life or property at sea;
 - (m) wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;
 - (n) insufficiency of packing;
 - (o) insufficiency or inadequacy of marks;
 - (p) latent defects not discoverable by due diligence;
 - (q) any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.
- (3) The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault or neglect of the shipper, his agents or his servants.
- (4) Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of the provisions of this Chapter or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

- (5) Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding one hundred pounds per package or unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading. This declaration if embodied in the bill of lading shall be *prima facie* evidence, but shall not be binding or conclusive on the carrier.

By agreement between the carrier or the master or agent of the carrier and the shipper another maximum amount than that mentioned in this sub-section may be fixed: Provided that such maximum shall not be less than the amount mentioned in this sub-section. Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly mis-stated by the shipper in the bill of lading.

- (6) Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier or the master or agent of the carrier, has not consented, with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment. If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

310. Miscellaneous provisions as to contents and effect of contract for carriage of goods by sea

- (1) A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the provisions of this Chapter, provided such surrender or increase is embodied in the bill of lading issued to the shipper.
- (2) Notwithstanding other provisions contained, in this Chapter, a carrier or the master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness (so far as the stipulation regarding seaworthiness is not contrary to public policy), or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea: Provided that in such a case no bill of lading shall be issued and the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such: Provided, further, that this sub-section shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably justify a special agreement.
- (3) Sub-section (2) shall, in relation to the carrying of goods by sea from any port in the Union to any other port in the Union, have effect as though the said sub-section referred to goods of any class instead of to particular goods, and as though the second proviso to the said sub-section were omitted.
- (4) Nothing in this Chapter contained shall prevent the insertion in a bill of lading of any lawful provision regarding general average.
- (5) Nothing in this Chapter contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.
- (6) Any stipulation or agreement, whether made in the Union or elsewhere, purporting to oust or lessen the jurisdiction of the courts of the Union in respect of any bill of lading or document

relating to the carriage of goods by sea from any port in the Union to any other port, whether in or outside the Union, or from any port outside the Union to any port in the Union shall be null and void and of no effect.

311. Claims for short-delivery, loss or damage of cargo

- (1) A ship (other than a South African ship) which at a Union port has discharged cargo carried from a port outside the Union shall not be granted clearance to leave the port unless—
 - (a) the owner or charterer of the ship has appointed an agent who has been approved by the officer of customs from whom a clearance for the ship is requested and who has undertaken to be liable for receiving and paying all claims to which any person engaged in business in the Union may be entitled against the ship or the owner or charterer of the ship for short delivery, loss or damage of cargo; or
 - (b) the master of the ship and some other person approved by the said officer of customs have given security to the satisfaction of the said officer of customs for the payment of all claims to which any person engaged in business in the Union may be entitled against the ship or the owner or charterer of the ship for short delivery, loss or damage of cargo, together with costs.
- (2) The agent referred to in paragraph (a) of sub-section (1) may be appointed generally or in relation to a particular ship or a particular cargo.
- (3) Any agent appointed in terms of this section may by notice in writing, delivered to the officer of customs not later than twenty-four hours before the departure of the ship, repudiate any liability for receiving and paying the claims referred to in paragraph (a) of sub-section (1), and in that event the owner or charterer of the ship shall be deemed not to have appointed an agent in terms of that paragraph.
- (4) Any person engaged in business in the Union and being entitled to any claim for short-delivery, loss or damage of cargo against the ship or the owner or charterer of the ship may recover such claim against the agent appointed in terms of paragraph (a) of sub-section (1), unless such agent has repudiated liability as provided in sub-section (3), or against any person who has given security in terms of paragraph (b) of that sub-section: Provided that no proceedings for the recovery of any such claim shall be taken unless notice of the claim has been given to the person sued not later than fourteen days after the goods in respect of which the claim is made were delivered or should have been delivered.

Chapter IX

Offences, penal provisions and legal procedure

312. Offences not expressly mentioned

Any person who contravenes any provision of this Act or who fails to comply with any provision thereof with which it was his duty to comply shall be guilty of an offence.

313. Penalties for criminal offences

- (1) Every person who is guilty of an offence under this Act for which no penalty is specially provided in sub-section (2) or (3) of this section or sub-section (4) of section three hundred and twenty-three or under sub-section (5) of section three hundred and fifty-six shall on conviction be liable to a fine not exceeding fifty pounds.
- (2) Every person who is guilty of an offence under this Act mentioned in Column 1 hereunder shall on conviction be liable to a penalty not exceeding the penalty mentioned in Column 2 hereunder opposite the offence:

Contravening or failing to comply with the following provisions	Penalty
Section two hundred and one.	Fine of twenty pounds and, in addition, for every passenger in excess of the number permitted by the certificate or memorandum, fine of double the highest fare payable by any passenger on board.
Section sixteen, sub-section (2) of section nineteen, sub-section (2) of section thirty-six, sub-section (2) of section sixty-five, section sixty eight, section seventy-two, sub-section (1) of section one hundred and seventeen, section one hundred and eighteen, section one hundred and seventy-two, section two hundred and thirteen, sub-section (1) of section two hundred and thirty-two or section two hundred and fifty.	Fine of one hundred pounds.
Sub-section (2) of section nine, paragraph (c) or (e) of sub-section (2) of section one hundred and seventy-four, paragraph (c) or (d) of sub-section (1) of section two hundred, paragraph (b) of section two hundred and twelve, sub-paragraph (ii) of paragraph (a) of section two hundred and nineteen, sub-section (1) of section two hundred and twenty-eight or sub-section (1) of section three hundred and three.	Fine of one hundred pounds or six months' imprisonment or both such fine and imprisonment.
Sub-section (2) of section thirty-two.	Fine of one hundred pounds or six months' imprisonment or both such fine and imprisonment, and, in addition, fine of five pounds for every day during which the offence continues after conviction.
Sub-section (1) of section seventy-three, paragraph (d), (f) or (g) of sub-section (2) of section one hundred and seventy-four, paragraph (a) or (b) of sub-section (1) and (2) of section two hundred, paragraph (a) of section two hundred and twelve, sub-paragraph (i) of paragraph (a) or paragraph (b) of section two hundred and nineteen, sub-section (1) of section two hundred and twenty-one, sub-section (1) or (2) of section two hundred and thirty-five, sub-section (1) of section two hundred and thirty-six, sub-section (1) of section two hundred and thirty-seven, paragraph (a), (b), (e), (f), (g) or (h) of section three hundred and sixteen or section three hundred and twenty.	Fine of two hundred pounds or one year's imprisonment or both such fine and imprisonment.

Contravening or failing to comply with the following provisions	Penalty
Contravening or failing to comply with the following provisions.	Penalty.
Sub-section (3) of section nine, sub-section (2) of section eleven, section twenty-five, sub-section (3) of section sixty-five, section sixty-six, section sixty-seven, sub-section (1) of section one hundred, and, seventy-four, sub-section (3) of section two hundred and four, sub-section (1) or (2) of section two hundred and thirty-four, section two hundred and ninety-six, sub-section (2) of section two hundred and ninety-nine, section three hundred and fourteen, section three hundred and fifteen or paragraph (c) of section three hundred and sixteen.	Fine of five hundred pounds or two years imprisonment or both such fine and imprisonment.
Sub-section (1) of section two hundred and fourteen.	Fine of five hundred pounds or two years' imprisonment or both such fine and imprisonment, and, in addition, fine of two hundred pounds for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged or would have been submerged if the ship had had no list.
Section two hundred and forty.	Fine of one thousand pounds or three years' imprisonment or both such fine and imprisonment.
Paragraph (d) of section three hundred and sixteen.	Fine of treble the value of the ship or goods received or had in possession or one thousand pounds, whichever is the greater, or three years' imprisonment or both such fine and imprisonment.

- (3) Every person who, being the master of a ship involved in a collision, fails to comply with the provisions of sub-section (1) of section two hundred and fifty-eight, or who, being the master of a ship to which any provision of the collision regulations applies, without reasonable cause contravenes or fails to comply with that provision, shall on conviction be liable to a fine not exceeding five hundred pounds or imprisonment for a period not exceeding two years, or both such fine and imprisonment.

314. Bribery

No person shall, in respect of a matter relating to this Act—

- (a) not being authorized so to do, give or promise to give, directly or indirectly, any reward to an officer or a person who is employed by the Government, or upon whom any duty is imposed

- or to whom any function is entrusted by or under this Act, in respect of the performance or non-performance, by any such officer or person, of his employment, duty or function; or
- (b) agree with or propose to any such officer or person to do, or permit anything in contravention or evasion of this Act; or
 - (c) being an officer or a person referred to in paragraph (a)—
 - (i) demand or receive except from or through the Government or in accordance with the provisions of this Act, any reward in respect of the performance or non-performance of his employment, duty or function; or
 - (ii) by any wilful act, neglect or default do or permit or agree to do or permit anything in contravention or evasion of this Act.

315. Forgery and other fraudulent acts

No person shall—

- (a) forge any document issued under this Act; or
- (b) make any false representation for the purpose of procuring the issue of any document under this Act, or for the purpose of inducing any person to do any act which by this Act he is authorized to do; or
- (c) produce or otherwise put off any forged document purporting to be a document issued under this Act, which he knows to be forged; or
- (d) knowingly produce or otherwise use any document issued under this Act which has been cancelled or suspended or which has expired or to which he is not entitled; or
- (e) make in any document, produced or delivered to any person authorized to receive it under this Act, any statement which he knows is untrue in any particular; or
- (f) produce or deliver any document which contains any statement which he knows is untrue in any particular to any person authorized to receive it under this Act; or
- (g) Lend to any person who he knows is not entitled thereto a document issued under this Act or allow any such document to be used by any such person.

316. Obstructing administration of Act

No person shall—

- (a) damage, destroy, conceal or dispose of any vessel or goods to prevent the detention, forfeiture or seizure thereof under this Act; or
- (b) rescue, damage or destroy any vessel or goods detained, forfeited or seized under this Act; or
- (c) being the owner or master of a vessel which has been detained under this Act, or any other person under the control of either of them, cause or permit the vessel to proceed to sea without the permission of the proper officer; or
- (d) knowingly receive or have in his possession any vessel or goods forfeited under this Act; or
- (e) being the master of a vessel proceeding to sea, wrongfully take to sea any officer authorized to detain the vessel or any surveyor or other officer when on board the vessel in the execution of his duty; or
- (f) insult, resist, hinder or mislead any person or court upon whom any duty is imposed or any power is conferred or to whom any function is entrusted by or under this Act, in the discharge of that duty or the exercise of that power or the performance of that function, or refuse or fail to give all reasonable assistance, when called upon to do so, to any such person

or court in such discharge, exercise or performance, or hinder or prevent any other person from assisting any such person or court in such discharge, exercise or performance; or

- (g) hinder or prevent any witness from attending in obedience to any summons issued under this Act; or
- (h) hinder or prevent the service of any document under this Act.

317. Stowaways

- (1) No person shall go to sea in a ship without the consent of the owner, master, a ship's officer or some other person entitled to give that consent, or secrete himself for the purpose of going to sea without that consent.
- (2) Every person who goes to sea in a ship without the consent mentioned in sub-section (1) shall so long as he remains in the ship be deemed to belong to the ship and be subject to the same laws and regulations for preserving discipline as if he were a member of the crew and had signed the agreement with the crew.
- (3) Sub-sections (1) and (2) shall apply to any person who goes to sea or secretes himself for the purpose of going to sea—
 - (a) in a South African ship going to sea from any port whatsoever; or
 - (b) in a ship (other than a South African ship) going to sea from a Union port; or
 - (c) in a ship (other than a South African ship) going to sea from a port outside the Union and bound for a Union port.
- (4) The master of any South African ship arriving at any harbour within or outside the Union, and the master of any ship other than a South African ship arriving at a Union harbour, shall, if any person has gone to sea in that ship without the consent mentioned in sub-section (1), report the fact in writing to the proper officer as soon as practicable after the arrival of the ship.

318. Ship not to be boarded without authority

No person not being duly authorized by or under this Act or any other law shall—

- (a) without the permission of the owner or master, go on board any ship, whether registered in the Union or not, which is about to arrive, is arriving or has arrived in the Union; or
- (b) remain on board any such ship at a port in the Union, after being required to leave by the owner or master or by a police officer, an officer of customs or proper officer.

319. Offences in connection with passenger ships

- (1) No person shall—
 - (a) if, on account of his being drunk or disorderly, he has been refused admission to a passenger ship by the owner thereof or any person in his employ, and if he has received or been tendered a refund of his fare (if he has paid it), go on board the ship; or
 - (b) if, on account of his being drunk or disorderly on board any passenger ship, he has been requested by the master or any other person employed in the ship to leave the ship at any place in the Union at which he can conveniently do so, and if he has received or been tendered a refund of his fare (if he has paid it), refuse or fail to comply with the request; or
 - (c) after warning by the master of or any other person employed in a passenger ship, molest or continue to molest any passenger on the ship; or

- (d) after having been refused admission to a passenger ship by the owner thereof or any person in his employ on account of the ship being full, and having received or been tendered a refund of his fare (if he has paid it), go on board the ship; or
 - (e) if, having gone on board a passenger ship at any place in the Union, he has been requested, on account of the ship being full, by the master of or any other person employed in the ship to quit the ship, before it has left that place, and has received or been tendered a refund of his fare (if he has paid it), refuse or fail to comply with the request; or
 - (f) travel in any passenger ship without first paying his fare, and with intent to evade payment thereof; or
 - (g) if he has paid his fare for a certain distance, knowingly proceed in a passenger ship beyond that distance without first paying the additional fare for the additional distance, and with intent to evade payment thereof; or
 - (h) if he has arrived in a passenger ship at a place to which he has paid his fare, knowingly refuse or fail to quit the ship; or
 - (i) being on board a passenger ship, and being requested by the master of or any other person employed in the ship, either to pay his fare or exhibit his ticket or other document showing payment of his fare, refuse or fail to comply with the request; or
 - (j) being on board a passenger ship, and being requested by the master or any other person employed in the ship to furnish his name and address, refuse or fail to comply with the request or furnish a false name or address.
- (2) The provisions of sub-section (1) shall apply in respect of all passenger ships wherever registered while they are in the Union or the territorial waters thereof.

320. Obstruction of navigation of ship

No person shall without reasonable excuse do anything to obstruct or injure any of the equipment of any ship wherever registered, or obstruct, impede or molest any of the crew in the navigation and management of the ship or otherwise in the execution of their duties about the ship.

321. Conveyance of deserter on board ship

Whenever any seaman or apprentice-officer of a South African ship or other Commonwealth ship is convicted by any court of the Union, or any seaman or apprentice-officer of a South African ship is convicted by a court of a part of the Commonwealth other than the Union, of desertion or absence without leave or other breach of discipline, the court shall, if the voyage has not yet been completed, and if the master or any ship's officer or the owner or his agent so requires, instead of imposing upon him any fine or sentence of imprisonment, cause him to be conveyed on board for the purpose of proceeding on the voyage: Provided that the court may decline to exercise this power in any particular case, if for any reason it thinks it advisable so to decline.

322. Imprisoned seamen may be sent back on board

If a seaman or apprentice-officer of a South African ship or other Commonwealth ship is undergoing a sentence of imprisonment in the Union, or if a seaman or apprentice-officer of a South African ship is undergoing a sentence of imprisonment in a part of the Commonwealth other than the Union, for the offence of desertion or absence without leave or other breach of discipline, any person who is a judicial officer of a court within whose area of jurisdiction the place of imprisonment is situated may, during his imprisonment, and before his engagement is at an end, and on the application of the master or owner or agent of the ship, and notwithstanding that the period of imprisonment has not concluded, cause the seaman or apprentice-officer to be conveyed on board his ship for the purpose of proceeding on the voyage, and the seaman or apprentice-officer shall not thereafter be required to serve the remaining portion of the period of imprisonment.

323. Deduction from wages and payment to proper officers, etc. of fines

- (1) Every fine imposed on a seaman belonging to a South African ship for any act of misconduct for which his agreement prescribes a fine in accordance with the regulations shall be deducted as follows:
 - (a) if the seaman is discharged in the Union, and the act of misconduct and the entry in the log-book required by this Act in respect thereof are proved to the satisfaction of the proper officer before whom the discharge takes place, the master or owner shall deduct the fine from the wages of the seaman concerned;
 - (b) if the seaman is discharged outside the Union, and the act of misconduct and the entry as aforesaid are proved to the satisfaction of the proper officer by whose sanction he is discharged, the master or owner shall deduct the fine as aforesaid,and an entry shall be made in the official log-book of the ship and signed by the proper officer referred to, and the master or owner shall pay over the amount of the fine deducted to that proper officer.
- (2) A proper officer shall remit any amounts, received by him under this section to the Secretary and render such accounts in respect thereof, as the Secretary requires.
- (3) The Secretary, if he is satisfied that any such act of misconduct was committed and that the deduction of a fine was properly made, shall cause the amount of the fine to be paid into the Consolidated Revenue Fund; and if the Secretary is not so satisfied, he shall cause the amount deducted to be refunded to the seaman.
- (4) If a master or owner fails without reasonable cause to pay over to the proper officer any fine as required by this section, he shall be guilty of an offence and liable on conviction to a fine not exceeding six times the amount of the unpaid fine.
- (5) An act of misconduct for which a fine has been imposed and deducted from the wages of the seaman, shall not be otherwise punished under this Act.

324. Secretary may impose penalty upon admission of guilt

If any person—

- (a) admits to the Secretary that he has contravened any provision of this Act, or that he has failed to comply with any such provision with which it was his duty to comply; and
- (b) agrees to abide by the decision of the Secretary; and
- (c) deposits with the Secretary such sum as that officer may require of him, but not exceeding the maximum fine which may be imposed upon a conviction for the contravention or failure in question,

the Secretary may, after such enquiry as he deems necessary, determine the matter summarily and may, as penalty, without legal proceedings, order forfeiture of the whole or any part of the said deposit.

- (2) From a determination or order of the Secretary under sub-section (1), when the penalty imposed by him exceeds one hundred pounds, an appeal shall lie to the Minister, whose decision shall be final.
- (3) The imposition of a penalty under sub-section (1) shall not be defined to be a conviction of a criminal offence, but no prosecution for the relative offence shall thereafter be competent.
- (4) Nothing in this section shall in any way affect liability to forfeiture of ships, shares therein or goods.

325. Release from forfeiture or mitigation of penalties

The Minister, or the Secretary in cases where the power of release or mitigation of penalties has been delegated to him by the Minister, may—

- (a) direct that any ship or any share in a ship or any goods detained, seized or forfeited under this Act be released or delivered to the owner thereof; or
- (b) mitigate or remit any penalty incurred under this Act, not being a sentence imposed after conviction by a court of law,

on such conditions as to him appear proper: Provided that if the owner of any ship, share or goods referred to in paragraph (a) accepts such conditions he shall not thereafter be entitled to institute or maintain any action or other proceedings for damages on account of the detention, seizure or forfeiture.

326. Appropriation of wages to satisfy award of compensation in offences against discipline

When a seaman or apprentice-officer has been convicted of desertion as defined by section one hundred and seventy-five or of absence without leave as defined by section one hundred and seventy-six or of contravening any of the provisions of sub-section (1), (2) or (3) of section one hundred and seventy-four, and the court trying the case has made an award of compensation under section three hundred and fifty-seven of the Criminal Procedure Act, 1955 ([Act No. 56 of 1955](#)), any wages that have accrued or that may thereafter accrue to him may be applied to the satisfaction of the award.

[section 326 amended by section 39 of [Act 30 of 1959](#)]

327. Jurisdiction in respect of offences committed outside the Union

- (1) If any person—
 - (a) being a South African citizen, is charged with having committed an offence on board a South African ship on the high seas, or on board a South African ship in any port outside the Union, or on board any ship (other than a South African ship) to which he does not belong; or
 - (b) not being a South African citizen is charged with having committed an offence on board a South African ship on the high seas,

and that person is found within the area of jurisdiction of any court in the Union which would have had jurisdiction to try the offence if it had been committed within the said area, that court shall have jurisdiction to try the offence.

- (2) If any South African citizen—
 - (a) is charged with having committed an offence on board a South African ship during a voyage to a port in any part of the Commonwealth outside the Union, or on board a South African ship in a port in any part of the Commonwealth outside the Union; or
 - (b) who is a seaman belonging to a South African ship which is in a port in any part of the Commonwealth outside the Union, is charged with having committed an offence in that part of the Commonwealth,

and he is found within the area of jurisdiction of any court in that part of the Commonwealth which, according to the laws in force in that part of the Commonwealth, would have had jurisdiction to try the offence if the act or omission which under the laws in force in the Union constitutes the offence were also punishable under the criminal law in force in that part of the Commonwealth, and if the act had been committed or the omission had occurred on board a ship registered in that part of the Commonwealth or within the said area, that court shall have jurisdiction to try the offence, provided the Minister has generally or in the particular case requested that the courts of that part of the Commonwealth shall exercise such jurisdiction.

- (3) The Minister may by notice in the *Gazette* declare that the provisions of sub-section (2) shall apply in respect of the courts of any foreign country mentioned in that notice as if that foreign country were a member of the Commonwealth; and thereupon the said provisions shall apply in respect of the courts of that foreign country as if it were a member of the Commonwealth.

[subsection (3) amended by section 40 of Act 30 of 1959]

- (4) In this section the expression "offence" means any act or omission which is punishable under the criminal law in force in the Union.

328. Jurisdiction of magistrates' courts to impose punishment

Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any punishment prescribed by this Act: Provided that this section shall not apply in respect of any compensation referred to in sub-section (2) of section two hundred and thirty-two or to any forfeiture under section three hundred and thirty-four.

329. Court may consolidate claims

Whenever any liability is alleged to have been incurred by the owner of any ship whether registered in the Union or not in respect of salvage, loss of life, personal injury or loss of or damage to vessels or other property or rights, and several claims are made or apprehended in respect of such liability, any superior court having jurisdiction to try any such claim may, on the application of that owner, determine the amount of his liability under all or any of such claims, and direct that that amount be distributed *pro rata* among the several claimants. Such court may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such directions as to making interested persons parties to the proceedings, and as to the exclusion of any claimants who do not commence proceedings within a certain time, as it thinks just.

330. Jurisdiction of superior courts in actions for salvage

- (1) Any superior court shall have jurisdiction to decide upon any claim relating to salvage—
- (a) in the case of a ship or an aircraft registered in the Union or wreck which formed part of or was on board a ship or aircraft so registered when it was lost, abandoned, stranded or in distress, if the services in respect of which salvage is claimed were rendered or the wreck forming the subject of the claim was found outside the Union and the territorial waters of the Union; or
 - (b) in the case of any ship or aircraft or wreck whatsoever, if the services in respect of which salvage is claimed were rendered or the wreck forming the subject of the claim or a part thereof was found or was brought within the area of jurisdiction of the court or within the territorial waters of the Union bordering that area of jurisdiction.
- (2) Sub-section (1) shall not deprive any court of any jurisdiction which may be vested in it by virtue of any other law.

331. Court trying salvage claim may be assisted by assessors

The court in which proceedings on a claim relating to salvage have been instituted may, in its discretion, for the purpose of determining the claim, summon to its assistance one or more assessors acting in an advisory capacity, who shall be persons conversant with maritime affairs.

332. Jurisdiction of Union courts exercising Admiralty jurisdiction in cases of loss of life or personal injury

Notwithstanding the provision in section nine of the Maritime Conventions Act, 1911 (1 and 2 Geo. V, C.57), of the Parliament of the United Kingdom, that that Act should not extend to the Union of South

Africa, in the construction of any enactment of the said Parliament which conferred on any court of law Admiralty jurisdiction in respect of damage, and which is in force in the Union, reference to damage shall be deemed to include reference to damage for loss of life or personal injury.

333. Inquiry into cause of death on board ship

- (1) If any person dies on board any foreign-going South African ship the proper officer at the port where the crew of the ship is discharged, or the proper officer at any earlier port of call in the Union, shall, on the arrival of the ship at that port, inquire into the cause of the death, and shall make in the official log-book an endorsement to the effect, either that the statement of the cause of death in the book is in his opinion true, or the contrary, according to the result of the inquiry.
- (2) If in the course of an inquiry it appears to the proper officer that a death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Secretary, or if the emergency of the case so requires, take immediate steps for bringing the offender or offenders to justice.

334. Forfeiture of ships, shares in ships and goods

All ships, shares or interests in ships or goods which are dealt with contrary to the provisions of this Act, or by means of which any offence under this Act is committed, or in connection with which or concerning which any false statement is made or any forged document or any document containing any false statement is produced or used for any purpose of this Act, or in connection with which an offence is committed under sub-section (2) of section eleven, section twenty-five, sub-section (3) of section sixty-five, section sixty-six, section sixty-seven, section two hundred and forty or paragraph (c) of section three hundred and sixteen, read with section three hundred and twelve, shall be liable to forfeiture.

335. Method of detaining a vessel or a share in a ship or goods

- (1) Whenever under sub-section (1) of section nineteen, sub-section (2) of section sixty-three, sub-section (2) of section seventy-one, sub-section (3) of section eighty-six, sub-section (2) of section one hundred and five, sub-section (4) of section one hundred and fifty-eight, sub-section (3) of section one hundred and sixty-two, sub-section (2) of section one hundred and sixty-three, sub-section (2) of section one hundred and sixty-eight, sub-section (2) of section one hundred and eighty-eight, sub-section (2) of section one hundred and ninety-nine, sub-section (2) of section two hundred and eleven, sub-section (3) of section two hundred and fourteen, sub-section (4) of section two hundred and sixteen, sub-section (2) of section two hundred and twenty-three, sub-section (2) of section two hundred and twenty-seven, sub-section (3) of section two hundred and thirty-nine, section two hundred and forty-three, sub-section (1) of section three hundred and four, or sub-section (1) or (2) of section three hundred and thirty-nine, a vessel or a share in a ship or any goods must or may be detained, a proper officer may cause that vessel or share in a ship or those goods to be detained.
- (2) The detention shall be effected by the service of a notice of detention in accordance with the provisions of this section.
- (3) A notice of detention shall be in the prescribed form, shall be signed by the proper officer, shall declare that the vessel or share or goods are thereby detained, and shall set forth the grounds of detention.
- (4) A notice of detention of a vessel or share in a ship shall be served upon the master of the vessel, and a notice of detention of goods shall be served upon the person in whose physical possession they are, and thereupon the vessel or share or goods shall be deemed to be detained for the purposes of this Act.
- (5) A copy of every notice of detention shall forthwith be transmitted by the officer who issued it to the Secretary.

- (6) Whenever the Secretary directs the proper officer to release a detained vessel or share in a ship or any detained goods, the proper officer shall issue a notice declaring that that vessel or share or those goods are released.
- (7) A notice of release shall be in the prescribed form and shall be signed by the proper officer.
- (8) A notice of release of a vessel or a share in a ship shall be served upon the master of the vessel, and a notice of release of goods shall be served upon the person in whose possession they are, and thereupon the vessel or share or goods shall be deemed to be released.

336. Procedure in forfeiture of a ship, a share in a ship or goods

- (1) Whenever under sub-section (2) of section twelve, sub-section (9) of section forty-three or section three hundred and thirty-four a ship or a share in a ship is or any goods are liable to forfeiture, the Secretary may direct the proper officer to issue a notice of forfeiture of that ship or share or those goods in pursuance of that provision.
- (2) A notice of forfeiture shall—
 - (a) be in the prescribed form;
 - (b) be signed by the proper officer;
 - (c) set forth the grounds on which, and refer to the provisions of this Act under which, the forfeiture is claimed; and
 - (d) state that unless the ship or share is or the goods are released in accordance with the provisions of sub-section (8) or under an order of court, the ship, share or goods will be forfeited;
 - (e) be served, in the case of a ship or share in a ship, upon, the master of the ship, and, in the case of goods, upon the owner of if he is not within the Union or his address is not known, upon the person in whose physical possession they are.
- (3) The owner or any other person interested in any ship, share in a ship or goods in respect of which a notice of forfeiture has been issued, who objects to the forfeiture thereof, shall, within the period of thirty days from the date upon which the notice of forfeiture was served, or within such further period as may be fixed by the court under sub-section (7), give notice in writing to the Secretary or to the proper officer who issued the notice, that he claims the release of the ship, share or goods, as the case may be.
- (4) If notice is not given by the owner or interested person in terms of sub-section (3), no legal proceedings shall thereafter be instituted by him against the State, the Minister, the Secretary or any other officer for the release of the ship, share or goods or based merely upon the detention, seizure or forfeiture thereof.
- (5) When notice has been given in terms of sub-section (3), the person giving such notice may, within the period of ninety days from the date on which it was delivered to the Secretary, or within such further period as may be fixed by the court under sub-section (7), but not earlier than thirty days from the date upon which the said notice was so delivered, institute proceedings in a court of competent jurisdiction for the release of the ship, share or goods.
- (6) If—
 - (a) notice is not given in terms of sub-section (3); or
 - (b) such notice having been given, proceedings are not instituted in terms of sub-section (5); or
 - (c) such proceedings having been instituted, the court dismisses the claim for release,the ship, share or goods shall be forfeited and become the property of the State—

- (i) upon expiry of the period of thirty days from the date upon which the notice of forfeiture was served, or upon expiry of such further period as may be fixed by the court under sub-section (7); or
 - (ii) upon expiry of the period of ninety days from the said date, or upon expiry of such further period as may be fixed by the court under sub-section (7); or
 - (iii) upon dismissal by the court of the claim for release, respectively.
- (7) A court having jurisdiction to try a claim for the release of the ship, share or goods, may, before or after the expiry of the period referred to in sub-section (3) or (5), extend such period, if it thinks that the interests of justice so require.
- (8) The Secretary may at any time before the forfeiture has become effective in terms of sub-section (6) direct that a notice of forfeiture be withdrawn, and thereupon the provisions of sub-sections (6), (7) and (8) of section three hundred and thirty-five shall, *mutatis mutandis*, apply.

337. Seizure of a ship, a share in a ship or goods detained or liable to forfeiture

- (1) The Secretary or proper officer may, if he deems it expedient to do so, in order that any ship, share in a ship or goods in respect of which a notice of detention or of forfeiture has been served in terms of section three hundred and thirty-five or three hundred and thirty-six, or in respect of which it is intended to cause such a notice to be so served, may be secured against damage, destruction, concealment, removal or rescue, cause that ship or share or those goods, as the case may be, to be seized by a person thereto authorized by him in writing under his hand.
- (2) The seizure of a ship or goods shall be effected by the physical taking possession thereof, and the seizure of a share in a ship shall be effected by the physical taking possession of that ship.
- (3) The person effecting seizure of any ship, share in a ship or goods shall, upon demand, exhibit his written authority to do so, and, if at the time of seizure a notice of detention or forfeiture has not yet been served, shall serve upon the person in whose possession the ship or goods are seized a notice setting forth that it is intended to cause a notice of detention or forfeiture to be served and the grounds on which that intention is based.

338. No clearance to be granted to detained ship

Whenever in terms of this Act a ship must be or has been detained an officer of customs shall, and whenever in terms of this Act a ship may be detained an officer of customs may, refuse to grant a clearance to that ship.

339. Detention of foreign ship that has occasioned damage

- (1) Whenever injury has in any part of the world been caused to property belonging to the Government of the Union or the Government of any other country which is a member of the Commonwealth or to a South African citizen or a citizen of any country (other than the Union) which is a member of the Commonwealth by a foreign ship, and at any time thereafter that Ship is found within the Union or the territorial waters thereof, a superior court may, upon the application of any person who alleges that the injury was caused by the misconduct or want of skill of the master or any member of the crew of the ship, issue an order directed to any proper officer or other officer named, requiring that officer to detain the ship until such time as the owner, master or consignee thereof has satisfied any claim in respect of the injury, or has given security to the satisfaction of the court, to pay all costs and damages that may be awarded in any legal proceedings that may be instituted in respect of the injury. Any proper officer or other officer to whom the order is directed shall detain the ship accordingly.
- (2) Whenever it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the Union or the territorial waters thereof, any proper officer may detain the ship for such time as will allow the application to be

made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

- (3) In any legal proceedings in relation to any such injury aforesaid, the person giving security shall be made defendant and shall be stated to be the owner of the ship that has occasioned the damage.

340. Notice to be given to consular representative of proceedings taken in respect of foreign ships

If any foreign ship is detained under this Act, or if any proceedings are taken under this Act against the master or owner of any foreign ship, notice shall forthwith be served on the consular representative of the country in which the ship is registered 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.

341. Conveyance of accused persons and witnesses to the Union

- (1) Whenever any complaint is made to any consular representative of the Union or of any other country which is a member of the Commonwealth—
- (a) that any offence against property or person has been committed at any place, either ashore or afloat, outside the Commonwealth by any master, seaman, or apprentice-officer who at the time when the offence was committed, or within three months before that time, was employed in any South African ship; or
 - (b) that any offence on the high seas has been committed by any master, seaman, or apprentice-officer belonging to any South African ship,

that consular representative may inquire into the case and may, if in his opinion reasonable grounds of suspicion exist against the alleged offender, take any steps in his power for the purpose of placing him under the necessary restraint and of sending him as soon as practicable in safe custody to the Union.

- (2) The consular representative may order the master of any ship registered in and bound to the Union to receive and afford a passage and subsistence during the voyage to any such alleged offender as aforesaid and also to any persons who in the opinion of the consular representative are material witnesses to the offence. The master shall comply with any such order. The consular representative may endorse upon the agreement with the crew such particulars with respect to any alleged offenders or witnesses sent in the ship as he considers advisable.
- (3) The master of a ship to whose charge an alleged offender has been so committed shall, on his ship's arrival in the Union hand the alleged offender over to a member of the police who shall take him to a police station or charge office. The alleged offender shall thereafter be detained until a warrant is obtained for his further detention upon a charge of an offence or until he is released by reason that no charge is to be brought against him, and unless so released he shall as soon as possible be brought before a judicial officer upon a charge of an offence: Provided that he shall not be so detained for, a longer period than forty-eight hours unless a warrant for his further detention is obtained.
- (4) The expense of imprisoning any such alleged offender and of conveying him and the witnesses to a port in the Union in any manner other than in the ship to which they respectively belong, shall be paid out of moneys provided by Parliament for that purpose.

342. Service of documents

Where for the purposes of this Act any document is to be served on any person, that document may be served—

- (a) in any case by delivering a copy thereof personally to the person on whom the document is to be served; or by sending such copy to him, in accordance with the regulations, by registered post, enclosed in an envelope upon which is written his name and address; or by leaving such copy for him with a member of his household at his dwelling; or, if no person belonging to his household can be found there, then by affixing such copy to the principal outer door of the said dwelling or of any place where he actually resides or was last known to reside; or
- (b) if the document is to be served on the master of a ship or on a person belonging to a ship, by leaving a copy thereof for him on board that ship with the person being or appearing to be in command or charge of the ship; and,
- (c) if the document is to be served on the master of a ship, and there is no master, and the ship is within the Union or the territorial waters thereof, by serving it on the owner of the ship, if he is within the Union, or on an agent of the owner residing in the Union, or if no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

343. Notice of action against Government to be given

- (1) No legal proceedings shall be instituted against the State, the Minister, the Secretary or any officer of the State in his capacity as such for anything done in pursuance of any provisions of this Act until one month after delivery of notice in writing.
- (2) In the notice shall be clearly and explicitly stated the cause of action, the name and address of the person who is to institute proceedings, and the name and address of his attorney or agent, if any.

344. Prescription

- (1) The period of extinctive prescription in respect of legal proceedings to enforce any claim or lien against a ship or her owners in respect of any damage to or loss of another ship, her cargo or freight, or any goods on board her, or damage for loss of life or personal injury suffered by any person on board her, caused by the fault of the former ship, whether such ship be wholly or partly in fault, or in respect of any salvage services shall be two years and shall begin to run on the date when the damage or loss or injury was caused or the salvage services were rendered.
- (2) The period of extinctive prescription in respect of legal proceedings under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injury shall be one year and shall begin to run on the date of payment.
- (3) Any court having jurisdiction to try proceedings referred to in sub-section (1) or (2) shall, before or after the expiry of such period, if it is satisfied that owing to the absence of the defendant ship from the Union and its territorial waters and from the country to which the plaintiff's ship belongs or in which the plaintiff resides or carries on business and its territorial waters, the plaintiff has not during such period had a reasonable opportunity of arresting the defendant ship, extend such period sufficiently to give him such reasonable opportunity
- (4) The period of extinctive prescription in respect of legal proceedings against the State, the Minister, the Secretary or any officer of the State in his capacity as such on a cause of action arising out of the provisions of this Act, other than a cause of action referred to in sub-section (1) or (2), shall be one year, and shall begin to run on the date when the right of action first arose.

345. Payment of allowances to persons appointed to make preliminary enquiries into shipping casualties, to members of courts of marine enquiry, maritime courts or courts of survey, assessors and salvage officers

Any person appointed under section two hundred and sixty-four, any member of a court of marine enquiry, maritime court or court of survey, any expert to whom an appeal has been referred under section two hundred and eighty-two, any assessor summoned under sub-section (2) of section two hundred and ninety-two or section three hundred and thirty-one and any salvage officer shall, if he is in the employ of the Government of the Union, be paid such allowances towards subsistence and transport as may be prescribed (otherwise than under this Act) for Government employees of his class, and if he is not in the employ of the Government of the Union, or if no such allowances have been prescribed for Government employees of his class, he shall be paid such allowances towards subsistence and transport as may be prescribed by the regulations made under this Act.

346. Presumption of knowledge

Whenever at the trial of any person charged under this Act the question arises whether the accused knew at any particular time that a statement referred to in the indictment, summons or charge was untrue, and it is proved or admitted that that statement was untrue, the accused shall be presumed to have known at the particular time referred to that the statement was untrue, unless the contrary is proved, and unless it is proved also that his ignorance was not due to negligence on his part.

347. Presumption in case of collision

If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been caused by the wilful default of the person in charge of the deck of the ship at the time, unless it is proved that the circumstances of the case made a departure from the regulations necessary.

348. Mode of making declaration

Declarations required by this Act shall be made in the Union before a proper officer or commissioner of oaths, and outside the Union before a proper officer or any person who by the law of the place where it is made is authorized to administer an oath, and may be made on behalf of a corporate body by the secretary or any other officer of that body authorized by it for the purpose.

349. Power to dispense with declarations and other evidence

When in terms of this Act any person is required to make a declaration, or any documentary or oral evidence is required to be produced to the proper officer, and it is shown to the satisfaction of that officer that for reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the said officer may, with the approval of the Secretary, and on the production of such other evidence, and subject to such terms as he may think fit, dispense with the declaration or evidence.

350. Admissibility of documents in evidence

- (1) Any document which is by this Act declared to be admissible in evidence shall on production from the proper custody be admissible in evidence, and shall be *prima facie* evidence of the particulars stated therein in pursuance of this Act or in pursuance of any duty under this Act.
- (2) A copy of or extract from any such document shall also be admissible in evidence and be *prima facie* evidence of the particulars, stated in such copy or extract, if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document has been entrusted; and that officer shall, upon payment of the prescribed fee, furnish a copy or extract so certified to any person applying for it.

351. Evidence as to agreement with crew

In any legal or other proceedings a seaman may bring forward evidence to prove the contents of any agreement with the crew, without producing or giving notice to produce the agreement or any copy thereof.

352. Acts done by courts and functionaries of the Union in relation to Commonwealth ships other than South African ships

Whenever any law enacted before or after the coming into operation of this section and in force in any part of the Commonwealth other than the Union provides that any court or functionary of the Union may or shall exercise any authority or perform any act in relation to ships registered or entitled to be registered in that part of the Commonwealth, their owners, masters, seamen or apprentice-officers, such court or functionary may exercise any such authority or perform any such act, and all things done by such court or functionary under this section shall have the same effect as if that law had been enacted in the Union.

353. Acts done by courts and functionaries of any part of the Commonwealth in relation to South African ships

- (1) Every provision of this Act which purports to require any court or functionary of any part of the Commonwealth other than the Union or any person other than a South African citizen to exercise any authority or perform any act outside the Union in relation to South African ships, their owners, masters, seamen or apprentice-officers shall be construed as being permissive only and to mean that any such court or functionary or person is thereby empowered so to exercise such authority or perform such act.
- (2) If any court or functionary of any part of the Commonwealth exercises any authority or performs any act in relation to any ship registered or entitled to be registered in the Union, her owner, master, seamen or apprentice-officers, which by any statutory enactment in force in that part of the Commonwealth such court or functionary is empowered to exercise or perform, all things done outside the Union by such court or functionary in accordance with the said enactment shall have the same effect as if they had been done in accordance with an Act of the Parliament of the Union, provided the Minister has generally or in the particular case requested that the courts or functionaries of that part of the Commonwealth shall exercise such authority or perform such act or has in manner prescribed by regulation recognized the exercise of the authority or the performance of the Act or adopted any decision made in the exercise of the authority.

Chapter X General

354. Recognition of certificates of competency or qualification granted in other Commonwealth countries

- (1) If provision is made by the laws in force in any part of the Commonwealth other than the Union for the grant of certificates of competency or qualification similar to those referred to in this Act, and the Minister is satisfied—
 - (a) that the conditions under which any such certificates are granted in that part of the Commonwealth require standards of competency not lower than those required for the grant under this Act of corresponding certificates; and

- (b) that certificates of competency or qualification granted under this Act are accepted in that part of the Commonwealth in lieu of the corresponding certificates granted under the laws of that part,

he may by notice in the *Gazette* declare that any certificate of competency or qualification granted under the laws in force in that part of the Commonwealth and specified in that notice shall for the purposes of this Act be recognized as equivalent to a certificate of competency or qualification granted under this Act and specified in the notice.

- (2) Whenever the provisions of this Act require that a person employed in any capacity on board any ship shall be the holder of a specified certificate of competency or qualification granted under this Act, any person employed in that capacity shall, if he is the holder of a certificate recognized under sub-section (1) as equivalent to the first-mentioned certificate or to a certificate of higher grade granted under this Act, and still in force, be deemed to be duly certificated under this Act.

355. Application of certain industrial laws to seamen

- (1) Nothing in this Act contained shall affect the application of the provisions of the Industrial Conciliation Act, 1956 ([Act No. 28 of 1956](#)), or of the Wage Act, 1957 ([Act No. 5 of 1957](#)), or of the Native Labour (Settlement of Disputes) Act, 1953 ([Act No. 48 of 1953](#)), to seamen in respect of their employment as such.

[subsection (1) amended by section 41(a) of [Act 30 of 1959](#)]

- (2) To the extent to which any provisions of this Act which, but for the provisions of this section, would apply to any seamen are inconsistent with any agreement or award under the Industrial Conciliation Act, 1956, or any determination under the Wage Act, 1957, or any order under the Native Labour (Settlement of Disputes) Act, 1953, which is binding in respect of those seamen, the provisions of this Act referred to shall not apply in respect of those seamen.

[subsection (2) amended by section 41(b) and (c) of [Act 30 of 1959](#)]

- (3) Any agreement or award under the Industrial Conciliation Act, 1956, or any determination under the Wage Act, 1957, or any order under the Native Labour (Settlement of Disputes) Act, 1953, which is binding in respect of any seamen employed on board any ship which is registered in the Union or on board any ship which is not registered in the Union and is wholly engaged in plying between ports in the Union, while the ship is in the Union, shall be binding in respect of such seamen while the ship is outside the Union.

[subsection (3) amended by section 41(b) and (c) of [Act 30 of 1959](#)]

- (4) No seaman who is an employee, as defined in section one of the Industrial Conciliation Act, 1956, who is not a person referred to in sub-section (2) of section two of that Act, and who is engaged on or belongs to any South African ship, shall be guilty of an offence under paragraph (b), (c), (d) or (f) of sub-section (2) of section one hundred and seventy-four, section one hundred and seventy-five or section one hundred and seventy-six merely by reason of the fact that he has taken part in a strike or in the continuation of a strike, as defined in section one of that Act, in such circumstances that the act or omission by which he has taken part therein does not constitute an offence under section sixty-five of that Act: Provided that this sub-section shall not apply in respect of any act which is committed or any omission which occurs while the ship is at sea.

[subsection (4) amended by section 41(b) of [Act 30 of 1959](#)]

- (5) In this section the expression "seamen" includes all persons employed or engaged in any capacity on board any ship.

356. Regulations

- (1) The Minister may make regulations—
 - (i) prescribing the books, forms and other documents to be used for the convenient and effective carrying out of the provisions of this Act, and the particulars which shall be contained therein;
 - (ii) prescribing the powers and duties of officers or other persons employed in the administration of this Act;
 - (iii) prescribing the services rendered or work done in pursuance of this Act for which fees shall be paid, the amount of such fees, and when and by whom such fees shall be paid;
 - (iv) as to the manner in which a ship registered or a vessel licensed under this Act shall be marked;
 - (v) as to the manner in which application for the registry of a ship shall be made, and the declarations to be made and the documents to be produced in support of such application;
 - (vi) as to the procedure to be followed in the event of a certificate issued under this Act being mislaid, lost or destroyed;
 - (vii) prescribing the rules to be observed in regard to the names of ships registered in the Union;
 - (viii) as to the procedure to be followed in transferring the registry of a ship from one port to another;
 - (ix) prescribing the manner in which a ship shall be inspected, surveyed and measured for any purpose under this Act, and the particulars and statements which shall be contained in the report or certificate of a surveyor;
 - (x) prescribing the minimum numbers of the several classes of seamen required to be engaged as part of the crew of a ship;
 - (xi) prescribing what proportion of any of the several classes of seamen comprising the crew of a South African ship shall be South African citizens;
 - (xii) prescribing the qualifications which any person employed on board a ship in a particular capacity is required to hold;
 - (xiii) prescribing—
 - (a) the scope and conduct of examinations to be passed by a person desiring the grant under this Act of a certificate of competency or qualification as a ship's officer, an able seaman, a lifeboatman, a ship's cook or a ship's steward, or any other certificate of competency or qualification testifying to his ability to perform work or duties of a particular kind on board a ship, and the standards required for passing;
 - (b) the age and qualifications of the candidates, including the service at sea and other service which they must have performed and the training which they must have undergone;
 - (c) the fees to be paid by candidates for examination; and
 - (d) the qualifications of examiners and the conditions under which they are appointed, including the remuneration to be paid to them;
 - (xiv) as to the inspection of certificates which in terms of this Act any person employed on board a ship in any particular capacity is required to hold;
 - (xv) prescribing the classes of South African ships on which cadets or apprentice-officers may be employed as such, the maximum number of cadets or apprentice officers which may be

employed as such on different classes of South African ships, the terms of indentures of apprentice-officers, the minimum wages which such apprentice-officers shall be paid and the manner of payment thereof;

- (xvi) regulating the manner and extent to which a ship shall be manned;
- (xvii) as to the medical examination of persons engaged to serve in ships, including the particulars to be contained in medical certificates;
- (xviii) as to the relief, maintenance and return to a proper return port of shipwrecked seamen and apprentice officers and seamen and apprentice-officers found otherwise in distress in any place outside the Union;
- (xix) prescribing the crew accommodation and the accommodation for passengers to be provided on board South African ship;
- (xx) prescribing the class or classes of ships on which qualified and approved medical practitioners shall be employed as such;
- (xxi) as to the licensing and conduct and inspection of houses in which seamen and apprentice-officers are lodged, the charges that may be made in such houses for food and lodging, and the payment of fees for such licences;
- (xxii) providing for the care and treatment of sick seamen (including masters and apprentice-officers) in hospitals, and for the recovery of expenses in connection therewith;
- (xxiii) providing for the maintenance by the master in respect of every seaman on his ship of a card on which shall be made a copy of every entry made in respect of the seaman in the official log-book in terms of paragraph (d) of section one hundred and eighty-three;
- (xxiv) providing for the vaccination against smallpox and the inoculation against yellow fever and typhoid fever of seamen (including masters and apprentice officers) at the expense of the owner of the ship on which they serve;
- (xxv) prescribing the precautions to be taken in connection with the design and construction of ships and in respect of other matters to prevent the entrance of rats into ships;
- (xxvi) as to the ventilation to be provided when coal is loaded or carried in a ship as cargo or ballast;
- (xxvii) as to the dissemination of information concerning dangers to navigation;
- (xxviii) prescribing what signals are to be regarded as signals of distress, and the circumstances in and the purposes for which such signals are to be used;
- (xxix) as to the examination and licensing of adjusters of compasses;
- (xxx) prescribing the class or quantity of goods which may be carried in ships, and the manner in which such goods may be so carried;
- (xxxi) as to the carriage of ballast and the precautions to be taken to prevent shifting thereof;
- (xxxii) as to the conditions governing the installation, working and use of any anchors, chains, cables, and loading and discharging gear and any other machinery whatsoever on board or in connection with ships, and the strength and quality thereof, and the precautions to be taken to prevent persons being injured thereby or by falling articles;
- (xxxiii) prescribing with what radio and other navigational aids ships must be provided;
- (xxxiv) as to the inspection of equipment on ships;
- (xxxv) prescribing rules to be followed in respect of—
 - (a) the convening of courts of marine enquiry, maritime courts and courts of survey;

- (b) the appointment of the members of such courts and of the experts to whom appeals are to be referred under section two hundred and eighty-two; and
- (c) the noting and prosecution of appeals from courts of marine enquiry or maritime courts to superior courts,

and prescribing the procedure to be followed by courts of marine enquiry, maritime courts, courts of survey and experts to whom appeals are referred under section two hundred and eighty-two;

[paragraph (xxxv) substituted by section 42(b) of Act 30 of 1959]

- (xxxvbis) empowering courts of marine enquiry or maritime courts to order the payment of compensation by persons who have made frivolous or unjustified complaints, and empowering such courts, courts of survey or experts to whom appeals have been referred under section two-hundred and eighty-two to make orders as to costs, including the costs incurred by the State in connection with the convening of such courts, the appointment of the members of such courts or of the experts and in connection with any investigation made by such courts or experts, and the costs incurred by the parties;

[paragraph (xxxv)bis inserted by section 42(b) of Act 30 of 1959]

- (xxxvter) prescribing the scales according to which costs shall be calculated, and providing for the taxation or assessment of costs;

[paragraph (xxxv)ter inserted by section 42(b) of Act 30 of 1959]

- (xxxvquat) as to—
 - (a) the enforcement of judgments pronounced by superior courts on appeals from courts of marine enquiry or maritime courts; and
 - (b) the enforcement of orders for the payment of compensation made by courts of marine enquiry or maritime courts and for the payment of costs made by such courts, courts of survey or experts to whom appeals have been referred under section two hundred and eighty-two;

[paragraph (xxxv)quat inserted by section 42(b) of Act 30 of 1959]

- (xxxvi) prescribing the standards of seaworthiness to be observed in respect of fishing boats and ships engaged in sealing or whaling, and regarding the marking and inspection of such boats and ships and the life-saving appliances and first-aid apparatus with which such boats and ships shall be equipped;
- (xxxvii) prescribing the period of pre-sea training required of seamen and apprentice-officers;
- (xxxviii) requiring ships, vessels or other craft which are not by this Act required to comply with any of its provisions, to comply with such of the said provisions as may be specified, subject to such exemptions, restrictions or modifications as may be prescribed; and
- (xxxix) prescribing such other matters as are necessary or useful to be prescribed for carrying out the purposes of this Act.

[subsection (1) amended by section 42(a) of Act 30 of 1959]

- (2) The Minister may make such notifications, declarations and regulations as may appear to him to be necessary to give effect, subject to such exemptions, restrictions and modifications as appear to him to be desirable, to the provisions of—
 - (a) the Safety Convention;
 - (b) the International Collision Regulations; and

(c) the Load Line Convention.

The regulations made under this sub-section may include other and more extensive provisions than those contained in the said conventions, provided they relate to the same or similar matters as are dealt with in the said conventions.

[subsection (2) amended by section 42(a) of [Act 30 of 1959](#)]

- (3) The Minister may by regulation apply, subject to such exemptions, restrictions and modifications as appear to him to be desirable, any of the regulations made under sub-section (2), or deemed in terms of sub-section (4) to have been so made, to ships to which and in circumstances in which the provisions of the Safety Convention, the International Call on Regulations and the Load Line Convention do not apply.

[subsection (3) amended by section 42(a) of [Act 30 of 1959](#)]

- (4) The regulations for preventing collisions at sea and the rules as to signals of distress, made by Order of the King in Council dated the thirteenth day of October, 1910, which were applied in the Union by regulation 21 of the regulations made under section four of the Railways and Harbours Regulation, Control and Management Act, 1916 ([Act No. 22 of 1916](#)), and published under Government Notice No. 1064 dated the nineteenth day of August, 1932, as amended by Government Notice No. 1590 dated the second day of December, 1932, and Government Notice No. 1135 dated the seventeenth day of August, 1934, which regulations were published in the *Gazette* as an annexure to the last-mentioned Government Notice, shall be deemed to have been made under paragraph (b) of sub-section (2), and, until superseded by other regulations made under the said paragraph, shall apply to all ships (other than South African ships) while they are in the Union or the territorial waters thereof and to all South African ships and ships (other than South African ships) wholly employed in plying between ports in the Union, wherever they may be.
- (5) Any regulations made under sub-sections (1) and (2) may prescribe penalties for contravention thereof or failure to comply therewith, but no such penalty shall exceed a fine of two hundred pounds or imprisonment for the period of one year or both such fine and such imprisonment: Provided, that if by any such regulation a penalty is prescribed for any act or omission for which a different penalty is prescribed by section three hundred and thirteen or three hundred and twenty-three, the provisions of the said sections shall prevail.
- (6) Different regulations may be made under sub-sections (1) and (2) in respect of ships falling within different classes or categories or of different tonnage or in respect of ships built before or after a date stated in the regulations.
- (7) If a resolution is passed by both Houses of Parliament within thirty days after the date on which, in accordance with the provisions of section seventeen of the Interpretation Act, 1957 ([Act No. 33 of 1957](#)), any regulation made under sub-section (1), (2) or (3) of this section was laid upon the Tables, or, if the session during which any such regulation was so laid upon the Tables terminated within thirty days after it was so laid upon the Tables, then within thirty days after the commencement of the next ensuing session, disapproving of such regulation, that regulation shall lapse as from a date to be specified in the resolution.

[subsection (7) amended by section 42(c) of [Act 30 of 1959](#)]

357. Exemption from stamp duty

Notwithstanding anything to the contrary in any law in force relating to stamp duty, any affidavit, certificate, receipt or other document required or issued under any provisions of this Act except a bill of lading, shall be exempt from stamp duty.

[section 357 amended by section 61(b) of [Act 40 of 1963](#)]

358. Short title and commencement

This Act shall be called the Merchant Shipping Act, 1951, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. Provided that the Governor-General may from time to time by proclamation in the *Gazette* bring into operation only such portions of this Act as he may specify in such proclamation.

First Schedule**Laws repealed or amended by Section One**

[First Schedule amended by section 43 of [Act 30 of 1959](#)]

Country, province or territory	No. and year	Title or subject	Extent of repeal or amendment
United Kingdom.	Chapter 60, 1894.	Merchant Shipping Act, 1894.	The repeal of the whole of the Act mentioned and of all Acts adding to or amending it in so far as they are in force in the Union.
Cape of Good Hope.	Act No. 13 of 1855.	Local Merchant Seaman's Act, 1855.	The repeal of the whole.
	Act No. 3 of 1863.	Local Merchant Seaman's Amendment Act, 1863.	The repeal of the whole.
	Act No. 13 of 1874.	Local Merchant Shipping Act, 1874.	The repeal of the whole.
	Act No. 18 of 1905.	Merchant Shipping Act, 1905.	The repeal of the whole.
Natal.	Law No. 4 of 1871.	To facilitate the carrying out in the Colony of the provisions of the Foreign Deserters Act, 1852, of the Parliament of the United Kingdom.	The repeal of the whole.
	Law No. 23 of 1875.	Local Merchant Seamen's Law.	The repeal of the whole.
	Law No. 10 of 1883.	Shipping Casualties Law, 1883.	The repeal of the whole.

Country, province or territory	No. and year	Title or subject	Extent of repeal or amendment
	Law No. 4 of 1884.	To amend the Shipping Casualties Law, 1883.	The repeal of the whole.
	Law No. 1 of 1890.	To make provision in respect of the appliances to be carried by certain ships for saving life at sea.	The repeal of the whole.
	Act No. 5 of 1895.	To amend certain Natal Laws relating to shipping.	The repeal of the whole.
	Act No. 50 of 1903.	To amend the law relating to foreign seamen.	The repeal of the whole.

Country, province or territory	No. and year	Title or subject	Extent of repeal or amendment
Union.	Act No. 70 of 1957.	Railways and Harbours Control and Management (Consolidation) Act, 1957.	<p>The substitution for paragraph (o) of subsection (1) of section three of the following paragraph:</p> <p>"(o) subject to the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), the licensing and control of tugs, launches, hulks, fishing or ferry boats or other craft lying in or using a harbour and the charges to be paid to the Administration for the licensing of such craft and for the right to lie in or use the harbour;";</p> <p>and the substitution in section forty-four for the words after the words "inspection, and" and before the words "shall be liable" of the words "any master who fails to do so".</p>
	Act No. 17 of 1923.	Births, Marriages and Deaths Registration Act, 1923.	The repeal of sections thirty-six and thirty-seven.

Country, province or territory	No. and year	Title or subject	Extent of repeal or amendment
	Act No. 45 of 1925.	Merchant Shipping(Certificates of Competency) Act, 1925.	The repeal of the whole.
	Act No. 16 of 1929.	Merchant Shipping Act, 1929.	The repeal of the whole.
	Act No. 42 of 1934.	Merchant Shipping (Certificates of Competency) Amendment Act, 1934.	The repeal of the whole.

Country, province or territory	No. and year	Title or subject	Extent of repeal or amendment
	Act No. 24 of 1936.	Insolvency Act, 1936.	<p>The insertion after sub-paragraph (ii) of paragraph (b) of sub-section (1) of section seventeen of the following new sub-paragraph:—</p> <p>“(ii)bis every officer having charge of a register of ships kept at a port of registry appointed as such in terms of paragraph (c) of section four of the Merchant Shipping Act, 1951, for the registration of ships”;</p> <p>and the insertion after sub-section (3) of section seventeen of the following new sub-section:—</p> <p>“(3)bis Upon the receipt by</p>
By LawLibrary , AfricanLII , the Judicial Institute for Africa , and Laws.Africa . Share widely and freely.			<p>141</p> <p>any officer referred to in sub-</p>

Country, province or territory	No. and year	Title or subject	Extent of repeal or amendment
	Act No. 17 of 1938.	Finance Act, 1938.	The repeal of sections sixteen and seventeen.
	Act No. 53 1946.	Unemployment Insurance Act, 1946.	<p>The insertion after subsection (5) of section thirty-nine of the following new subsection:—</p> <p>“(5)bis A contributor shall be deemed to have been employed during any period for which he receives wages under section one hundred and forty of the Merchant Shipping Act, 1951.”</p>
<i>[item amended by section 43 of Act 30 of 1959]</i>			
South-West Africa.	Administrator’s Proclamation No. 12 of 1929.	Merchant Shipping (Walvis Bay) Proclamation, 1929.	The repeal of the whole.

Second Schedule

International Convention for the Safety of Life at Sea, 1948

Article I

- (a) The Contracting Governments undertake to give effect to the provisions of the present Convention and of the Regulations annexed thereto, which shall be deemed to constitute an integral part of the present Convention. Every reference to the present Convention implies at the same time a reference to these Regulations.
- (b) The Contracting Governments undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the present Convention full and complete effect, so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

Article II

The ships to which the present Convention applies are ships registered in countries the Governments of which are Contracting Governments, and ships registered in territories to which the present Convention is extended under Article XIII.

Article III – Laws, regulations, reports

The Contracting Governments undertake to communicate to the Intergovernmental Maritime Consultative Organisation (hereinafter called the Organisation)—

- (a) the text of laws, decrees, orders and regulations which shall have been promulgated on the various matters within the scope of the present Convention;
- (b) all available official reports or official summaries of reports in so far as they show the results of the provisions of the present Convention, provided always that such reports or summaries are not of a confidential nature; and
- (c) a sufficient number of specimens of their Certificates issued under the provisions of the present Convention for circulation to the Contracting Governments for the information of their officers.

Article IV – Cases of force majeure

- (a) No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.
- (b) Persons who are on board a ship by reason of force majeure or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

Article V – Carriage of persons in emergency

- (a) For the purpose of moving persons from any territory in order to avoid a threat to the security of their lives a Contracting Government may permit the carriage of a larger number of persons in its ships than is otherwise permissible under the present Convention.
- (b) Such permission shall not deprive other Contracting Governments of any right of control under the present Convention over such ships which come within their ports.

- (c) Notice of any such permission, together with a statement of the circumstances, shall be sent to the Organisation by the Contracting Government granting such permission.

Article VI – Suspension in case of war

- (a) In case of war, Contracting Governments which consider that they are affected, whether as belligerents or as neutrals, may suspend the whole or any part of the Regulations annexed hereto. The suspending Government shall immediately give notice of such suspension to the Organisation.
- (b) Such suspension shall not deprive other Contracting Governments of any right of control under the present Convention over the ships of the suspending Government when such ships are within their ports.
- (c) The suspending Government may at any time terminate such suspension and shall immediately give notice of such termination to the Organisation.
- (d) The Organisation shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

Article VII – Prior Treaties and Conventions

- (a) As between the Contracting Governments the present Convention replaces and abrogates the International Convention for the Safety of Life at Sea which was signed in London on the 31st May, 1929.
- (b) All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, at present in force between Governments parties to the present Convention, shall continue to have full and complete effect during the terms thereof as regards:—
 - (i) ships to which the present Convention does not apply;
 - (ii) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.
- (c) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.
- (d) All matters which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

Article VIII – Special rules drawn up by agreement

When in accordance with the present Convention special rules are drawn up by agreement between all or some of the Contracting Governments, such rules shall be communicated to the Organisation for circulation to all Contracting Governments.

Article IX – Amendments

- (a)
 - (i) The present Convention may be amended by unanimous agreement between the Contracting Governments.
 - (ii) Upon the request of any Contracting Government a proposed amendment shall be communicated by the Organisation to all Contracting Governments for consideration and acceptance under this paragraph.
- (b)
 - (i) An amendment to the present Convention may be proposed to the Organisation at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organisation (hereinafter called the Assembly), upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organisation (hereinafter called the Maritime

Safety Committee), shall be communicated by the Organisation to all Contracting Governments for their acceptance.

- (ii) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organisation to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.
- (c) (i) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organisation upon the request of one-third of the Contracting Governments.
- (ii) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organisation to all Contracting Governments for their acceptance.
- (d) Any amendment communicated to Contracting Government for their acceptance under paragraph (b) or (c) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment, is accepted by two-thirds of the Contracting Governments including two-thirds of the Governments represented on the Maritime Safety Committee.
- (e) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (c) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (d) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.
- (f) Any amendment to the present Convention made under this Article which relates to the structure of a ship shall apply only to ships the keels of which are laid after the date on which the amendment comes into force.
- (g) The Organisation shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.
- (h) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organisation, which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

Article X – Signature and acceptance

- (a) The present Convention shall remain open for signature for one month from this day's date and shall thereafter remain open for acceptance. Governments of States may become parties to the Convention by:—
 - (i) signature without reservation as to acceptance;
 - (ii) signature subject to acceptance followed by acceptance; or
 - (iii) acceptance.
- (b) Acceptance shall be effected by the deposit of an instrument with the Organisation, which shall inform all Governments that have already accepted the Convention of each acceptance received and of the date of its receipt.

Article XI – Coming into force

- (a) The present Convention shall come into force on the 1st January, 1951, provided that, at least 12 months before that date, not less than 15 acceptances, including 7 by countries each with not less than one million gross tons of shipping, have been deposited in accordance with Articles X and XV.
- (b) Should 15 acceptances in accordance with paragraph (a) of this Article not have been deposited 12 months before the 1st January, 1951, the present Convention shall come into force 12 months after the date on which the last of such acceptances is deposited. The Organisation shall inform all Governments which have signed or accepted the present Convention of the date on which it comes into force.
- (c) Acceptances deposited after the date on which the present Convention comes into force shall take effect three months after the date of their deposit.

Article XII – Denunciation

- (a) The present Convention may be denounced by any Contracting Government at any time after the expiry of five years from the date on which the Convention comes into force for that Government.
- (b) Denunciation shall be effected by a notification in writing addressed to the Organisation which shall notify all the other Contracting Governments of any denunciation received and of the date of its receipt.
- (c) A denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Organisation.

Article XIII – Territories

- (a)
 - (i) The United Nations in cases where they are the administering authority for a territory, or any Contracting Government responsible for the international relations of a territory, may at any time by notification in writing given to the Organisation declare that the present Convention shall extend to such territory.
 - (ii) The present Convention shall from the date of the receipt of the notification or from such other date as may be. Specified in the notification extend to the territory named therein.
- (b)
 - (i) The United Nations or any Contracting Government which has made a declaration under paragraph (a) of this Article, at any time after the expiry of a period of five years from the date on which the Convention has been so extended to any territory, may by a notification in writing given to the Organisation declare that the present Convention shall cease to extend to any such territory named in the notification.
 - (ii) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Organisation.
- (c) The Organisation shall inform all the Contracting Governments of the extension of the present Convention to any territories under paragraph (a) of this Article, and of the termination of any such extension under the provisions of paragraph (b), stating in each case the date from which the present Convention has been or will cease to be so extended.

Article XIV – Registration

As soon as the present Convention comes into force it shall be registered by the Organisation with the Secretary-General of the United Nations.

Article XV – Interim arrangements

- (a) Unless and until the Organisation, in accordance with the Convention on the Intergovernmental Maritime Consultative Organisation signed at Geneva on the 6th March, 1948, takes over the duties assigned to it under the present Convention, the following provisions shall apply:—
- (i) All duties which are assigned to the Organisation, other than those set forth in Article IX, shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the Government of the United Kingdom).
 - (ii) Amendments to the present Convention may be proposed at any time by any Contracting Government to the Government of the United Kingdom and such proposals shall be communicated by the latter to the other Contracting Governments for their consideration and acceptance. If any such amendment is unanimously-accepted by the Contracting Governments, the present Convention shall be amended accordingly.
 - (iii) A Conference for the purpose of revising the present Convention shall be convened by the Government of the United Kingdom whenever, after the present Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.
 - (iv) The present Convention shall be deposited in the archives of the Government of the United Kingdom, which shall transmit certified true copies thereof to all Signatory Governments.
- (b) When the Organisation takes over the duties assigned to it under the present Convention, the Government of the United Kingdom will transmit to the Organisation any documents which have been deposited with or received by the Government of the United Kingdom under the present Convention.

In witness whereof the undersigned Plenipotentiaries have signed the present Convention.

Done in London this tenth day of June, 1948, in a single copy in English and French, each text being equally authoritative.

Chapter I General provisions

Part A – Application, definitions

Regulation 1 – Application

- (a) Unless expressly provided otherwise, the present Regulations apply only to ships engaged on international voyages.
- (b) The classes of ships to which each Chapter applies are more precisely defined, and the extent of the application is shown, in each Chapter.

Regulation 2 – Definitions

For the purpose of the present Regulations, unless expressly provided otherwise:—

- (a) “**Regulations**” means the Regulations referred to in Article 1(a) of the present Convention.
- (b) “**Administration**” means the Government of the country in which the ship is registered.
- (c) “**Approved**” means approved by an Administration.

- (d) “**International voyage**” means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country.
- (e) A passenger is every person other than;—
 - (i) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
 - (ii) a child under one year of age.
- (f) A passenger ship is a ship which carries more than 12 passengers,
- (g) A cargo ship is any ship which is not a passenger ship.
- (h) A tanker is a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.
- (i) “**New ship**” means a ship the keel of which is laid on or after the date of coming into force of the present Convention.
- (j) “**Existing ship**” means a ship which is not a new ship.
- (k) A mile is 6,080 feet or 1,852 metres.

Regulation 3 – Exceptions

- (a) The present Regulations, unless expressly provided otherwise, do not apply to:—
 - (i) Ships of war and troopships.
 - (ii) Cargo ships of less than 500 tons gross tonnage.
 - (iii) Ships not propelled by mechanical means.
 - (iv) Wooden ships of primitive build, such as dhows, junks, etc.
 - (v) Pleasure yachts not engaged in trade.
 - (vi) Fishing vessels.
- (b) Notwithstanding any provisions of the present Regulations, nothing herein shall apply to ships solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

Regulation 4 – Exemptions

- (a) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present Regulations provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship.
- (b) Each Administration shall submit to the Organisation as soon as possible after the 1st of January each year a report showing the number of voyages of this nature for which exemptions have been granted in the previous calendar year.

Regulation 5 – Equivalents

- (a) Where in the present Regulations it is provided that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular arrangement shall be adopted, an Administration may accept in substitution therefor any other fitting, appliance or apparatus, or type thereof, or any other arrangement, provided that the Administration shall have been satisfied by suitable trials that the fitting, appliance or apparatus, or type thereof, or the arrangement substituted is at least as effective as that specified in the present Regulations.
- (b) Any Administration which so accepts, in substitution, a fitting, appliance or apparatus, or type thereof, or other arrangement, shall inform the Organisation, and, upon request, shall communicate to the Organisation particulars thereof together with a report on the trials made.

Part B – Surveys and certificates

Regulation 6 – Inspection and survey

The inspection and survey of ships, so far as regards the enforcement of the provisions of the present Regulations and the granting of exemptions therefrom, shall be carried out by officers of the country in which the ship is registered, provided that the Government of each country may entrust the inspection and survey either to surveyors nominated for the purpose or to organisations recognised by it. In every case the Government concerned fully guarantees the completeness and efficiency of the inspection and survey.

Regulation 7 – Initial and subsequent surveys of passenger ships

- (a) A passenger ship shall be subjected to the surveys specified below:—
 - (i) A survey before the ship is put in service.
 - (ii) A periodical survey once every 12 months.
 - (iii) Additional surveys, as occasion arises.
- (b) The surveys referred to above shall be carried out as follows:—
 - (i) The survey before the ship is put in service shall include a complete inspection of its structure, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to ensure that the arrangements, material, and scantlings of the structure, boilers and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, lifesaving appliances, fire detecting and extinguishing appliances, and other equipment's, fully comply with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration for ships of the service for which it is intended. The survey shall also be such as to ensure that the workmanship of all parts of the ship and its equipments is in all respects satisfactory.
 - (ii) The periodical survey shall include an inspection of the structure, boilers, machinery and equipments, including the outside of the ship's bottom. The survey shall be such as to ensure that the ship, as regards the structure, boilers and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, life-saving appliances, fire detecting and extinguishing appliances, and other equipments, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereto by the Administration.
 - (iii) A survey either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipments, or whenever any important repairs

or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of the present Convention and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

- (c) (i) The laws, decrees, orders and regulations referred to in paragraph (b) shall be in all respects such as to ensure that, from the point of view of safety of life, the ship is fit for the service for which it is intended.
- (ii) They shall among other things prescribe the requirements to be observed as to the initial and subsequent hydraulic tests to which the main and auxiliary boilers, connections, steam pipes, high pressure receivers, and fuel tanks for internal combustion engines are to be submitted, including the test pressure to be applied and the intervals between two consecutive tests.
- (d) The main and auxiliary boilers, connections, tanks and receivers, also steam-piping of more than 3 inches (or 76 millimetres) internal diameter shall be satisfactorily tested by hydraulic pressure when new. Steam pipes of more than 3 inches (or 76 millimetres) internal diameter shall be tested by hydraulic pressure periodically.

Regulation 8 – Surveys of life saving appliances and other equipments of cargo ships

The life saving and fire extinguishing appliances of cargo ships to which Chapters II and III of the present Regulations apply shall be subject to initial and subsequent surveys as provided for passenger ships in paragraph of Regulation 7 with the substitution of 24 months for 12 months in sub-paragraph (a)(ii), and in paragraph (b) of that Regulation so far as it relates to life saving and fire extinguishing appliances. The lights and means of making sound signals and distress signals carried by the ship shall also be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the present Convention and the International Collision Regulations.

Regulation 9 – Surveys of radio installations of cargo ships

The radio installations of cargo ships to which Chapter IV of the present Regulations applies shall be subject to initial and subsequent surveys as provided for passenger ships in paragraph (a) of Regulation 7 and in paragraph (b) of that Regulation so far as it relates to radio installations.

Regulation 10 – Maintenance of conditions after survey

After any survey of the ship under Regulation 7, 8 or 9 has been completed, no change shall be made in the structural arrangements, machinery, equipment, &c., covered by the survey, without the sanction of the Administration.

Regulation 11 – Issue of certificates

- (a) (i) A certificate called a Safety Certificate shall be issued after inspection and survey to a passenger ship which complies in an efficient manner with the requirements of Chapters II, III, and IV, and any other relevant requirements of the present Regulations.
- (ii) A certificate called a Safety Equipment Certificate shall be issued after inspection to a cargo ship which complies in an efficient manner with the relevant requirements of Chapters II and III and any other relevant requirements of the present Regulations.
- (iii) A certificate called a Safety Radiotelegraphy Certificate shall be issued after inspection to a cargo ship, fitted with a radiotelegraph installation, which complies in an efficient manner with the requirements of Chapter IV and any other relevant requirements of the present Regulations.

- (iv) A certificate called a Safety Radiotelephony Certificate shall be issued after inspection to a cargo ship, fitted with a radiotelephone installation, which complies in an efficient manner with the requirements of Chapter IV and any other relevant requirements of the present Regulations.
 - (v) A certificate called an Exemption Certificate shall be issued to every ship to which exemption is granted by a Contracting Government under, and in accordance with, any of the provisions of the present Regulations.
 - (vi) Safety Certificates, Safety Equipment Certificates, Safety Radiotelegraphy Certificates, Safety Radiotelephony Certificates and Exemption Certificates shall be issued either by the Government of the country in which the ship is registered or by any person or organisation duly authorised by that Government. In every case that Government assumes full responsibility for the certificate.
- (b) Notwithstanding any other provision of the present Convention, any certificate issued under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1929, which is current when the present Convention comes into force in respect of the Administration by which the certificate is issued, shall remain valid until it expires under the terms of Article 52 of the Convention of 1929.

Regulation 12 – Issue of certificate by another Government

A Contracting Government may, at the request of the Administration, cause a ship to be surveyed, and, if satisfied that the requirements of the present Regulations are complied with, issue certificates to the ship in accordance with the present Regulations. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country in which the ship is registered, and it shall have the same force and receive the same recognition as a certificate issued under Regulation 11.

Regulation 13 – Duration of certificates

- (a) Certificates shall be issued for a period of not more than 12 months, except Safety Equipment Certificates which shall be issued for a period of not more than 24 months.
- (b) If a ship at the time when its certificate expires is not in a port of the country in which it is registered, the certificate may be extended by a duly authorised officer of that country; but such extension shall be granted only for the purpose of allowing the ship to complete its return voyage to the country in which it is registered, and then only in cases where it appears proper and reasonable so to do.
- (c) No certificate shall be thus extended for a longer period than five months, and a ship to which such extension is granted shall not, on returning to the country in which it is registered, be entitled by virtue of such extension to leave that country again without having obtained a new certificate.
- (d) A certificate which has not been extended under the foregoing provisions of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

Regulation 14 – Form of certificates

- (a) All certificates shall be drawn up in the official language or languages of the country by which they are issued.
- (b) The form of the certificates shall be that of the models given in the Appendix to the present Regulations. The arrangement of the printed part of the model certificates shall be exactly reproduced in the certificates issued, or in certified copies thereof, and the particulars inserted in the certificates issued, or in certified copies thereof, shall be in Roman characters and Arabic figures.

Regulation 15 – Posting-up of certificates

All certificates or certified copies thereof issued under the present Regulations, except Exemption Certificates or certified copies thereof, shall be posted up in a prominent and accessible place in the ship.

Regulation 16 – Acceptance of certificates

Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments for all purposes covered by the present Convention. They shall be regarded by the other Contracting Governments as having the same force as the certificates issued by them to their own ships.

Regulation 17 – Qualification of certificates

- (a) If in the course of a particular voyage a ship has on board a number of persons less than the total number stated in the Safety Certificate and is in consequence, in accordance with the provisions of the present Regulations, free to carry a smaller number of lifeboats and other lifesaving appliances than that stated in the certificate, a memorandum may be issued by the Government, officer, person, or organisation referred to in Regulation [11](#) and Regulation [13](#).
- (b) This memorandum shall state that in the circumstances there is no infringement of the provisions of the present Regulations. It shall be annexed to the certificate and shall be substituted for it in so far as the life-saving appliances are concerned. It shall be valid only for the particular voyage for which it is issued.

Regulation 18 – Control

Every ship holding a certificate issued under Regulation [11](#) or Regulation [12](#) is subject in the ports of the other Contracting Governments to control by officers duly authorised by such Governments in so far as this control is directed towards verifying that there is on board a valid certificate and, if necessary, that the conditions of the ship's seaworthiness corresponds substantially with the particulars of that certificate. Such certificate shall be accepted unless, in the opinion of the officer carrying out the control, the conditions of the ship's seaworthiness do not correspond substantially with the particulars of that certificate and the ship cannot proceed to sea without danger to the passengers or the crew, when he shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without danger to the passengers or the crew. In the event of this control giving rise to intervention of any kind, the officer carrying out the control shall inform the Consul of the country in which the ship is registered in writing forthwith of all the circumstances in which intervention was deemed to be necessary, and the facts shall be reported to the Organisation.

Regulation 19 – Privileges

The privileges of the present Convention may not be claimed in favour of any ship unless it holds appropriate valid certificates.

Part C – Casualties

Regulation 20 – Casualties

- (a) Each Administration undertakes to conduct an investigation of any major marine casualty occurring to any of its ships subject to the provisions of the present Convention. Such investigation, in addition to any other purpose, shall have the object of determining whether any changes in the present Regulations are desirable.

- (b) Each Contracting Government undertakes to supply the Organisation with pertinent information concerning such casualties. No reports or recommendations of the Organisation based upon such information shall disclose the identity or nationality of the ships concerned or in any manner fix or imply responsibility upon any ship or person.

Chapter II Construction

Part A – General

Regulation 1 – Application

- (a) (i) Unless expressly provided otherwise, this Chapter applies to new ships.
- (ii) In the case of existing passenger ships and cargo ships which do not already comply with the provisions of this Chapter relating to new ships, the arrangements on each ship shall be considered by the Administration, with a view to improvements being made to provide increased safety where practicable and reasonable.
- (b) For the purpose of this Chapter:—
- (i) A new passenger ship is a passenger ship the keel of which is laid on or after the date of coming into force of the present Convention, or a cargo ship which is converted to a passenger ship on or after that date, all other passenger ships being described as existing passenger ships.
- (ii) A new cargo ship is a cargo ship the keel of which is laid on or after the date of coming into force of the present Convention.
- (c) Each Administration may, if it considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of this Chapter unreasonable or unnecessary, exempt from those requirements individual ships or classes of ships belonging to its country which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.
- (d) In the case of a passenger ship which is permitted under Regulation 22 of Chapter III to carry a number of persons on board in excess of the life-boat capacity provided, it shall comply with the special standards of subdivision set out in Regulation 5(e), and the associated special provisions regarding permeability in Regulation 4(d), unless the Administration is satisfied that, having regard to the nature and conditions of the voyage, compliance with the other provisions of the Regulations of this Chapter is sufficient.
- (e) In the case of passenger ships which are employed in the carriage of large numbers of unearthened passengers in special trades, such, for example, as the pilgrim trade, the Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this Chapter, may exempt such ships, when they belong to its country, from those requirements on the following conditions:—
- (i) That the fullest provision which the circumstances of the trade will permit shall be made in the matter of construction.
- (ii) That steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other Contracting Governments, if any, as may be directly interested in the carriage of such passengers in such trades.

Notwithstanding any provisions of the present Convention, the Simla Rules, 1931, shall continue in force as between the parties to those Rules until the rules formulated under sub-paragraph (e)(ii) of this Regulation shall come into force.

Regulation 2 – Definitions

For the purpose of this Chapter, unless expressly provided otherwise:—

- (a) (i) The Sub-division loadline is the waterline used in determining the sub-division of the ship.
- (ii) The deepest sub-division loadline is the waterline which corresponds to the greatest draught.
- (b) The length of the ship is the length measured between perpendiculars taken at the extremities of the deepest sub-division loadline.
- (c) The breadth of the ship is the extreme width from outside of frame to outside of frame at or below the deepest subdivision loadline.
- (d) Top bulkhead, deck is the uppermost deck up to which the transverse watertight bulkheads are carried.
- (e) The margin line is a line drawn at least 3 inches (or 76 millimetres) below the upper surface of the bulkhead deck at side.
- (f) The draught is the vertical distance from the moulded base line amidships to the sub-division loadline in question.
- (g) The permeability of a space is the percentage of that space which can be occupied by water.
The volume of a space which extends above the margin line shall be measured only to the height of that line.
- (h) The machinery space is to be taken as extending from the moulded base line to the margin line and between the extreme main transverse watertight bulkheads bounding the spaces devoted to the main and auxiliary propelling machinery, boilers when installed, and all permanent coal bunkers.
In the case of unusual arrangements, the Administration may define the limits of the machinery spaces.
- (i) Passenger spaces are those which are provided for the accommodation and use of passengers, excluding baggage, store, provision and mail rooms.
For the purpose of Regulations 4 and 5, spaces provided below the margin line for the accommodation and use of the crew shall be regarded as passenger spaces.
- (j) In all cases volumes shall be calculated to moulded lines.

Part B – Sub-division and stability

(Part B applies to passenger ships only except that Regulation 18 also applies to cargo ships)

Regulation 3 – Floodable length

- (a) The floodable length at any point of the length of a ship shall be determined by a method of calculation which takes into consideration the form, draught and other characteristics of the ship in question.
- (b) In a ship with a continuous bulkhead deck, the floodable length at a given point is the maximum portion of the length of the ship, having its center at the point in question, which can be flooded under the definite assumptions hereafter set forth in Regulation 4 without the ship being submerged beyond the margin line.
- (c) (i) In the case of a ship not having a continuous bulkhead deck the floodable length at any point may be determined to an assumed continuous margin line which at no point is less than 3 inches (or 76 millimetres) below the top of the deck (at side) to which the bulkheads concerned and the shell are carried watertight.

- (ii) Where a portion of an assumed margin line is appreciably below the deck to which bulkheads are carried, the Administration may permit a limited relaxation in the watertightness of those portions of the bulkheads which are above the margin line and immediately under the higher deck.

Regulation 4 – Permeability

- (a) The definite assumptions referred to in Regulation 3 relate to the permeability's of the spaces below the margin line.

In determining the floodable length, a uniform average permeability shall be used throughout the whole length of each of the following portions of the ship below the margin line:—

- (i) the machinery space as defined in Regulation 2;
- (ii) the portion forward of the machinery space; and
- (iii) the portion abaft the machinery space.
- (b) (i) For steamships the uniform average permeability throughout the machinery space shall be determined from the formula:—

$$80 + 12 \cdot 5 \left(\frac{a-c}{v} \right), \text{ where}$$

a == volume of the passenger spaces, as defined, in Regulation 2, which are situated below the margin line within the limits of the machinery space.

c == volume of between deck spaces below the margin line within the limits of the machinery space which are appropriated to cargo, coal or stores.

v == whole volume of the machinery space below the margin line.

- (ii) For ships propelled by internal combustion engines, the uniform average permeability shall be taken as 5 greater than that given by the above formula.
- (iii) Where it is shown to the satisfaction of the Administration that the average permeability as determined by detailed calculation, is less than that given by the formula, the detailed calculated value may be used. For the purpose of such calculation, the permeabilities of passenger spaces, as defined in Regulation 2, shall be taken as 95, that of all cargo, coal and store spaces as 60, and that of double bottom, oil fuel and other tanks at such values as may be approved in each case by the Administration.
- (c) Except as provided in paragraph (d) below, the uniform average permeability throughout the portion of the ship before (or abaft) the machinery space shall be determined from the formula:—

$$63 + 35 \frac{a}{v}$$

where:—

a == volume of the passenger spaces, as defined in Regulation 2, which are situated below the margin line, before (or abaft) the machinery space, and

v == whole volume of the portion of the ship below the margin line before (or abaft) the machinery space.

- (d) In the case of a ship which is permitted under Regulation 22 of Chapter III to carry a number of persons on board in excess of the lifeboat capacity provided, and is required under paragraph (d) of Regulation 1 in this Chapter to comply, with special provisions, the uniform average permeability throughout the portion of the ship before (or abaft) the machinery space shall be determined from the formula:—

$$95 - 35 \frac{b}{v}$$

where:—

b == the volume of the spaces below the margin line and above the tops of floors, inner bottom, or peak tanks, as the case may be, which are appropriated to and used as cargo spaces, coal or oil fuel bunkers, store rooms, baggage and mail rooms, chain lockers and fresh water tanks, before (or abaft) the machinery space; and

v == whole volume of the portion of the ship below the margin line before (or abaft) the machinery space.

In the ease of ships engaged on services where the cargo holds are not generally occupied by any substantial quantities of cargo, no part of the cargo spaces is to be included in calculating “b”.

- (e) In the ease of unusual arrangements the Administration may allow, or require, a detailed calculation of average permeability for the portions before or abaft the machinery spaces. For the purpose of such calculation the permeability of passenger spaces as defined in Regulation 2 shall be taken as 95, that of spaces containing machinery as 80, that of all cargo, coal and store spaces as 60, and that of double bottom, oil fuel and other tanks at such value as may be approved in each case by the Administration.
- (f) If a between deck compartment between two water-tight transverse bulkheads contains any passenger or crew space, the whole of that compartment, less any space completely enclosed within permanent steel bulkheads and appropriated to other purposes, shall be regarded as passenger space. If, however, the passenger or crew space in question is completely, enclosed within permanent steel bulkheads, only the space so enclosed need be considered as passenger space.

Regulation 5 – Permissible length of compartments

- (a) Ships shall be as efficiently subdivided as is possible having regard to the nature of the service for which they are intended. The degree of subdivision shall vary with the length of the ship and with the service, in such manner that the highest degree of subdivision corresponds with the ships of greatest length, primarily engaged in the carriage of passengers.
- (b) Factor of Subdivision.—The maximum permissible length of a compartment having its centre at any point in the ship’s length is obtained from the floodable length by multiplying the latter by an appropriate factor called the factor of subdivision.

The factor of subdivision shall depend on the length of the ship, and for a given length shall vary according to the nature of the service for which the ship is intended. It shall decrease in a regular and continuous manner—

- (i) as the length of the ship increases, and

- (ii) from a factor A, applicable to ships primarily engaged in the carriage of cargo, to a factor B, applicable to ships primarily engaged by the carriage of passengers.

The variations of the factors A and B shall be expressed by the following formulae (I) and (II) where L is the length of the ship as defined in Regulation 2:—

$$\begin{aligned}
 & \text{L in feet} \\
 & A = \frac{190}{L - 198} + .18 \text{ (L = 430 and upwards)} \\
 & \text{L in metres} \\
 & A = \frac{58.2}{L - 60} + .18 \text{ (L = 131 and upwards)} \dots\dots\dots (I) \\
 & \text{L in feet} \\
 & B = \frac{100}{L - 138} + .18 \text{ (L = 260 and upwards)} \\
 & \text{L in metres} \\
 & B = \frac{30.3}{L - 42} + .18 \text{ (L = 79 and upwards)} \dots\dots\dots (II)
 \end{aligned}$$

- (c) Criterion of Service.—For a ship of given length the appropriate factor of subdivision shall be determined by the Criterion of Service Numeral (hereinafter called the Criterion Numeral) as given by the following formulae (III) and (IV) where:—

- Cs= the Criterion Numeral;
- L = length of the ship, as defined in Regulation 2;
- M = the volume of the machinery space, as defined in Regulation 2; with the addition thereto of the volume of any permanent oil fuel bunkers which may be situated above the inner bottom and before or abaft the machinery space;
- p = the whole volume of the passenger spaces below the margin line, as defined in Regulation 2;
- V = the whole volume of the ship below the margin line;
- P1 = KN where:—
- N = number of passengers for which the ship is to be certified, and
- K has the following values:—

	Value of K
Length in feet and volumes in cubic feet	.6L
Length in metres and volumes in cubic metres	.056L

Where the value of KN is greater than the sum of P and the whole volume of the actual passenger spaces above the margin line, the figure to be taken as is P1 that sum or 2/3 KN, whichever is the greater.

When P1 is greater than P—

$$C_s = 72 \frac{M + 2P_1}{V + P_1 - P} \dots\dots\dots (III)$$

and in other cases—

$$C_s = 72 \frac{M + 2P}{V} \dots\dots\dots (IV)$$

For ships not having a continuous bulkhead deck the volumes are to be taken up to the actual margin lines used in determining the floodable lengths.

(d) Rules for Subdivision of Ships other than those covered by paragraph (e) of this Regulation.—

- (i) The subdivision abaft the forepeak of ships 430 feet (or 131 metres) in length and upwards having a criterion numeral of 23 or less shall be governed by the factor A given by formula (I); of those having a criterion numeral of 123 or more by the factor B given by formula (II); and of those having a criterion numeral between 23 and 123 by the factor F obtained by linear interpolation between the factors A and B, using the formula:—

$$F = A - \frac{(A - B)(C_s - 23)}{100}$$

Where the factor F is less than 40 and it is shown to the satisfaction of the Administration to be impracticable to comply with the factor F in a machinery compartment of the ship, the subdivision of each compartment may be governed by an increased factor, which, however, shall not exceed 40.

- (ii) The subdivision abaft the forepeak of ships less than 430 feet (or 131 metres) but not less than 260 feet (or 79 metres) in length having a criterion numeral equal to S, where—

$$S = \frac{9,382 - 20L}{34} \text{ (L in feet)} = \frac{3,574 - 25L}{13} \text{ (L in metres)}$$

shall be governed by the factor unity; of those having a criterion numeral of 123 or more by the factor B given by the formula (II); of those having a criterion numeral between S and 123 by the factor F obtained by linear interpolation between unity and the factor B using the formula:—

$$F = 1 - \frac{(1 - B)(C_s - S)}{123 - S} \dots\dots\dots (VI)$$

- (iii) The subdivision abaft the forepeak of ships less than 430 feet (or 131 metres) but not less than 260 feet (or 79 metres) in length and having a criterion numeral less than S, and of all ships less than 260 feet (or 79 metres) in length shall be governed by the factor unity, unless, in either case, it is shown to the satisfaction of the Administration to be impracticable to comply with this factor in any part of the ship, in which case the Administration may allow such relaxation as may appear to be justified, having regard to all the circumstances.
- (iv) The provisions of sub-paragraph (d)(iii) shall apply also to ships of whatever length, which are to be certified to carry a number of passengers exceeding 12 but not exceeding—

$$\frac{L^2}{7,000} \text{ (in feet)} = \frac{L^2}{650} \text{ (in metres)} \text{ or } 50, \text{ whichever is the less.}$$

(e) Special Standards of Subdivision for Ships which are permitted under Regulation 22 of Chapter III to carry a number of persons on board in excess of the lifeboat capacity provided and are required under paragraph (d) of Regulation 1 in this Chapter to comply with special provisions.

- (i) (a) In the case of ships primarily engaged in the carriage of passengers, the subdivision abaft the forepeak shall be governed by a factor of 50 or by the factor determined according to paragraphs (c) and (d) of this Regulation, if less than 50.

- (b) In the case of such ships less than 300 feet (or 91.5 metres) in length, if the Administration is satisfied that compliance with such factor would be impracticable in a compartment, it may allow the length of that compartment to be governed by a higher factor provided the factor used is the lowest that is practicable and reasonable in the circumstances.
- (ii) If, in the case of any ship whether less than 300 feet (or 91.5 metres) or not, the necessity of carrying appreciable quantities of cargo makes it impracticable to require the subdivision abaft the forepeak to be governed by a factor not exceeding 50 the standard of subdivision to be applied shall be determined in accordance with the following subparagraphs (a) to (e), subject to the condition that where the Administration is satisfied that insistence on strict compliance in any respect would be unreasonable, it may allow such alternative arrangement of the watertight bulkheads as appears to be justified on merits and will not diminish the general effectiveness of the subdivision.
- (a) The provisions of paragraph (e) of this Regulation relating to the criterion numeral shall apply with the exception that in calculating the value of P_1 for berthed passengers K is to have the value defined in paragraph (e) of this Regulation or 125 cubic feet (or 3.55 cubic metres), whichever is the greater, and for unberthed passengers K is to have the value 125 cubic feet (or 3.55 cubic metres).
- (b) The factor B in paragraph (b) of this Regulation shall be replaced by the factor BB determined by the following formula:—

L in feet

$$BB = \frac{57 \cdot 6}{L - 108} + \cdot 20 \quad (L = 180 \text{ and upwards})$$

L in metres

$$BB = \frac{17 \cdot 6}{L - 33} + \cdot 20 \quad (L = 55 \text{ and upwards})$$

- (c) The subdivision abaft the forepeak of ships 430 feet (or 131 metres) in length and upwards having a criterion numeral of 23 or less shall be governed by the factor A given by formula (I) in paragraph (b) of this Regulation; of those having a criterion numeral of 123 or more by the factor BB given by the formula in subparagraph (ii)(b) of this paragraph; and of those having a criterion numeral between 23 and 123 by the factor F obtained by linear interpolation between the factors A and BB , using the formula:—

$$F = A - \frac{(A - BB)(Cs - 23)}{100}$$

except that if the factor F so obtained is less than 50 the factor to be used shall be either 50 or the factor calculated according to the provisions of paragraph (d)(i) of this Regulation, whichever is the smaller.

- (d) The subdivision abaft the fore peak of ships less than 430 feet (or 131 metres) but not less than 180 feet (or 55 metres) in length having a criterion numeral equal to s_1 where—

$$s_1 = \frac{1,950 - 4L}{10} \quad (L \text{ in feet})$$

$$s_1 = \frac{3,712 - 25L}{19} \quad (L \text{ in metres})$$

shall be governed by the factor unity; of those having a criterion numeral of 123 or more by the factor BB given, by the formula in sub-paragraph (ii)(b) of this paragraph; of those having a criterion numeral between s_1 and 123 by the factor F obtained by linear interpolation between unity and the factor BB , using the formula:—

$$F = 1 - \frac{(1 - BB)(C_2 - S_1)}{123 - S_1}$$

except that in either of the two latter cases if the factor so obtained, is less than .50 the subdivision, may be governed by a factor not exceeding .50.

- (e) The subdivision abaft the fore peak of ships less than 430 feet (or 131 metres) but not less than 180 feet (or 55 metres) in length and having a criterion numeral less than 81 and of all ships less than 180 feet (or 55 metres) in length shall be governed by the factor unity, unless it is shown to the satisfaction of the Administration to be impracticable to comply with this factor in particular compartments, in which event the Administration may allow such relaxations in respect of those compartments as appear to be justified, having regard to all the circumstances, provided that the aftermost compartment and as many as possible of the forward compartments (between the forepeak and the after end of the machinery space) shall be kept within the floodable length.

Regulation 6 – Special rules concerning subdivision

- (a) Where in a portion or portions of a ship the watertight bulkheads are carried to a higher deck than in the remainder of the ship, and it is desired to take advantage of this higher extension of the bulkheads in calculating the floodable length, separate margin lines may be used for each such portion of the ship, provided that—
- (i) the sides of the ship are extended throughout the ship's length to the deck corresponding to the upper margin line and all openings in the shell plating below this deck throughout the length of the ship are treated as being below a margin line, for the purposes of Regulation 13; and
 - (ii) the two compartments adjacent to the "step" in the bulkhead deck are each within the permissible length corresponding to their respective margin lines and, in addition, their combined length does not exceed twice the permissible length based on the lower margin line.
- (b) (i) A compartment may exceed the permissible length determined by the rules of Regulation 5 provided the combined length of each pair of adjacent compartments to which the compartment in question is common does not exceed either the floodable length or twice the permissible length, whichever is the less.
- (ii) If one of the two adjacent compartments is situated inside the machinery space, and the second is situated outside the machinery space, and the average permeability of the portion of the ship in which the second is situated differs from that of the machinery space, the combined length of the two compartments shall be adjusted to the mean average permeability of the two portions of the ship in which the compartments are situated.
- (iii) Where the two adjacent compartments have different factors of subdivision, the combined length of the two compartments shall be determined proportionately.
- (c) In ships 430 feet (or 131 metres) in length and upwards, one of the main transverse bulkheads abaft the fore peak shall be fitted at a distance from the forward perpendicular which is not greater than the permissible length.
- (d) A main transverse bulkhead may be recessed provided that all parts of the recess lie inboard of vertical surfaces on both sides of the ship, situated at a distance from the shell plating equal to one-fifth the breadth of the ship, as defined in Regulation 2, and measured at right angles to the centre line at the level of the deepest subdivision loadline.

Any part of a recess which lies outside these limits shall be dealt with as a step in accordance with the following paragraph.

- (e) A main transverse bulkhead may be stepped provided that it moots one of the following conditions:—
- (i) The combined length of the two compartments, separated by the bulkhead in question, does not exceed either 90 per cent, of the floodable length or twice the permissible length, except that in ships having a factor of subdivision greater than 9, the combined length of the two compartments in question shall not exceed the permissible length.
 - (ii) Additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead.
 - (iii) The compartment over which the step extends does not exceed the permissible length corresponding to a margin line taken 3 inches (or 76 millimetres) below the step.
- (f) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.
- (g) If the distance between two adjacent main transverse bulkheads, or their equivalent plane bulkheads, or the distance between the transverse planes passing through the nearest stepped portions of the bulkheads, is less than 10 feet (or 3.05 metres) plus 3 per cent, of the length of the ship, or 35 feet (or 10.67 metres) whichever is the less, only one of these bulkheads shall be regarded as forming part of the subdivision of the ship in accordance with the provisions of Regulation 5.
- (h) Where a main transverse watertight compartment contains local subdivision and it can be shown to the satisfaction of the Administration that, after any assumed side damage extending over a length of 10 feet (or 3.05 metres) plus 3 per cent, of the length of the ship, or 35 feet (or 10.67 metres) whichever is the less, the whole volume of the main compartment will not be flooded, a proportionate allowance may be made in the permissible length otherwise required for such compartment. In such a case the volume of effective buoyancy assumed on the undamaged side shall not be greater than that assumed on the damaged side.

Regulation 7 – Stability of ships in damaged condition

- (a) Sufficient intact stability shall be provided in all service conditions so as to enable the ship to withstand the final stage of flooding of any one main compartment which is required to be within the floodable length.

Where two adjacent main compartments are separated by a bulkhead which is stepped under the conditions of sub-paragraph (e)(i) of Regulation 6, the intact stability shall be adequate to withstand the flooding of those two adjacent main compartments.

Where the required factor of subdivision is .50 or less the intact stability shall be adequate to withstand the flooding of any two adjacent main compartments.

- (b) (i) The requirements of paragraph (a) of this Regulation shall be determined by calculations which are in accordance with paragraphs (c), (d) and (f), following, and which take into consideration the proportions and design characteristics of the ship and the arrangement and configuration of the damaged compartments. In making these calculations the ship is to be assumed in the worst anticipated service condition as regards stability.
- (ii) Where it is proposed to fit decks, inner skins or longitudinal bulkheads of sufficient tightness to seriously restrict the flow of water, the Administration shall be satisfied that proper consideration is given to such restrictions in the calculations.
- (c) For the purpose of making damage stability calculations the volume and surface permeabilities shall be as follows:—

Spaces	Permeability
Occupied by cargo coal or stores	60
Occupied by accommodations	95
Occupied by machinery	85
Intended for liquids	0 or 95*

- (d) Minimum assumed extent of damage shall be as follows:—
- (i) Longitudinal extent: 10 feet (or 3.05 metres) plus 3 per cent, of the length of the ship, or 35 feet (or 10.07 metres) whichever is the less.
 - (ii) Transverse extent (measured inboard from the ship's side, at right angles to the centre line at the level of the deepest subdivision load line): a distance of one-fifth of the breadth of the ship, as defined in Regulation 2.
 - (iii) Vertical extent: From top of double bottom up to the margin line.
 - (iv) If any damage of lesser extent than that indicated in the foregoing sub-paragraphs (i), (ii) and (iii), would result in a more severe condition regarding heel or loss of metacentric height such damage shall be assumed in the calculations.
- (e) Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where special cross-flooding fittings are provided these, together with the maximum heel before equalisation, shall be acceptable to the Administration. Suitable information concerning the use of such fittings shall be supplied to the master of the ship.
- (f) The final conditions of the ship after damage and after equalisation measures have been taken shall be as follows:—
- (i) In the case of symmetrical flooding the residual metacentric height shall be positive, except that, in special cases, the Administration may accept a negative metacentric height (upright) provided the resulting heel is not more than seven degrees.
 - (ii) In the case of unsymmetrical flooding the total heel shall not exceed seven degrees, except that, in special cases, the Administration may allow additional heel due to the unsymmetrical moment, but in no case shall the final heel exceed fifteen degrees.
 - (iii) In no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Administration may require such investigations and arrangements as it shall consider necessary for the safety of the ship.
- (g) The master of the ship shall be supplied with the data necessary to maintain sufficient intact stability under service conditions to enable the ship to withstand the critical damage. In the case of ships requiring cross-flooding the master of the ship shall be informed of the conditions of stability on which the calculations of heel are based and be warned that excessive heeling might result should the ship sustain damage when in a less favourable condition.

* Whichever results in the more severe requirements.

- (h) (i) No relaxation from the requirements for damage stability may be considered by an Administration unless it is shown that the intact metacentric height in any service condition necessary to meet these requirements is excessive for the service intended.
- (ii) Relaxations from the requirements for damage stability shall be permitted only in exceptional cases and subject to the condition that the Administration is to be satisfied that the proportions, arrangements and other characteristics of the ship are the most favourable to stability after damage which can practically and reasonably be adopted in the particular circumstances.

Regulation 8 – Peak and machinery space bulkheads, shaft tunnels, etc.

- (a) (i) A ship shall have a forepeak or collision bulkhead, which shall be watertight up to the bulkhead deck. This bulkhead shall be fitted not less than 5 per cent, of the length of the ship, and not more than 10 feet (or 3.05 metres) plus 5 per cent, of the length of the ship from the forward perpendicular.
- (ii) If the ship has a long forward superstructure, the forepeak bulkhead shall be extended weathertight to the deck next above the bulkhead deck. The extension need not be fitted directly over the bulkhead below, provided it is at least 5 per cent, of the length of the ship from the forward perpendicular, and the part of the bulkhead deck which forms the step is made effectively weathertight.
- (b) An afterpeak bulkhead, and bulkheads dividing the machinery space, as defined in Regulation 2, from the cargo and passenger spaces forward and aft, shall also be fitted and made watertight up to the bulkhead deck. The afterpeak bulkhead may, however, be stopped below the bulkhead deck, provided the degree of safety of the ship as regards subdivision is not thereby diminished.
- (c) In all cases stem tubes shall be enclosed in watertight spaces of moderate volume. The stern gland shall be situated in a watertight shaft tunnel or other watertight space separate from the stern tube compartment and of such volume that, if flooded by leakage through the stern gland, the margin line will not be submerged.

Regulation 9 – Double bottoms

- (a) A double bottom should be fitted extending from the forepeak bulkhead to the afterpeak bulkhead as far as this is practicable and compatible with the design and proper working of the ship.
 - (i) In ships 200 feet (or 61 metres) and under 249 feet (or 76 metres) in length a double bottom shall be fitted at least from the machinery space to the forepeak bulkhead, or as near thereto as practicable.
 - (ii) In ships 249 feet (or 76 metres) and under 330 feet (or 100 metres) in length a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.
 - (iii) In ships 330 feet (or 100 metres) in length and upwards a double bottom shall be fitted amidships, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.
- (b) Where a double bottom is required to be fitted the inner bottom shall be continued out to the ship's sides in such a manner as to protect the bottom to the turn of the bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any part than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the ship's moulded breadth from the middle line.
- (c) Small wells constructed in the double bottom in connection with drainage arrangements of holds, etc., shall not extend downwards more than necessary, nor shall they be less than 18 inches (or 457 millimetres) from the outer bottom or from the inner edge of the margin plate. A well extending to the outer bottom is, however, permitted at the after end of the shaft tunnel of screw ships. Other wells

- (e.g., for lubricating oil under main engines) may be permitted by the Administration, if satisfied that the arrangements give protection equivalent to that afforded by a double bottom complying with this Regulation.
- (d) A double bottom need not be fitted in way of watertight compartments of moderate size used exclusively for the carriage of liquids, provided the safety of the ship, in the event of bottom or side damage, is not, in the opinion of the Administration, thereby impaired.
- (e) In the case of ships to which the provisions of paragraph (d) of Regulation 1 of this Chapter apply and which are engaged on regular service within the limits of a short international voyage as defined in Regulation 2 of Chapter III, the Administration may permit a double bottom to be dispensed with in any part of the ship which is sub-divided by a factor not exceeding $\cdot 50$, if satisfied that the fitting of a double bottom in that part would not be compatible with the design and proper working of the ship.

Regulation 10 – Assigning, marking and recording of subdivision load lines

- (a) In order that the required degree of subdivision shall be maintained, a loadline corresponding to the approved subdivision draught shall be assigned and marked on the ship's sides. A ship having spaces which are specially adapted for the accommodation of passengers and the carriage of cargo alternatively may, if the owners desire, have one or more additional loadlines assigned and marked to correspond with the subdivision draughts which the Administration may approve for the alternative service conditions.
- (b) The subdivision loadlines assigned and marked shall be recorded in the Safety Certificate, and shall be distinguished by the notation C.1 for the principal passenger condition, and C.2, C.3, etc., for the alternative conditions.
- (c) The freeboard corresponding to each of these loadlines shall be measured at the same position and from the same deck line as the freeboards determined in accordance with the International Convention respecting Load Lines, 1930.
- (d) The freeboard corresponding to each approved subdivision load-line and the conditions of service for which it is approved, shall be clearly indicated on the Safety Certificate.
- (e) In no case shall any subdivision loadline mark be placed above the deepest loadline in salt water as determined by the strength of the ship and/or the International Convention respecting Load Lines, 1930.
- (f) Whatever may be the position of the subdivision loadline marks, a ship shall in no case be loaded so as to submerge the load line mark appropriate to the season and locality as determined in accordance with the International Convention respecting Load Lines, 1930.
- (g) A ship shall in no case be so loaded that when she is in salt water the subdivision loadline mark appropriate to the particular voyage and condition of service is submerged.

Regulation 11 – Construction and initial testing of watertight bulkheads, etc.

- (a) Watertight subdivision bulkheads, whether transverse or longitudinal, shall be constructed in such a manner that they shall be capable of supporting, with a proper margin of resistance, the pressure due to a head of water up to the margin line in way of each bulkhead. The construction of those bulkheads shall be to the satisfaction of the Administration.
- (b) (i) Steps and recesses in bulkheads shall be watertight and as strong as the bulkhead at the place where each occurs.
- (ii) Where frames or beams pass through a watertight deck or bulkhead, such deck or bulkhead shall be made structurally watertight without the use of wood or cement.
- (c) Testing main compartments by filling them with water is not compulsory. A complete examination of the bulkheads shall be made by a surveyor; and, in addition, a hose test shall be made in all cases.

- (d) The forepeak, double bottoms (including duct keels) and inner skins shall be tested with water to a head up to the margin line.
- (e) Tanks which are intended to hold liquids, and which form part of the subdivision of the ship, shall be tested for tightness with water to a head up to the deepest subdivision loadline or to a head corresponding to two-thirds of the depth from the top of keel to the margin line in way of the tanks, whichever is the greater; provided that in no case shall the test head be less than 3 feet (or 0.92 metres) above the top of the tank.
- (f) The tests referred to in paragraphs (d) and (e) are for the purpose of ensuring that the subdivision structural arrangements are watertight and are not to be regarded as a test of the fitness of any compartment for the storage of oil fuel or for other special purposes for which a test of a superior character may be required depending on the height to which the liquid has access in the tank or its connections.

Regulation 12 – Openings in watertight bulkheads

- (a) The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the ship; satisfactory means shall be provided for closing these openings.
- (b)
 - (i) Where pipes, scuppers, electric cables, etc., are carried through watertight subdivision bulkheads, arrangements shall be made to ensure the integrity of the watertightness of the bulkheads.
 - (ii) Valves and cocks not forming part of a piping system shall not be permitted in watertight subdivision bulkheads.
- (c)
 - (i) No doors, manholes, or access openings are permitted—
 - (a) in the collision bulkhead below the margin line;
 - (b) in watertight transverse bulkheads dividing a cargo space from an adjoining cargo space or from a permanent or reserve bunker, except as provided in paragraph (g) of this Regulation.
 - (ii) Except as provided in sub-paragraph (c)(iii) below, the collision bulkhead may be pierced below the margin line by not more than one pipe for dealing with fluid in the forepeak tank, provided that the pipe is fitted with a screw down valve capable of being operated from above the bulkhead deck, the valve chest being secured inside the forepeak to the collision bulkhead.
 - (iii) If the forepeak is divided to hold two different kinds of liquids, the Administration may allow the collision bulkhead to be pierced below the margin line by two pipes, each of which is fitted as required by the preceding clause, provided the Administration is satisfied that there is no practical alternative to the fitting of such second pipe and that, having regard to the additional subdivision provided in the forepeak, the safety of the ship is maintained.
- (d)
 - (i) Watertight doors fitted in bulkheads between permanent and reserve bunkers, shall be always accessible, except as provided in sub-paragraph (i) (ii) for between deck bunker doors.
 - (ii) Satisfactory arrangements shall be made by means of screens or otherwise, to prevent the coal from interfering with the closing of watertight bunker doors.
- (e) Within the machinery space and apart from bunker and shaft tunnel doors, not more than one door may be fitted in each main transverse bulkhead for intercommunication. These doors shall be of the sliding type and shall be located so as to have the sills as high as practicable. The hand gear for operating these doors from above the bulkhead deck shall be situated outside the machinery space if this is consistent with a satisfactory arrangement of the necessary gearing.
- (f)
 - (i) The only types of watertight doors permissible are hinged doors, sliding doors, and doors of other equivalent patterns, excluding plate doors secured only by bolts and doors required to be closed by dropping or by the action of a dropping weight.
 - (ii) A hinged door shall be fitted with catches workable from each side of the bulkhead.

- (iii) A sliding door may have a horizontal or vertical motion. If required to be hand operated only, the gearing shall be operated with an all round crank motion, both at the door and at an accessible position above the bulkhead deck.
- (iv) If a door is required to be power operated from a central control, the gearing shall be so arranged that the door can be operated by power also at the door itself. The arrangement shall be such that the door will close automatically if opened by the local control after being closed from the central control and also such that any door can be kept closed by local arrangements which will prevent that door from being opened from the central control. Local control handles in connection with the power gear shall be provided at each side of the bulkhead and shall be so arranged as to enable persons passing through the doorway to hold both handles in the open position. Such power operated doors shall be provided with hand gear, workable both at the door itself and from an accessible position above the bulkhead deck. At the latter position the hand gear shall be operated with an all round crank motion. Provision shall be made to give warning by sound signal when the door is about to be closed; the signal shall precede the movement of the door by a safe interval.
- (v) In all classes of doors indicators shall be fitted at all operating stations other than at the door itself, showing whether the door is opened or closed.
- (g)
 - (i) Hinged watertight doors in passenger, crew, and working spaces are only permitted above a deck the underside of which, at its lowest point at side, is at least 7 feet (or 2-13 metres) above the deepest subdivision loadline, and they are not permitted in those spaces below such deck.
 - (ii) Hinged watertight doors of satisfactory construction may be fitted in bulkheads dividing cargo between deck spaces, at the highest level consistent with practicability. The outboard vertical edges of such doors shall be situated at a distance from the shell plating which is not less than one-fifth the breadth of the ship, as defined in Regulation 2, such distance, being measured at right angles to the centre line of the ship at the level of the deepest subdivision load line. These doors shall be closed before the voyage commences and shall be kept closed during navigation, and the time of opening such doors in port and of closing them before the ship leaves port shall be entered in such log book as may be prescribed by the Administration. Where it is proposed to fit such doors, the number and arrangements shall receive the special consideration of the Administration, and a statement shall be required from the owners certifying as to the absolute necessity of such doors.
- (h) All other watertight doors shall be eliding doors.
 - (i)
 - (i) When any watertight doors which may be sometimes opened at sea, excluding those at the entrances of tunnels, are fitted in the main transverse watertight bulkheads at such a height that their sills are below the deepest subdivision loadline, the following rules shall apply:—
 - (I) When the number of such doors exceeds 5 all the watertight eliding doors shall be power operated and shall be capable of being simultaneously closed from a station situated on the bridge.
 - (II) When the number of such doors does not exceed 5—
 - (a) if the criterion numeral does not exceed 30 all the water tight sliding doors may be operated by hand only;
 - (b) if the criterion numeral exceeds 30 all the watertight sliding doors shall be operated by power;
 - (c) in any ship, of whatever criterion numeral, if there is only one watertight door apart from the tunnel door, and it is in the machinery space the Administration may allow these two doors to be operated by hand only.
 - (ii) If watertight doors which have sometimes to be open at sea for the purpose of trimming coal are fitted between bunkers in the between-decks below the bulkhead deck, these doors shall be operated by power. The opening and closing of these doors shall be recorded in such log book as may be prescribed by the Administration.

- (iii) When trunkways in connection with refrigerated cargo are carried through more than one main transverse watertight bulkhead and the sills of the openings are less than 7 feet (or 2-13 metres) above the deepest subdivision loadline, the watertight doors at such openings shall be operated by power.
- (j) Portable plates on bulkheads shall not be permitted except in machinery spaces. Such plates shall always be in place before the ship leaves port, and shall not be removed during navigation except in case of urgent necessity. The necessary precautions shall be taken in replacing them to ensure that the joints shall be watertight.
- (k) All watertight doors shall be kept closed during navigation except when necessarily opened for the working of the ship, and shall always be ready to be immediately closed.
- (l)
 - (i) Where trunkways or tunnels for access from crew's accommodation to the stokehold, for piping, or for any other purpose are carried through main transverse watertight bulkheads, they shall be watertight and in accordance with the requirements of Regulation 15. The access to at least one end of each such tunnel or trunkway, if used as a passage at sea, shall be through a trunk extending watertight to a height sufficient to permit access above the margin line. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the ship. Such trunkways or tunnels shall not extend through the first sub-division bulkhead abaft the collision bulkhead.
 - (ii) Where it is proposed to fit tunnels or trunkways for forced draft, piercing main transverse watertight bulkheads, these shall receive the special consideration of the Administration,

Regulation 13 – Openings in the shell plating below the margin line

- (a) The number of openings in the shell plating shall be reduced to the minimum compatible with the design and proper working of the ship.
- (b) The arrangement and efficiency of the means for closing any opening in the shell plating shall be consistent with its intended purpose and the position in which it is fitted and generally to the satisfaction of the Administration.
- (c)
 - (i) If in a between decks, the sills of any sidescuttles are below a line drawn parallel to the bulkhead deck at side and having its lowest point 2½ per cent, of the breadth of the ship above the deepest subdivision loadline, all sidescuttles in that between deck shall be of a non-opening type.
 - (ii) All sidescuttles the sills of which are below the margin line, other than those required to be of a non-opening type by sub-paragraph (c)(i), shall be of such construction as will effectively prevent any person opening them without the consent of the master of the ship.
 - (iii)
 - (a) If in a between decks, the sills, of any of the sidescuttles referred to in sub-paragraph (c)(ii) are below a line drawn parallel to the bulkhead deck at side and having its lowest point feet (or 1.37 metres) plus 2½ per cent, of the breadth of the ship above the water when the ship departs from any port, all the sidescuttles in that between decks shall be closed watertight and locked before the ship leaves port, and they shall not be opened before the ship arrives at the next port. In the application of this sub-paragraph the appropriate allowance for fresh water may be made when applicable.
 - (b) The time of opening such sidescuttles in port and of closing and locking them before the ship leaves port shall be entered in such log book as may be prescribed by the Administration.
 - (c) For any ship that has one or more sidescuttles so placed that the requirements of the first clause of this sub - paragraph would apply when she was floating at her deepest subdivision load line, the Administration may indicate the limiting mean draught at which these sidescuttles will have their sills above the line drawn parallel to the bulk-head deck at side, and having its lowest point 4 feet (or 1.37 metres) plus 2 per cent, of the breadth of the ship above the waterline corresponding to the limiting mean draught, and at which it will

therefore be permissible to depart from port without previously closing and locking them and to open them at sea on the responsibility of the master during the voyage to the next port. In tropical zones as defined in the International Convention respecting Load Lines, 1930, this limiting draught may be increased by 1 foot (or 0-305 metres).

- (d) Efficient hinged inside deadlights arranged so that they can be easily and effectively closed and secured watertight shall be fitted to all sidescuttles, except that abaft one-eighth of the ship's length from the forward perpendicular and above a line drawn parallel to the bulkhead deck at side and having its lowest point at a height of 12 feet (or 3-66 metres) plus 2½ per cent, of the breadth of the ship above the deepest subdivision load line, the deadlights may be portable in passenger accommodation other than that for steerage passengers, unless the deadlights are required by the International Convention respecting Load Lines, 1930, to be permanently attached in their proper positions. Such portable deadlights shall be stowed adjacent to the sidescuttles they serve.
- (e) Sidescuttles and their deadlights, which will not be accessible during navigation, shall be closed and secured before the ship leaves port.
- (f)
 - (i) No sidescuttles shall be fitted in any spaces which are appropriated exclusively to the carriage of cargo or coal.
 - (ii) Sidescuttles may, however, be fitted in spaces appropriated alternatively to the carriage of cargo or passengers, but they shall be of such construction as will effectively prevent any person opening them or their deadlights without the consent of the master of the ship.
 - (iii) If cargo is carried in such spaces, the sidescuttles and their deadlights shall be closed watertight and locked before the cargo is shipped and such closing and locking shall be recorded in such logbook as may be prescribed by the Administration.
- (g) Automatic ventilating sidescuttles shall not be fitted in the shell plating below the margin line without the special sanction of the Administration.
- (h) The number of scuppers, sanitary discharges and other similar openings in the shell plating shall be reduced to the minimum either by making each discharge serve for as many as possible of the sanitary and other pipes, or in any other satisfactory manner.
- (i)
 - (i) All inlets and discharges in the shell plating shall be fitted with efficient and accessible arrangements for preventing the accidental admission of water into the ship.
 - (ii)
 - (a) Except as provided in sub-paragraph (v)(iii), each separate discharge led through the shell plating from spaces below the margin line shall be provided either with one automatic non-return valve fitted with a positive means of closing it from above the bulkhead deck, or, alternatively, with two automatic non-return valves without such means, the upper of which is so situated above the deepest subdivision loadline as to be always accessible for examination under service conditions, and is of a type which is normally closed.
 - (b) Where a valve with positive means of closing is fitted, the operating position above the bulkhead deck shall always be readily accessible, and means shall be provided for indicating whether the valve is open or closed.
 - (iii) Main and auxiliary sea inlets and discharges in connection with machinery shall be fitted with readily accessible cocks or valves between the pipes and shell plating or between the pipes and fabricated boxes attached to the shell plating.
- (j)
 - (i) Gangway, cargo and coaling ports fitted below the margin line shall be of sufficient strength. They shall be effectively closed and secured watertight before the ship leaves port, and shall be kept closed during navigation.

- (ii) Such ports shall be in no case fitted so as to have their lowest point below the deepest subdivision loadline.
- (k) (i) The inboard opening of each ash-shoot, rubbish-shoot, etc., shall be fitted with an efficient cover.
- (ii) If the inboard opening is situated below the margin line, the cover shall be watertight, and in addition an automatic non-return valve shall be fitted in the shoot in an easily accessible position above the deepest subdivision loadline. When the shoot is not in use both the cover and the valve shall be kept closed and secured.

Regulation 14 – Construction and initial tests of watertight doors, sidecuttles, etc.

- (a) (i) The design, materials and construction of all watertight doors, sidecuttles, gangway, cargo and coaling ports, valves, pipes, ash shoots and rubbish-shoots referred to in these Regulations shall be to the satisfaction of the Administration.
 - (ii) The frames of vertical watertight doors shall have no groove at the bottom in which dirt might lodge and prevent the door closing properly.
 - (iii) Watertight doors giving direct access to any space containing bunker coal shall, together with the frames, be made of cast or wrought steel.
 - (iv) Cocks or valves of more than 3 inches bore (or 76 millimetres) for main and auxiliary sea inlets and discharges in connection with monetary shell be of steel or bronze as applicable, or other approved ductile material.
 - (v) Ordinary cast iron shall not be used for the other cocks and valves of any size, which are fitted to the shell plating below the bulkhead deck or which affect the subdivision arrangements of the ship.
- (b) Each watertight door shall be tested by water pressure to a head up to the margin line. The test shall be made before the ship is put in service, either before or after the door is fitted.

Regulation 15 – Construction and initial tests of watertight decks, trunks, etc.

- (a) Watertight decks, trunks, tunnels, duct keels and ventilators shall be of the same strength as watertight bulkheads at corresponding levels. The means used for making them watertight, and the arrangement adopted for closing openings in them, shall be to the satisfaction of the Administration. Watertight ventilators and trunks shall be carried at least up to the bulkhead deck.
- (b) After completion, a hose or flooding test shall be applied to watertight decks and a hose test to watertight trunks, tunnels and ventilators.

Regulation 16 – Side and other openings, etc., above the margin line

- (a) Sides cuttle, gangway, cargo and coaling ports, and other means for closing openings in the shell plating above the margin line shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision loadline.
- (b) The bulkhead deck or a deck above it shall be weathertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction. All openings in the exposed weather deck shall have coamings of ample height and strength and shall be provided with efficient means for expeditiously closing them weathertight.
- (c) Freeing ports and or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

Regulation 17 – Pumping arrangements

- (a) Ships shall be provided with an efficient pumping plant, capable of pumping from and draining any watertight compartment under all practicable conditions after a casualty whether the ship is unright or listed. For this purpose wing suction will generally be necessary except in narrow compartments at the ends of the ship, where one suction may be sufficient. In compartments of unusual form, additional suction may be required. Arrangements shall be made whereby water in the compartment may find its way to the suction pipes. Efficient means shall be provided for draining water from insulated holds.
- (b) (i) Except as provided elsewhere in this Regulation, ships shall have at least three power pumps connected to the bilge main, one of which may be attached to the propelling unit. Where the criterion numeral is 30 or more, one additional independent power pump shall be provided. In ships less than 300 feet (or 91.5 metres) in length and having a criterion numeral less than 30, two efficient hand pumps of the crank type, fitted one forward and one aft, may be substituted for one of the independent power pumps.
- (ii) The requirements are summarised in the following table:—

Length of ship	Less than 300 feet (or 91.5 metres)		300 feet (or 91.5 metres) and over	
	Criterion numeral.	Less than 30	30 and over	Less than 30
Hand pumps (may be replaced by one independent pump).	2	-	-	-
Main engine pump (may be replaced by one independent pump)	1	1	1	1
Independent pumps	1	3	2	3

- (iii) Sanitary, ballast and general service pumps may be accepted as independent power bilge pumps if fitted with the necessary connections to the bilge pumping system.
- (c) Where practicable, the power bilge pumps shall be placed in separate watertight compartments so arranged or situated that these compartments will not readily be flooded by the same damage. If the engines and boilers are in two or more watertight compartments, the pumps available for bilge service shall be distributed through these compartments as far as is possible.

- (d) On ships 300 feet (or 91.5 metres) or more in length or having a criterion numeral of 30 or more, the arrangements shall be such that at least one power pump will be available for use in all ordinary circumstances in which a ship may be flooded at sea. This requirement will be satisfied if—
- (i) one of the required pumps is an emergency pump of a reliable submersible type having a source of power situated above the bulkhead deck, or
 - (ii) the pumps and their sources of power are so disposed throughout the length of the ship that under any condition of flooding which the ship is required to withstand, at least one pump in an undamaged compartment will be available.
- (e) With the exception of pumps which may be provided for peak compartments only, each bilge pump, whether operated by hand or by power shall be arranged to draw water from any hold or machinery compartment in the ship.
- (f) (i) Each independent power bilge pump shall be capable of giving a speed of water through the main bilge pipe of not less than 400 feet (or 122 metres) per minute. Independent power bilge pumps situated in machinery spaces shall have direct suctions from these spaces, except that not more than two such suctions shall be required in any one space. The Administration may require independent power bilge pumps situated in other spaces to have separate direct suctions. Direct suctions shall be suitably arranged and those in a machinery space shall be of a diameter not less than that of the bilge main.
- (ii) In coal-burning ships there shall be provided in the stokehold, in addition to the other suctions required by this Regulation, a flexible suction hose of suitable diameter and sufficient length, capable of being connected to the suction side of an independent power pump.
- (g) Main circulating pumps shall have direct suction connections, provided with non-return valves, to the lowest drainage level in the machinery space, and of a diameter at least two-thirds that of the main sea inlet. Where the fuel is, or may be, coal and there is no watertight bulkhead between the engines and the boilers, a direct discharge overboard shall be fitted from at least one circulating pump, or, alternatively, a by-pass may be fitted to the circulating discharge. The spindles of the sea inlet and direct suction valves shall extend well above the engine room platform.
- (h) (i) All pipes from the pumps which are required for draining cargo or machinery spaces shall be entirely distinct from pipes which may be used for filling or emptying spaces where water or oil is carried.
- (ii) Lead pipes shall not be used in or under coal bunkers or oil fuel storage tanks, or in boiler or machinery spaces, including motor rooms in which oil settling tanks or oil fuel pumping units are situated.
- (i) The Administration shall make rules relating to the diameters of the bilge main and branch pipes. The diameter of the bilge main may be determined approximately from the following formulae:—

$$d = \sqrt{\frac{L(B + D)}{2,500}} + 1$$

where d = internal diameter of the bilge main in inches
 L = length of ship in feet
 B = breadth of ship in feet
 D = moulded depth of ship at bulkhead deck in feet;

$$\text{or}$$

$$d = 1.68 \sqrt{L(B + D) + 25}$$

where d = internal diameter of the bilge main in millimetres
 L = length of ship in metres
 B = breadth of ship in metres
 D = moulded depth of ship at bulkhead deck in metres.

- (j) The arrangement of the bilge and ballast pumping system shall be such as to prevent the possibility of water passing from the sea and from water ballast spaces into the cargo and machinery spaces, or from one compartment to another. Special provision shall be made to prevent any deep tank having bilge

and ballast connections being inadvertently run up from the sea when containing cargo, or pumped out through a bilge pipe when containing water ballast.

- (k) Provision shall be made to prevent the compartment served by any bilge suction pipe being flooded in the event of the pipe being severed, or otherwise damaged by collision or grounding, in any other compartment. For this purpose, where the pipe is at any part situated nearer the side of the ship than one-fifth the breadth of the ship (measured at right angles to the centre line at the level of the deepest subdivision loadline), or in a duct keel, a non-return valve shall be fitted to the pipe in the compartment containing the open end.
- (l) All the distribution boxes, cocks, and valves in connection with the bilge pumping arrangements shall be in positions which are accessible at all times under ordinary circumstances. They shall be so arranged that, in the event of flooding, one of the bilge pumps may be operative on any compartment. If there is only one system of pipes common to all the pumps, the necessary cocks or valves for controlling the bilge suction must be workable from above the bulkhead deck. If, in addition to the main bilge pumping system an emergency bilge pumping system is provided, it shall be independent of the main system and so arranged that a pump is capable of operating on any compartment under flooding conditions.

Regulation 18 – Stability tests for passenger ships and cargo ships

- (a) Passenger ships and cargo ships shall be inclined upon their completion and the elements of their stability determined. The master shall be supplied with such information on this subject as is necessary to permit efficient handling of the ship, and a copy shall be furnished to the Administration concerned.
- (b) The Administration may allow the inclining test of an individual ship to be dispensed with provided basic stability data are available from the inclining test of a sister ship and it is shown to the satisfaction of the Administration that reliable stability information for the exempted ship can be obtained from such basic data.

Regulation 19 – Periodical operation and inspection of watertight doors, etc.

- (a) In new and existing ships drills for the operating of watertight doors, side scuttles, valves and closing mechanisms of scuppers, ash shoots and rubbish-shoots, shall take place weekly. In ships in which the voyage exceeds one week in duration a complete drill shall be held before leaving port, and others thereafter at least once a week during the voyage, provided that all watertight power doors and hinged doors, in main transverse bulkheads, in use at sea, shall be operated daily.
- (b) The watertight doors and all mechanism and indicators connected therewith, all valves the closing of which is necessary to make a compartment watertight and all valves the operation of which is necessary for damage control cross connections shall be periodically inspected at sea, at least once a week.

Regulation 20 – Entries in log

- (a) In new and existing ships hinged doors, portable plates, side scuttles, gangway, cargo and coaling ports and other openings, which are required by these Regulations to be kept closed during navigation, shall be closed before the ship leaves port. The time of closing and the time of opening (if permissible under these Regulations), shall be recorded in such log book as may be prescribed by the Administration.
- (b) A record of all drills and inspections required by Regulation 19 shall be entered in the log book with an explicit record of any defects which may be disclosed.

Part C – Electrical installations

(Part C applies to passenger ships only)

Regulation 21 – General

- (a) Electrical installations in ships shall be such that:—
 - (i) services essential for safety will be maintained under various emergency conditions; and
 - (ii) the safety of passengers, crew and ship from electrical hazards will be assured.
- (b) Every ship, the electrical power of which constitutes the only means of maintaining the auxiliary services indispensable for the propulsion and the safety of the ship, shall be provided with at least two main generating sets. The power of these sets shall be such that it shall still be possible to ensure the functioning of the said services in the event of any one of these generating sets being stopped.

Regulation 22 – Emergency source of power

- (a) There shall be above the bulkhead deck a self-contained emergency source of electrical power. It shall be situated outside the machinery casings. The power available shall be sufficient to supply all those services that are, in the opinion of the Administration, necessary for the safety of the passengers and the crew in an emergency, due regard being paid to such services of may have to be operated simultaneously. Special consideration shall be given to emergency lighting at every boat station on deck and oversides, in all alleyways, stairways and exits, in the machinery spaces and in the control stations as defined in Regulation 26, and to navigation lights if solely electric. The power shall be adequate for a period of 36 hours, except that, in the case of ships engaged regularly on voyages of short duration, the Administration may accept a lesser supply if satisfied that the same standard of safety would be attained. The source of emergency power may be either—
 - (i) an accumulator (storage) battery capable of carrying the emergency load without recharging or excessive voltage drop; or
 - (ii) a generator driven by a suitable type of compression ignition engine, with an independent fuel supply and with starting arrangements approved by the Administration. The fuel used shall have a flash point of not less than 110° F. (or 43.3 ° C.).
- (b) Arrangements shall be such that the emergency plant will function efficiently when the ship is inclined 22° and or when the trim of the ship is 10° from an even keel.
- (c)
 - (i) Where the emergency power is derived from an accumulator battery, arrangements shall be made to ensure that emergency lighting will automatically come into operation in the event of failure of the main lighting supply.
 - (ii) Where the emergency source of power is a generator, there shall be provided a temporary source of emergency power from an accumulator battery of sufficient capacity—
 - (a) to supply emergency lighting continuously for half-an-hour; and
 - (b) to close the watertight doors (if electrically operated) but not necessarily to close them all simultaneously.

The arrangements shall be such that the temporary source of emergency power will come into operation automatically in the event of failure of the main supply.
- (iii) Provision shall be made for the periodic testing of automatic arrangements.
- (d) Electrically operated steering gears shall be served by two sets of feeder cables from the main switchboard. Each feeder shall have adequate capacity for serving all motors which may operate simultaneously, and these feeders shall be separated throughout their length as widely as is practicable. Short circuit protection only shall be provided for these circuits and motors.

Regulation 23 – Precautions for safety of passengers and crew

- (a) (i) All exposed metal parts of electrical machines or equipment which are not intended to be “live”, but are liable to become “live” under fault conditions, shall be earthed (grounded); and all apparatus shall be so constructed and so installed that danger of injury in ordinary handling shall not exist.
- (a) (ii) Metal frames of all portable lamps, tools, and similar apparatus supplied as ship’s equipment and rated 100 volts or more shall be earthed (grounded) through a suitable conductor in the supply cable.
- (b) Open type switchboards shall be arranged to give easy access back and front without danger to attendants. The sides and backs of switchboards shall be suitably guarded and there shall be a non-conducting mat or grating. Exposed current-carrying parts at voltages to earth (ground) in excess of 250 volts direct current or 150 volts alternating current shall not be installed on the face of any switchboard or controlled panel.

Regulation 24 – Precautions against fire

- (a) Hull return shall not be used for power, heat and light distribution systems.
- (b) Distribution systems shall be so arranged that fire in any main fire zone will not interfere with essential services in any other main fire zone. This requirement will be met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as is practicable.
- (c) (i) All metal sheaths and armour of cables shall be electrically continuous and shall be earthed (grounded).
- (c) (ii) Where the cables are neither metal sheathed nor armoured and there might be risk of fire in the event of an electrical fault, precautions shall be required by the Administration.
- (c) (iii) Metal sheathed or armoured cables may be required by the Administration in certain compartments or sections of the ship, with a view to the prevention of fire.
- (d) (i) Joints in all conductors except for low voltage communication circuits shall be made only in junction or outlet boxes. All such boxes or wiring devices shall be so constructed as to prevent the spread of fire from the box or device.
- (d) (ii) Lighting fittings shall be arranged to prevent temperature rises that would be injurious to the wiring, and to prevent surrounding material from becoming excessively hot.
- (e) Wiring shall be supported in such a manner as to avoid chafing or other injury.
- (f) Except as provided in paragraph (d) of Regulation 22, each separate circuit shall be protected against overload. The current-carrying capacity of each circuit shall be permanently indicated, together with the rating or setting of the appropriate overload protective device.
- (g) (i) Accumulator batteries shall be suitably housed, and compartments used primarily for their accommodation shall be properly constructed and efficiently ventilated.
- (g) (ii) Devices liable to arc shall not be installed in a compartment assigned principally to accumulator batteries unless the devices are flame proof (explosion proof).

Part D – Fire protection in accommodation and service spaces

(Part D applies to passenger ships only.)

Regulation 25 – Application and general

- (a) The application of this Part of this Chapter is subject to the condition that a ship carrying not more than 36 passengers need comply only with Regulations 28 and 29, provided that, in addition to complying with paragraph (b) of Regulation 50, it is fitted with a fire detection system of a type approved by the Administration, which will automatically indicate at one or more points or stations, where it can be most quickly observed by officers and crew, the presence or indication and location of fire in all enclosed spaces appropriated to the use or service of passengers and crew, except spaces which afford no substantial fire risk.
- (b) The main structure, including decks and deck houses, shall be of steel except where the Administration may sanction the use of other suitable material in special cases. It shall be divided into main vertical zones by “A” class bulkheads (as defined later) and further divided by similar bulkheads forming the boundaries protecting spaces which provide vertical access, and the boundaries separating the accommodation spaces from the machinery, cargo and service spaces and others. In addition, and supplementary to the patrol systems, alarm systems and fire extinguishing apparatus required by Part E of this Chapter, either of the following methods of protection, or a combination of these methods to the satisfaction of the Administration, shall be adopted in accommodation and service spaces with a view to preventing the spread of incipient fires from the spaces of their origin:—

Method I.—the construction of internal divisional bulkheading of “b” class divisions (as defined later) generally without the installation of a detection or sprinkler system in the accommodation and service spaces; or

Method II.—the fitting of an automatic sprinkler and fire alarm system for the detection and extinction of fire in all spaces in which a fire might be expected to originate generally with no restriction on the type of internal divisional bulkheading in spaces so protected; or

Method III.—a system of sub-division within each main vertical zone using “a” and “b” class divisions distributed according to the importance, size, and nature of the various compartments, with an automatic fire detection system in all spaces in which a fire might be expected to originate, and with restricted use of combustible and highly inflammable materials and furnishings; but generally without the installation of a sprinkler system.

The detailed requirements are set out in Regulations 27 to 44. The heading of each indicates under which method or methods the Regulation is a requirement.

Regulation 26 – Definitions

Wherever the phrases defined below occur throughout this Part of this Chapter they shall be interpreted in accordance with the following definitions:—

- (a) “**Incombustible Material**” means a material which neither burns nor gives off inflammable vapours in sufficient quantity to ignite at a pilot flame when heated to approximately 1,382° F. (or 750° C.). Any other material is a “Combustible Material”.
- (b) “**A Standard Fire Test**” is one which develops in the test furnace a series of time temperature relationships approximately as follows:—

At the end of the first 5 minutes—1,000° F. (or 538° C.).

At the end of the first 10 minutes—1,300° F. (or 704° C.).

At the end of the first 30 minutes—1,550° F. (or 843° C.).

At the end of the first 60 minutes—1,700° F. (or 927° C.).

- (c) “**A’ Class or Fire-resisting Divisions**” are those divisions formed by bulkheads and decks which comply with the following:—
- (i) They shall be constructed of steel or other equivalent material.
 - (ii) They shall be suitably stiffened.
 - (iii) They shall be so constructed as to be capable of preventing the passage of smoke and flame up to the end of the one-hour standard fire test.
 - (iv) They shall have an insulating value to the satisfaction of the Administration, having regard to the nature of the adjacent spaces. In general, where such bulkheads and decks are required to form fire-resisting divisions between spaces either of which contains adjacent woodwork, wood lining, or other combustible material, they shall be so insulated that, if either face is exposed to the standard fire test for one hour, the average temperature on the unexposed face will not increase at any time during the test by more than 250° F. (or 139° C.) above the initial temperature nor shall the temperature at any one point rise more than 325° F. (or 180° C.) above the initial temperature. Reduced amounts of insulation or none at all may be provided where in the opinion of the Administration a reduced fire hazard is present.
- (d) “**B’ Class or Fire-retarding Divisions**” are those divisions formed by bulkheads which are so constructed that they will be capable of preventing the passage of flame up to the end of the first one-half hour of the standard fire test. In addition they shall have an insulating value to the satisfaction of the Administration, having regard to the nature of the adjacent spaces. In general, where such bulkheads are required to form fire-retarding divisions between cabins, they shall be of material which, if either face is exposed for the first one-half hour period of the standard fire test, will prevent the temperature on the unexposed side from increasing during the test by more than 250° F. (or 139° C.) above the initial temperature. For panels which are of incombustible materials it will only be necessary to comply with the above temperature rise limitation during the first 15-minute period of the standard fire test, but the test shall be continued to the end of the one-half hour to test the panels integrity in the usual manner. Reduced amounts of insulation or none at all may be provided where in the opinion of the Administration a reduced fire hazard is present.
- (e) “**Main Vertical Zones**” are those sections into which the hull, superstructure, and deck houses are divided by main fire resisting bulkheads, the mean length of which above the bulkhead deck does not, in general, exceed 131 feet (or 40 metres).
- (f) “**Control Stations**” are those spaces in which radio, main navigating or central fire-recording equipment or the emergency generator is located.
- (g) “**Accommodation**” spaces are those used for public spaces, corridors, lavatories, cabins, offices, crew quarters, barber shops, isolated pantries and lockers, and similar spaces.
- (h) “**Public Spaces**” are those portions of the accommodation which are used for halls, dining rooms, lounges, and similar permanently enclosed spaces.
- (i) “**Service Spaces**” are those used for galleys, main pantries, stores (except isolated pantries and lockers), mail and specie rooms, and similar spaces and trunks to such spaces.
- (j) “**Cargo Spaces**” are all spaces used for cargo (including cargo oil tanks) and trunks to such spaces.
- (k) “**Machinery Spaces**” include all spaces used for propelling, auxiliary or refrigerating machinery, boilers, pumps, workshops, generators, ventilation and air conditioning machinery, oil filling stations, and similar spaces and trunks to such spaces.
- (l) “**Steel or Other Equivalent Material.**”—Where the words “steel or other equivalent material” occur “equivalent material” means any material which, by itself or due to insulation provided, has integrity properties equivalent to steel at the end of the applicable fire exposure (e.g., aluminum with appropriate insulation).

Regulation 27 – Structure (Methods I, II and 111)

The hull, superstructure, structural bulkheads, decks and deckhouses shall be constructed of steel, except where the Administration may sanction the use of other suitable material in special cases.

Regulation 28 – Main vertical zones (Methods I, II and III)

- (a) The hull, superstructure and deck houses shall be subdivided by “A” class divisions into main vertical zones, the mean length of which, above the bulkhead deck shall not in general exceed 131 feet (or 40 metres). Where steps are necessary they shall be of “A” class divisions.
- (b) As far as practicable the portions of such bulkheads above the bulkhead deck shall be in line with watertight subdivision bulkheads situated immediately below the bulkhead deck.
- (c) Such bulkheads shall extend from deck to deck and to the shell or other boundaries.
- (d) On ships designed for special purposes, such as automobile or railroad car ferries, where installation of such bulkheads would defeat the purpose for which the ship is intended, equivalent means for controlling and limiting a fire shall be substituted and specifically approved by the Administration.

Regulation 29 – Openings in main vertical zone bulkheads (Methods I, II and III)

- (a) Where main vertical zone bulkheads are pierced for the passage of electric cables, pipes, trunks, etc., or for girders, beams or other structures, arrangements shall be made to ensure that the fire-resistance of the bulkheads is not impaired.
- (b) Dampers are to be fitted in trunks passing through main vertical zone bulkheads and shall be fitted with suitable local control capable of being operated from both sides of the bulkhead. The operating positions shall be readily accessible and marked in red. Indicators shall be fitted to show whether the dampers are open or shut.
- (c) All openings shall be provided with permanently attached means of closing which shall be at least as effective for resisting fires as the bulkheads in which they are fitted.
- (d) The construction of all doors and doorways in main vertical zone bulkheads, with the means of securing time when closed, shall provide fire-resistance at least as effective as the bulkheads in which the doors are situated and must be capable of resisting the passage of smoke and flame. Watertight doors need not be insulated.
- (e) It shall be possible to open each door from either side of the bulkhead by one person only. Fire doors other than watertight doors shall be of the self-closing type with simple and easy means of release from the open position. These doors shall be of types and designs approved by the Administration.

Regulation 30 – Bulkheads within main vertical zones (not required for method II)

- (a) **Method**
 - (i) Within the accommodation spaces, all enclosure bulkheads, other than those required to be of “A” class divisions, shall be constructed of “B” class divisions and assembled in such a manner as to ensure the integrity of the unit. The Administration may require an assembly test. On ships which carry more than 100 passengers the “B” class divisions shall be of incombustible materials which may, however, be faced with combustible materials in accordance with Regulation 39.
 - (ii) All corridor bulkheads shall extend from deck to deck. Ventilation openings will be permitted in the corridor bulkheads, preferably in the lower portion. All other enclosure bulkheads shall extend

from deck to deck vertically, and to the shell or other boundaries transversal, unless incombustible ceilings or linings are fitted, in which case the bulkheads may terminate at the ceilings or linings.

(b) **Method III**

- (i) Within the accommodation spaces enclosure bulkheads other than those required to be of "A" class divisions shall be constructed of "B" class divisions so as to form a continuous network of fire retarding bulkheads within which the area of any one compartment shall not in general exceed 1,300 square feet (or 120 square metres) with a maximum of 1,600 square feet (or 150 square metres).
- (ii) All public spaces without interior subdivisions shall be surrounded by "B" class bulkheads. The insulation of "A" class and "B" class divisions except those constituting the separation of the main vertical zones, the control stations, the stairway enclosures, and the corridors, may be omitted where the divisions constitute the outside part of the ship or when the adjoining compartment does not contain fire hazard
- (iii) All corridor bulkheads shall be of "B" class divisions and shall extend from deck to deck. When no ceilings are fitted or when the ceilings are of incombustible materials ventilation openings having grilles of incombustible material will be permitted. All other enclosure bulkheads shall also extend intact from deck to deck.
- (iv) The "B" class divisions shall be of a type having incombustible cores or of an assembled type having internal layers of sheet asbestos or similar incombustible material, and the temperature rise limitation referred to in the definition of "B" class divisions in Regulation 26 shall apply at the end of the half-hour test.

Regulation 31 – Separation of accommodation spaces from machinery, cargo and service spaces (Methods I, II and III)

The boundary bulkheads and decks separating accommodation spaces from machinery, cargo and service spaces shall be constructed as "A" class divisions, and these bulkheads and decks shall have an insulation value to the satisfaction of the Administration having regard to the nature of the adjacent spaces.

Regulation 32 – Deck coverings (Methods I, II and III)

Primary deck coverings within accommodation spaces, control stations, stairways and corridors shall be of material which will not readily ignite and as approved by the Administration.

Regulation 33 – Protection of vertical stairways

(a) **Methods I and III**

- (i) All stairways shall be of steel frame construction and shall be within enclosures formed of "A" class divisions, with positive means of closure at all openings from the lowest accommodation deck at least to a level which is directly accessible to the open deck, except that:—
 - (a) a stairway serving only two decks need not be enclosed provided the integrity of the deck is maintained by proper bulkheads or doors at one level.
 - (b) stairways may be fitted in the open in a public space provided they lie wholly within such public space.
- (ii) Stairway enclosures shall have direct communication with the corridors and be of sufficient area to prevent congestion having in view the number of persons likely to use them in an emergency, and shall contain as little accommodation or other enclosed space in which a fire may originate as practicable.

- (iii) Stairway enclosure bulkheads shall have an insulation value to the satisfaction of the Administration, having regard to the nature of the adjacent spaces. The means for closure at openings in stairway enclosures shall be at least as effective for resisting fire as the bulkheads in which they are fitted. Doors other than watertight doors shall be of the self-closing type, as required for the main vertical zone bulkheads.
- (b) **Method II**
- (i) Main stairways shall be of steel frame construction and shall be within enclosures formed of "A" class divisions with positive means of closure at all openings from the lowest accommodation deck at least to a level which is directly accessible to the open deck except that:—
 - (a) a stairway serving only two decks need not be enclosed provided the integrity of the deck is maintained by proper bulkheads or doors at one level;
 - (b) stairways may be fitted in the open in a public space provided they lie wholly within such public space.
 - (ii) Stairway enclosures shall have direct communication with the corridors and be of sufficient area to prevent congestion having in view the number of persons likely to use them in an emergency, and shall contain as little accommodation or other enclosed space in which a fire may originate as practicable.
 - (iii) Stairway enclosure bulkheads shall have an insulation value to the satisfaction of the Administration, having regard to the nature of the adjacent spaces. The means for closure at openings in stairway enclosures shall be at least as effective for resisting fire as the bulkheads in which they are fitted. Doors other than watertight doors shall be of the self-closing type, as required for the main vertical zone bulkheads.
 - (iv) Auxiliary stairways shall be of steel frame construction but need not be within enclosures provided the integrity of the deck is maintained by the fitting of sprinklers at the auxiliary stairways.

Regulation 34 – Protection of lifts (Passenger and Service), vertical trunks for light and air, &c. (Methods I, II and III)

- (a) Passenger and service lift trunks, vertical trunks for light and air to passenger spaces, etc., shall be of "A" class divisions. Doors shall be of steel or other incombustible material and when closed shall provide fire resistance at least as effective as the trunks in which they are fitted.
- (b) lift trunks shall be so fitted as to prevent the passage of smoke and flame from one between deck to another and shall be provided with means of closing so as to permit of draught and smoke control. The insulation of lift trunks which are within stairway enclosures shall not be compulsory.
- (c) Where a trunk for light and air communicates with more than one between deck space, and in the opinion of the Administration, smoke and flame are likely to be conducted from one between deck to another, smoke shutters, suitably placed, shall be fitted so that each space can be isolated in case of fire.
- (d) Any other trunks (e.g., for electric cables) shall be so constructed as not to afford passage for fire from one between deck or compartment to another.

Regulation 35 – Protection of control stations (Methods I, II and III)

Control stations shall be separated from the remainder of the ship by "A" class bulkheads and decks.

Regulation 36 – Protection of store rooms (Methods I, II and III)

The boundary bulkheads of baggage rooms, mail rooms, store rooms, paint and lamp lockers, galleys, and similar spaces shall be of “A” class divisions. Spaces containing highly inflammable stores shall be so situated as to minimise the danger to passengers or crew in the event of fire.

Regulation 37 – Windows and side scuttles

(a) **Methods I and III**

All windows and side scuttles within accommodation spaces shall be constructed with metal frames or equivalent material. The glass shall be retained by a metal glazing bead or equivalent means. All windows or side scuttles opening on to corridors or stairways shall conform to the integrity requirements of the type of bulkheads in which they are fitted.

(b) **Method II**

All windows or side scuttles opening on to corridors or stairways shall conform to the integrity requirements of the type of bulkhead in which they are fitted.

Regulation 38 – Ventilation systems (Methods I, II and III)

(a) The main inlets and outlets of all ventilation systems shall have accessible means of closure which can be shut in the event of fire. In general, the ventilating fans shall be so disposed that the ducts reaching the various quarters shall remain within the same main vertical zone.

(b) All power ventilation, except machinery space ventilation, shall be fitted with master controls so that all fans may be stopped from either of two control stations which should be situated as far apart as practicable. One of the master controls of the power ventilation serving machinery spaces shall be operable from a position outside the machinery space. Efficient insulation shall be provided for exhaust ducts from galley ranges where the ducts pass through accommodation spaces.

Regulation 39 – Details of construction (not required for Method II)

(a) **Method I**

Except in cargo spaces, mail rooms, baggage rooms or refrigerated compartments of service spaces, all linings, grounds, ceilings and insulations, shall be of incombustible materials, but in ships carrying not more than 100 passengers the linings, grounds and ceilings need not be of incombustible materials provided they conform to the conditions applicable to the bulkheads of the spaces in which they are situated. The total volume of combustible facings, mouldings, decorations, and veneers in any accommodation or public space shall not exceed a volume equivalent to one-tenth inch (or 2-54 millimetres) veneer on the combined area of the walls and ceiling. Combustible facings, mouldings, decorations or veneers shall not be used in corridors or stairway enclosures.

(b) **Method III**

The use of combustible materials of all kinds such as untreated wood, veneers, ceilings, curtains, carpets, &c., shall be reduced in so far as it is reasonable and practicable. In large public spaces the grounds and supports to the linings and sealings, shall be of steel or equivalent material.

Regulation 40 – Miscellaneous items (Methods I, II and III)

- (a) (i) Air spaces enclosed behind ceilings, panellings or linings shall be suitably divided by close-fitting draught stops not more than 45 feet (or 13-73 metres) part in the fore and after direction.
- (a) (ii) In the vertical direction, such spaces, including those behind linings of stairways, trunks, &c., shall be closed at each deck.
- (b) The construction of ceiling and bulkheading shall be such that it will be possible for the fire patrols to detect any smoke originating in concealed and inaccessible spaces without impairing the efficiency of the fire protection.
- (c) The concealed surfaces of all bulkheads, linings, panellings, stairways, wood grounds, etc., in accommodation spaces shall be such as will, in the opinion of the Administration, restrict the spread of flame to a satisfactory degree.
- (d) Paints, varnishes and similar preparations having a nitro-cellulose base shall not be used.
- (e) Lead shall not be used for overboard scuppers, sanitary discharges and other outlets which are close to the water line nor where the fusing of the lead in the event of fire would give rise to danger of flooding.
- (f) Electric radiators, if used, must be fixed in position and so constructed as to reduce are risks to a minimum. Electric radiators of the exposed element type shall not be used.

Required only for Method III.

- (g) All exposed surfaces and their coatings in accommodation spaces shall be of limited flame-spreading power to the satisfaction of the Administration.

Regulation 41 – Cinematograph apparatus (Methods I, II and III)

Except where only “non-inflammable” film is used the installation and use of cinematograph apparatus on ships shall be subject to special fire precautions to be prescribed by the Administration. Lockers for the storage of highly inflammable film shall have an outlet to the open air with a total area of 1 square inch for each 5 lbs. (10 square centimetres for each 3.5 kilogrammes) reel of film or equivalent stored therein.

Regulation 42 – Automatic sprinkler and fire alarm and detection systems (Method II)

In ships in which Method II is adopted, an automatic sprinkler and fire alarm system of a type approved by the Administration and complying with the requirements of Regulation 48 shall be installed and so arranged as to protect all enclosed spaces appropriated to the use or service of passengers or crew, except spaces which afford no substantial fire risk.

Regulation 43 – Automatic fire alarm and fire detection systems (Method III)

In ships in which Method III is adopted a fire detecting system of a type approved by the Administration shall be installed and so arranged as to detect the presence of fire in all enclosed spaces appropriated to the use or service of passengers or crew (except spaces which afford no substantial fire hazard) and automatically to indicate at one or more points or stations, where it can be most quickly observed by officers and crew, the presence or indication and location of fire.

Regulation 44 – Plans (Methods I, II and III)

There shall be permanently exhibited, for the guidance of the officer in charge of the ship, general arrangement plans showing for each deck the various fire sections enclosed by fire-resisting bulkheads, the sections enclosed

by the fire-retarding bulkheads (if any), together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire-extinguishing appliances, means of ingress to and egress from different compartments, decks, etc., and the ventilating system including the positions of dampers and identification numbers of the ventilating fans serving each section.

Part E – Fire detection and extinction in passenger ships and cargo ships

(Part E applies to passenger ships and cargo ships except that Regulation 50 applies only to passenger ships and Regulation 51 applies only to cargo ships.)

[NOTE.-Regulations 45 to 49 inclusive set forth the conditions with which the appliances mentioned in Regulations 50 - and 51 are required to comply]

Regulation 45 – Pumps, water service pipes, hydrants and hoses

- (a) Fire pumps shall be independently driven. Sanitary, ballast, bilge or general service pumps may be accepted as fire pumps. In any ship the capacity of the pumps designated for fire-fighting purposes shall be at least two-thirds the capacity of the bilge pumps required for the particular ship. Each pump shall be capable of producing at least the two powerful jets to which reference is made in these Regulations. The throw at a nozzle shall be about 40 feet (or 12 metres).
- (b) Relief valves shall be provided in connection with all fire pumps. These valves shall be so placed and adjusted as to prevent excessive pressure in any part of the fire main system.
- (c) The diameter of the water service pipes shall be sufficient to ensure an adequate supply of water for the simultaneous operation of at least two fire hoses, and shall be based on the required capacity of the pumps designated for fire-fighting purposes.
- (d) The number and position of the hydrants shall be such that at least two streams of water, one of which shall be from a single length of hose, may be directed into any part of the ship.
- (e) The pipes and hydrants shall be so placed that the fire hoses may be easily coupled to them. In ships where deck cargo may be carried, the positions of the hydrants shall be such that they are always readily accessible and the pipes shall be arranged as far as practicable to avoid risk of damage by such cargo.
- (f) Cocks or valves shall be fitted in such positions on the pipes that any of the fire hoses may be removed while the fire pumps are at work.
- (g) Fire hoses shall be of material approved by the Administration, and sufficient in length to project a jet of water to any of the spaces in which they may be required to be used. They shall be provided with the necessary fittings. The internal diameter of the nozzle shall be not less than 1 inch (or 2 millimetres).
- (h) Hoses specified in these Regulations as “fire hoses” shall, together with any necessary fittings and tools, be kept ready for use in conspicuous positions near the water service hydrants or connections.

Regulation 46 – Fire extinguishers

- (a) All fire extinguishers shall be of types and designs approved by the Administration. The capacity of portable extinguishers shall be not more than 3 gallons (or 13 litres) and not less than 2 gallons (or 9 litres).
- (b) Spare charges shall be provided in accordance with requirements to be specified by the Administration.
- (c) Extinguishers in which the medium is stored under pressure shall not be kept in passenger or crew accommodation.
- (d) Portable fire extinguishers shall be periodically examined and subjected to such test as the Administration may require.

- (e) One of the portable fire extinguishers intended for use in any space shall be stowed near the entrance to that space.
- (f) The control valves for fixed extinguishing apparatus shall be so placed that they will be easily accessible and not readily cut off from use by an outbreak of fire.

Regulation 47 – Fire-smothering gas or steam for cargo spaces and boiler rooms

- (a) Where provisions is made for the injection of gas or steam into cargo spaces or boiler rooms for fire extinguishing purposes, the necessary pipes for conveying the gas or steam shall be provided with control valves or cocks which shall be readily accessible from the deck in any circumstances, and so marked as to indicate clearly the compartments to which the pipes are led. Suitable provision shall be made to prevent inadvertent admission of the gas or steam to any compartment. If any pipe is led to a space to which passengers may have access, it shall be furnished with an additional stop valve or cock suitably protected.
- (b) The piping shall be arranged so as to provide effective distribution of the fire smothering gas or steam. In large holds there shall be at least two pipes, one of which shall be fitted at the forward part and one at the after part. Where steam is used, the pipes shall be led well down into the space.
- (c)
 - (i) When carbon dioxide is supplied as the extinguishing medium in cargo spaces, the quantity of gas available shall be sufficient to give a minimum volume of free gas equal to 30 per cent, of the gross volume of the largest cargo compartment in the ship which is capable of being sealed.
 - (ii) When carbon dioxide is supplied as an extinguishing medium for boiler rooms, the quantity of gas carried shall be sufficient to give a minimum quantity of free gas equal to 30 per cent, of the gross volume of the largest boiler room measured to the top of the boilers. If the engine and boiler rooms are not entirely separate and fuel oil can drain from the boiler room into the engine room bilges, the combined engine and boiler rooms shall be considered as one compartment.
 - (iii) When carbon dioxide is supplied as the extinguishing medium both for cargo spaces and for boiler rooms, the quantity of gas need not be more than that required for the largest compartment protected in this way, whether cargo compartment or boiler room.
 - (iv) For the purpose of this paragraph (c), the volume of gas shall be calculated at 9 cubic feet to the pound (or 0.56 cubic metres to the kilogramme).
- (d) When steam is the extinguishing medium in holds, the boiler or boilers available for supplying steam shall have an evaporation of at least 1 lb. of steam per hour for each 12 cubic feet (or 1 kilogramme for each 0.75 cubic metres) of the gross volume of the largest cargo compartment in the ship.
- (e) Means shall be provided for stopping ventilating fans from outside the space and for closing all doorways, ventilators, annular spaces around funnels and other openings to spaces in which fire smothering gas or steam may be used as a fire extinguishing medium.
- (f) Means shall be provided for giving audible warning of the release of carbon dioxide to any working space.

Regulation 48 – Automatic sprinkler systems

- (a) Water sprinkler systems automatic in operation may be accepted as satisfactory means for fire extinguishing. Where such a system is fitted it shall be kept-charged at the necessary pressure and shall have provision for a continuous supply of water.
- (b) The system shall be subdivided into a number of sections to be decided by the Administration, and automatic alarms shall be provided to indicate at one or more suitable points or stations the occurrence or indication of fire, and its location.
- (c) The pump or pumps to provide the discharge from sprinkler heads shall be so connected as to be brought into action automatically by a pressure drop in the system.

- (d) Each pump shall be capable of maintaining a sufficient supply of water at the appropriate pressure, at the sprinkler heads, while such number of sprinkler heads as will be decided by the Administration are in operation.
- (e) There shall be not less than two sources of power supply for seawater pumps, air compressors and automatic alarms. Where the power is electrical the supply shall be taken through the emergency switchboard by a feeder reserved solely for that purpose. There shall be no switch in the circuit other than that at the switchboard. The switch shall be clearly labelled and shall normally be kept closed.
- (f) Sprinkler heads shall be required to operate at temperatures that will be decided by the Administration, Suitable means for the periodic testing of all automatic arrangements shall be provided.

Regulation 49 – Breathing apparatus, smoke helmets and safety lamps

- (a) A breathing apparatus or smoke helmet shall be of a type approved by the Administration.
- (b) In order to avoid smoke being breathed by the wearer of a smoke helmet or mask fitted with an air hose, the length of air hose supplied shall be sufficient to reach from the open deck, well clear of hatch or doorway, to any part of the holds or machinery spaces.
- (c) Safety lamps shall have a minimum burning period of three hours and be of a type approved by the Administration.

Regulation 50 – Requirements for passenger ships

Patrols and detection

- (a) An efficient patrol system shall be maintained in all passenger ships so that any outbreak of fire may be promptly detected. Manual fire alarms are to be fitted throughout the passenger and crew accommodation to enable the fire patrol to give an alarm immediately to the bridge or fire control station.
- (b) An approved fire alarm or fire-detecting system shall be provided which will automatically indicate at one or more suitable points or stations, where it can be most quickly observed by officers and crew, the presence or indication and location of fire in any part of the ship which, in the opinion of the Administration, is not accessible to the patrol system: except where it is shown to the satisfaction of the Administration that the ship is engaged on voyages of such short duration that it would be unreasonable to apply this requirement.

Spaces used by passengers and crew

- (c) A passenger ship shall be provided with appliances whereby at least two powerful jets of water can be rapidly and simultaneously directed on any part of each deck or space used by passengers or crew when all watertight doors and all doors in the main fire-resisting bulkheads are closed. Doors in intermediate bulkheads may be provided with suitable apertures fitted with covers.
- (d) A passenger ship shall be provided with such approved portable fire extinguishers as the Administration may deem to be appropriate and sufficient.

Cargo spaces

- (e) A passenger ship shall be provided with appliances whereby at least two powerful jets of water can be rapidly and simultaneously directed into any cargo space.
- (f) (i) A passenger ship of 1,000 tons gross tonnage or over shall be provided with appliances whereby fire smothering gas, sufficient to give a minimum volume of free gas equal to 30 per cent, of the gross volume of the largest hold in the ship which is capable of being sealed, can be promptly conveyed by a permanent piping system into any compartment in which cargo may be carried. The Administration may allow the use of steam in lieu of smothering gas in steamships and in ships

propelled by internal combustion machinery if the arrangements comply with paragraph (d) of Regulation 47.

- (ii) Where it is shown to the satisfaction of an Administration that a ship is engaged on voyages of such short duration that it would be unreasonable to apply the above requirement; also in passenger ships of less than 1,000 tons gross tonnage the arrangements in cargo spaces shall be to the satisfaction of the Administration.

Machinery and bunker spaces

- (g) A passenger ship shall be provided with appliances whereby at least two powerful jets of water can be rapidly and simultaneously directed into any part of the coal bunker spaces, boiler rooms and engine rooms.
- (h) A passenger ship fitted with oil-fired boilers or internal combustion propelling machinery shall be provided in the machinery spaces with at least two fire hydrants, one port and one starboard, and fire hoses for each hydrant complete with couplings and conductors, together with nozzles suitable for spraying water on oil.
- (i) A passenger ship in which the main or auxiliary boilers are oil-fired shall comply with paragraphs (g) and (h) of this Regulation and with the following:—
 - (i) In each firing space there shall be a receptacle containing sand, sawdust impregnated with soda or other approved dry material, in such quantity as may be required by the Administration.
 - (ii) There shall be at least two approved portable extinguishers discharging froth or other approved medium suitable for quenching oil fires, in each firing space in each boiler room and each space in which a part of the oil fuel installation is situated.
 - (iii) There shall be approved appliances whereby froth can be rapidly discharged and distributed over the boiler room or rooms and any space in which oil fuel units or settling tanks are situated. The quantity of froth available for discharge shall be sufficient to cover to a depth of 6 inches (or 15 centimetres) the largest area over which oil fuel is liable to spread in the event of an accidental leakage. Alternatively, smothering gas or a fixed high-pressure water spraying system may be employed. If the engine and boiler rooms are not entirely separate, and fuel oil can drain from the boiler room into the engine room bilges, the combined engine and boiler rooms shall be considered as one compartment. Apparatus shall be controlled from an easily accessible position or positions, which will not be readily cut off by an outbreak of fire.
 - (iv) There shall be one approved froth extinguisher of at least 30 gallons (or 136 litres) capacity in the case of ships having one boiler room, and two such extinguishers in the case of ships with more than one boiler room. These extinguishers shall be provided with hoses on reels suitable for reaching any part of the boiler room and spaces containing any part of the oil fuel installations. A 100 lbs. (or 45 kilogrammes) carbon dioxide extinguisher may be accepted as an alternative to a 30 gallons (or 136 litres) froth extinguisher.
- (j) A passenger ship propelled by internal combustion machinery shall, in addition to complying with paragraphs (g) and (h) of this Regulation, be provided in each of the machinery spaces with at least one approved froth extinguisher of not less than 10 gallons (or 45 litres) capacity, and also with one approved portable froth extinguisher for each 1,000 b.h.p. of the engines or part, thereof; but the total number of portable extinguishers so supplied shall be not less than two and need not exceed six. A 35 lbs. (or 16 kilogrammes) carbon dioxide extinguisher may be accepted as an alternative to the 10 gallons (or 45 litres) froth extinguisher.
- (k) If in a passenger ship propelled by internal combustion machinery a donkey boiler is fitted, sub-paragraph (i) (i) shall be complied with. If the donkey boiler is situated in a machinery space, there shall be provided in that space, in place of the large extinguisher required by the preceding paragraph, an approved froth extinguisher of at least 30 gallons (or 136 litres) capacity fitted with suitable hose attachments or other approved means for distributing froth. A 100 lbs. (or 45 kilogrammes) carbon dioxide extinguisher may be accepted as an alternative 30 gallons (or 136 litres) froth extinguisher.

Pumps

- (l) A passenger ship of 4,000 tons gross tonnage or over shall be provided with at least three fire pumps operated by steam or other motive power, and every passenger ship of under 4,000 tons gross tonnage, with at least two such fire pumps. Each fire pump shall be capable of delivering such quantity of water as the Administration may deem sufficient in at least two powerful jets simultaneously in any part of the ship.
- (m) In a passenger ship of 300 feet (or 91.5 metres) in length or over, fitted with oil fired boilers or internal combustion machinery, the arrangements of sea connections, pumps and sources of power for operating them shall be such as to ensure that a fire in any one compartment will not put all the fire pumps out of action. In a ship less than 300 feet (or 91.5 metres) in length, if a fire in any one compartment could put all the pumps out of action, there shall be an alternative means of extinguishing the fire.

Water service pipes and hydrants

- (n) A passenger ship shall be provided with water service pipes and hydrants complying with the relevant requirements of Regulation 45.

Fire hoses

- (o) A passenger ship shall be provided with such number of fire hoses as the Administration may deem sufficient. There shall be at least one fire hose for each hydrant and these hoses shall be used only for the purpose of extinguishing fires or testing the fire-extinguishing apparatus at fire drills and surveys.

Smoke helmets and safety lamps

- (p) A passenger ship shall carry at least two outfits each consisting of a breathing apparatus or smoke helmet a safety lamp and a fireman's axe. These outfits shall be kept in widely separated places¹ ready for use. A portable electric drilling machine to provide emergency means of access to fires through decks, casings or bulkheads, shall be available.

Regulation 51 – Requirements for cargo ships of 1,600 tons gross tonnage or over

- (a) (i) A cargo ship of 2,000 tons gross tonnage or over shall be provided with apparatus whereby fire smothering gas sufficient to give a minimum volume of free gas equal to 30 per cent, of the gross volume of the largest hold in the ship which is capable of being sealed, can be promptly conveyed by a permanent piping system into any compartment in which cargo may be carried. The Administration may allow the use of steam in lieu, of smothering gas in steamships and in motorships if the arrangement comply with paragraph (b) of Regulation 47. In tankers, froth may be accepted as a suitable alternative to smothering gas or steam.
- (ii) The Administration may exempt from this requirement cargo holds of any ship (other than the tanks of a tanker)—
 - (a) if they are provided with steel hatch covers and affective means of closing all ventilators and other openings leading to the holds;
 - (b) if the ship is constructed and intended solely for carrying such cargoes, as ore or coal;
 - (c) where it is shown to the satisfaction of the Administration that the ship is engaged on voyages of such short duration that it would be unreasonable to apply the requirement.
- (b) A cargo ship of 1,000 tons gross tonnage or over shall comply with the following:—
 - (i) (a) There shall be two power pumps each capable of providing a full supply of water to the fire hoses together with appliances whereby at least two powerful jets of water can be rapidly and simultaneously directed into any part of the ship; such appliances to include as many

- fire hoses, each complete with couplings and conductor, as the Administration may deem sufficient
- (b) In such ships fitted with oil-fired boilers or internal combustion machinery, if a fire in any one compartment could put all the pumps out of action, there must be an alternative means of extinguishing the fire.
 - (ii) There shall be portable fire extinguishers available for immediate use in the spaces used by crew and passengers, if any, and in any case a minimum of five such extinguishers.
 - (iii) There shall be an outfit consisting of a breathing apparatus or smoke helmet, a safety lamp, a fireman's axe and, in except in tankers, a portable electric drilling machine to provide emergency means of access to fires through decks, casings or bulkheads.
 - (c) A cargo ship of 1,000 tons gross tonnage or over with oil-fired boilers or internal combustion propelling machinery shall be provided in the machinery spaces with at least two fire hydrants, one port and one starboard, and for each hydrant a fire hose, complete with couplings and conductor together with a nozzle suitable for spraying water on oil.
 - (d) A cargo ship of 1,000 tons gross tonnage or over in which oil is used as fuel for the main or auxiliary boilers shall also comply in the boiler and machinery spaces with the following:—
 - (i) In each firing space there shall be a receptacle containing sand, sawdust impregnated with soda, or other approved dry material in such quantity as may be required by the Administration.
 - (ii) There shall be at least two approved portable extinguishers discharging froth or other approved medium suitable for quenching oil fires, in each firing space in each boiler room and each space in which a part of the oil fuel installation is situated. In addition, there shall be at least one extinguisher of the same description with a capacity of 2 gallons (or 9 litres) for each burner, provided that the total capacity of the additional extinguisher(s) need not exceed 10 gallons (or 45 litres) for any one boiler room.
 - (iii) There shall be approved appliances whereby froth can be rapidly discharged and distributed over the boiler room and any space in which oil fuel units or settling tanks are situated. The quantity of froth available for discharge shall be sufficient to cover to a depth of 6 inches the largest area over which oil fuel is liable to spread in the event of an accidental leakage. Alternatively, smothering gas or steam or a fixed high pressure water-spraying system may be employed. If the engine and boiler rooms are not entirely separate and fuel oil can drain from the boiler room into the engine room bilges, the combined engine and boiler rooms shall be considered as one compartment. Apparatus shall be controlled from an easily accessible position or positions, which will not be readily cut off by an outbreak of fire.
 - (e) The Administration shall give special consideration to the fire extinguishing arrangements to be provided in the engine and boiler spaces of cargo ships of 1,000 tons gross tonnage or over in which oil and coal are used as fuel simultaneously.
 - (f) A cargo ship of 1,000 tons gross tonnage or over propelled by internal combustion machinery, shall be provided in the machinery spaces with—
 - (i) appliances in accordance with paragraph (c) of this Regulation;
 - (ii) one approved froth extinguisher of at least 10 gallons (or 45 litres) capacity or a 35 lbs. (or 16 kilogrammes) carbon dioxide extinguisher;
 - (iii) Portable extinguishers in such number and so distributed as may be required by the Administration having regard to the size and lay-out of the engine room and to the horse-power of the engines it being understood that the number of extinguishers may not be less than two and need not exceed six.

Where an oil-fired boiler is fitted, the requirements of paragraph (d) of this Regulation are applicable.

Regulation 52 – Ready availability of appliances

Fire extinguishing appliances in new and existing passenger ship and cargo ships shall be kept in good order and available for immediate use at all times during the voyage.

Regulation 53 – Acceptance of substitutes

Where in this Part of this Chapter any special type of appliance, apparatus, extinguishing medium or arrangement is specified, any other type of appliance, etc., may be allowed, provided the Administration is satisfied that it is not less effective.

Part F – Miscellaneous

(Part F applies only to passenger ships)

Regulation 54 – Means of escape

- (a) In and from all passenger and crew spaces, stairways and ladderways shall be arranged so as to provide a ready means of escape to the lifeboat embarkation deck. In particular the following provisions shall be complied with:—
 - (i) Below the bulkhead deck sufficient exit facilities shall be provided from each watertight, compartment independent of watertight doors to provide adequate means of escape and shall be arranged so as to be readily accessible.
 - (ii) Above the bulkhead deck there shall be at least two practicable means of escape from each space bounded by main fire-resisting bulkheads, at least one of which shall give access to a stairway forming a vertical escape.
 - (iii) The width, number and arrangement of the stairways shall be to the satisfaction of the Administration.
- (b) Practicable (means of escape for the crew shall be provided from each engine room, shaft tunnel, stokehold compartment, and other working spaces, independent of watertight doors.

Regulation 55 – Power for going astern

A passenger ship shall have sufficient power for going astern to secure proper control of the ship in all normal circumstances.

Regulation 56 – Steering gear

- (a) A passenger ship shall be provided with main steering gear and auxiliary steering gear to the satisfaction of the Administration.
- (b) The auxiliary apparatus shall be capable of being brought speedily into action in an emergency and shall be of adequate strength and of sufficient power to steer the ship at navigable speed. It shall be operated by power in any ship in which the Administration would require a rudder stock of over 9 inches (or 22.86 centimeters) diameter in way of the tiller.
- (c) A duplicate main steering gear power unit and connections shall be acceptable as an auxiliary apparatus.

Chapter III

Life saving appliances, etc.

Regulation 1 – Application

- (a) This Chapter except where it is otherwise expressly provided, applies as follows to new ships engaged on international voyages:—
- Part A. — Passenger ships and cargo ships.
- Part B. — Passenger ships
- Part C.— Cargo ships.
- (b) In the case of existing ships engaged on international voyages and which do not already comply with the provisions of this Chapter relating to new ships, the arrangements on each ship shall be considered by the Administration with a view to securing, so far as this is practicable and reasonable, compliance with the general principles set out in Regulation 4 not later than the (1st January, 1951, and substantial compliance with the other requirements of this Chapter.

Part A – General

(Part A applies to both passenger ships and cargo ships).

Regulation 2 – Definitions

For the purposes of this Chapter the expression “short international voyage” means an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

Regulation 3 – Exemptions

- (a) Each Administration, if it considers that the sheltered nature and condition of the voyage are such as to render the application of the full requirements of this Chapter unreasonable or unnecessary, may to that extent exempt from the requirements of this Chapter individual ships or classes of ships belonging to its country which, in the course of their voyage, do not go more than 20 miles from the nearest land.
- (b) In the case of passenger ships engaged on international voyages which are employed in the carriage of large numbers of unberthed passenger in special trades, such, for example, as the pilgrim trade, the Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this Chapter, may exempt such ships, when they belong to its country, from those requirements on the following conditions:—
- (i) That the fullest provision which the circumstances of the trade will permit shall be made in the matter of lifeboats and other life-saving appliances and fire protection.
 - (ii) That all such boats and apparatus shall be readily available within the meaning of Regulation 4.
 - (iii) That a lifejacket shall be provided for every person on board.
 - (iv) That steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other

Contracting Governments, if any, as may be directly interested in the carriage of such passengers in such trades.

Notwithstanding any provisions of the present Convention the Simla Rules, 1931, shall continue in force as between the Parties to those Rules until the rules formulated under sub-paragraph (b)(iv) of this Regulation come into force.

Regulation 4 – Ready availability of lifeboats and buoyant apparatus

- (a) The general principles governing the provision of lifeboats and buoyant apparatus in a ship to which this Chapter applies are that they shall be readily available in ease of emergency.
- (b) To be readily available, the lifeboats and buoyant apparatus must comply with the following conditions:—
 - (i) They must be capable of being put into the water safely and rapidly even under unfavourable conditions of list and trim.
 - (ii) It must be possible to effect embarkation into the lifeboats rapidly and in good order.
 - (iii) The arrangement of each lifeboat and article of buoyant apparatus must be such that it will not interfere with the operation of other boats and buoyant apparatus.
- (c) All life-saving appliances shall be kept in working order and available for immediate use before the ship leaves port and at all times during the voyage.

Regulation 5 – Construction of lifeboats

- (a) All lifeboats must be properly constructed and shall be of such form and proportions that they shall have ample stability in a, seaway, and sufficient freeboard when loaded with their full complement of persons and equipment.
- (b) All lifeboats must be open boats with rigid sides having internal buoyancy only. They shall be not less than 24 feet (or 7.3 metres) in length, except where owing to the size of the ship, or for other reasons, the Administration considers the carriage of such lifeboats unreasonable or impracticable. In no ship shall the lifeboats be less than 16 feet (or 4.9 metres) in length.
- (c) No lifeboat may be approved the weight of which when fully laden with persons and equipment exceeds 20 tons (or 20.300 kilogrammes).
- (d) All lifeboats certified to carry more than 60 persons shall be either motor lifeboats of Class A or Class B, complying with the requirements of Regulation 9 or be lifeboats fitted with other approved means of mechanical propulsion complying with the requirements of Regulation 10.
- (e) All lifeboats must be of sufficient, strength to enable them to be safely lowered into the water when loaded with their full complement of persons and equipment.
- (f) All lifeboat must have a mean sheer at least equal to 4 per cent, of their length.
- (g) In lifeboats certified to carry 100 or more persons the volume of the buoyancy shall be increased to the satisfaction of the Administration.
- (h) The buoyancy of a wooden lifeboat shall be provided by watertight air-cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.
- (i) The buoyancy of a metal lifeboat shall not be less than that required above foil a wooden lifeboat of the same cubic capacity, the volume of watertight air-cases being increased accordingly.
- (j) All thwarts and side-seats shall be fitted as low in the lifeboat as practicable, and bottom boards shall be fitted so that the thwarts shall not be more than 2 feet 9 inches (or 84 centimetres) above them.

Regulation 6 – Cubic capacity of lifeboats

- (a) The cubic capacity of a lifeboat shall be determined by Stirling's (Simpson's) Rule or by any other method giving the same degree of accuracy. The capacity of a square-sterned lifeboat shall be calculated as if the lifeboat had a pointed stern.
- (b) For example, the capacity in cubic feet (or cubic metres) of a lifeboat, calculated by the aid of Stirling's Rule, may be considered as given, by the following formula:—

$$\text{Capacity} = \frac{L}{12} (4A + 2B + 4C)$$

L being the length of the lifeboat in feet (or metres) from the inside of the planking or plating at the stem to the corresponding point at the stern post; in the case of a lifeboat with a square stern, the length is measured to the inside of the transom.

A, B, C denote respectively the areas of the cross-sections at the quarter-length forward, amidships, and the quarter-length aft, which correspond to the three points obtained by dividing into four equal parts (the areas corresponding to the two ends of the lifeboat are considered negligible).

The areas A, B, C shall be deemed to be given in square feet (or cross square metres) by the successive application of the following formula to each of the three cross-sections—

$$\text{Area} = \frac{h}{12} (a + 4b + 2c + 4d + e)$$

h being the depth measured in feet (or in metres) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the lifeboat measured in feet (or in metres) at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme point, and c at the middle point of h).

- (c) If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the lifeboat from the ends, exceeds 1 per cent, of the length of the lifeboat, the depth employed in calculating the area of the crosssections A or C shall be deemed to be the depth amidships plus 1 per cent, of the length of the lifeboat.
- (d) If the depth of the lifeboat amidships exceeds 45 per cent, of the breadth, the depth employed in calculating the area of the amidships cross-section B shall be deemed to be equal to 45 per cent, of the breadth, and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per cent, of the length of the lifeboat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.
- (e) If the depth of the lifeboat is greater than 4 feet (or 122 centimetres) the number of persons given by the application of this rule shall be reduced in proportion to the ratio of 4 feet (or 122 centimetres) to the actual depth, until the lifeboat has been satisfactorily tested afloat with that number of persons on board, all wearing life-jackets.
- (f) Each Administration shall impose, by suitable formulae, a limit for the number of persons allowed in lifeboats with very fine ends and in lifeboats very full in form.
- (g) Each Administration may assign to a lifeboat, capacity equal to the product of the length, the breadth and the depth multiplied by 0.6 if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner:—

Length.—From the intersection of the outside of the planking with the stem to the corresponding point at the stem post or, in the case of a square-stemmed boat, to the after side of the transom.

Breadth.—From the outside of the planking at the point where the breadth of the boat is greatest.

Depth.—Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent, of the breadth.

In all cases the shipowner has the right to require that the cubic capacity of the lifeboat shall be determined by exact measurement.

- (h) The cubic capacity of a motor boat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories, and, when carried, the radiotelegraph installation and the searchlight with their accessories.

Regulation 7 – Carrying capacity of lifeboats

- (a) The number of persons which a lifeboat can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic feet by 10 (or in cubic metres by 0.283).
- (b) This number shall be reduced when it is greater than the number of persons for which there is proper seating accommodation; the latter number shall be determined in such a way that the persons when seated do not interfere in any way with the use of the oars.
- (c) In the test for determining the number of persons which lifeboat can accommodate each person shall be assumed to be an adult person wearing a lifejacket.

Regulation 8 – Proportion of motor Lifeboats and other mechanically propelled lifeboats to be carried

- (a) Where the number of lifeboats required to be carried in a ship is 20 or more, two shall be motor lifeboats of Class A complying with the requirements of Regulation 9.
- (b) Where the number of lifeboats to be carried in a ship is more than 13 but less than 20, one shall be a motor lifeboat of Class A and a second shall be a motor lifeboat of Class A or Class B complying with the requirements of Regulation 9 or an approved mechanically propelled lifeboat complying with the requirements of Regulation 10.
- (c) All passenger ships not provided under the foregoing provisions with a motor lifeboat shall carry a motor lifeboat of either Class A or Class B, complying with the requirements of Regulation 9 or an approved mechanically propelled lifeboat complying with the requirements of Regulation 10.
- (d) All cargo ships of 1,600 tons gross tonnage and upwards shall carry a motor lifeboat of Class A or Class B complying with the requirements of Regulation 9 or a mechanically propelled lifeboat complying with the requirements of Regulation 10.

Regulation 9 – Specification of motor lifeboat

- (a) **Class A**

A motor lifeboat of Class A shall comply with the following conditions:

- (i) It shall be fitted with an approved type of compression ignition engine and be provided with fuel sufficient, for 24 hours continuous operation, and kept so as to be at all times ready for use.
- (ii) The engine and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions, and provision shall be made for going astern.
- (iii) The speed ahead shall be at least six knots in smooth water when loaded with its full complement of persons and equipment.

(b) **Class B**

A motor lifeboat of Class B shall comply with the following conditions:

- (i) It shall be adequately provided with fuel, and kept so as to be at all times ready for use.
 - (ii) The engine and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions, and provision shall be made for going astern.
 - (iii) The speed ahead shall be at least four knots in smooth water when loaded with its full complement of persons and equipment.
- (c) The volume of the internal buoyancy appliances of a motor lifeboat shall be at least equal to that of the buoyancy appliances which would be required under these Regulations if the boat were not a motor lifeboat, and shall be increased above that volume, if, and to the extent that such increase is necessary to compensate for the difference between—
- (i) the weight of the engine and its accessories, and, if fitted, the search-light and the radiotelegraph installation and their accessories, and
 - (ii) the weight of the additional persons which the lifeboat could accommodate if the motor and its accessories, and, if fitted, the searchlight and the radiotelegraph installation and their accessories, were removed.
- (d) Where a Class A motor lifeboat is carried voluntarily in place of a Class B motor lifeboat, or other type of approved mechanically propelled lifeboat, in excess of the numbers required, the requirements of paragraph (b)(i) of this Regulation in regard to fuel shall apply.

Regulation 10 – Specification of a mechanically propelled lifeboat other than a motor lifeboat

A mechanically propelled lifeboat, other than a motor lifeboat, shall comply with the following conditions:—

- (a) The propelling gear shall be of an approved type and shall have sufficient power to enable the lifeboat to be readily cleared from the ship's side when launched and to be able to hold course under adverse weather conditions. If the gear is manually operated it shall be capable of being worked by persons untrained in use and shall be capable of being operated when the lifeboat is flooded.
- (b) Provision shall be made for going astern.
- (c) The volume of the internal buoyancy of a mechanically propelled lifeboat, other than a motor lifeboat, shall be increased to compensate for the weight of the propelling gear.

Regulation 11 – Equipment, of lifeboats

- (a) The normal equipment of every lifeboat shall consist of—
 - (i) a single banked complement of oars, two spare oars, and a steering oar; one set and a half of thole pins or crutches, attached to the lifeboat, by lanyard or chain; a boat hook;
 - (ii) two plugs for each plug hole (plugs are not required when proper automatic valves are fitted) attached to the lifeboat by lanyards or chains; a baler, and two buckets of approved material;
 - (iii) a rudder attached to the lifeboat and a tiller;
 - (iv) two hatchets, one at each end of the lifeboat;
 - (v) a lamp, with oil sufficient for 12 hours; two boxes of suitable matches in a water-tight container;
 - (vi) a mast or masts, with galvanised wire stays together with sails (coloured orange);
 - (vii) an efficient compass in binnacle, to be luminised or fitted with suitable means of illumination;

- (viii) a life-line becketed round the outside of the lifeboat;
 - (ix) a sea-anchor of approved size;
 - (x) two painters of sufficient length. One shall be secured to the forward end of the lifeboat with strop and toggle so that it can be released, and the other shall be firmly secured to the stem of the lifeboat and be ready for use;
 - (xi) a vessel containing one gallon (or four and one-half litres) of vegetable, fish or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the seaanchor;
 - (xii) an air-tight receptacle containing two pounds (or one kilogramme) of provisions for each person;
 - (xiii) one pound (or half a kilogramme) of condensed milk or its equivalent for each person;
 - (xiv) water-tight receptacles containing three quarts (or three litres) of fresh water for each person; a dipper with lanyard;
 - (xv) two parachute signals of approved type capable of giving a bright red light at a high altitude; six hand flares of an approved type giving a bright red light;
 - (xvi) two buoyant smoke signals of an approved type (for day-time use) capable of giving off a volume of orangecoloured smoke;
 - (xvii) approved means to enable persons to cling to the boat should it be upturned, in the form of bilge keels or keel rails, together with grab line secured from gunwale to gunwale under the keel, or other approved arrangements;
 - (xviii) an approved first aid outfit in a watertight case;
 - (xix) an electric torch suitable for morse-signalling together with two spare batteries and two spare bulbs;
 - (xx) a daylight-signalling mirror of an approved type;
 - (xxi) a jack-knife fitted with a tin opener to be kept attached to the boat with a lanyard;
 - (xxii) two light buoyant heaving lines;
 - (xxiii) a manual pump of an approved type; and
 - (xxiv) a suitable locker for stowage of small items of equipment.
- (b) In the case of ships engaged on voyages of such duration that in the opinion of the Administration concerned the items specified in subparagraphs (vi), (xii), (xiii), (xx) and (xxi) of paragraph (a) of this Regulation are unnecessary, the Administration may allow them to be dispensed with.
- (c) Notwithstanding the provisions of paragraph (a) of this Regulation, motor lifeboats or other approved mechanically propelled lifeboats need not carry a mast or sails or more than half the complement of oars, but they shall carry two boat hooks.
- (d) All lifeboats certified to carry more than 60 persons shall be fitted with suitable means to enable persons in the water to climb into the lifeboat.

Regulation 12 – Security of lifeboat equipment

All items of lifeboat equipment not kept in the lockers, with the exception of the boat hook which shall be kept free for fending off purposes, shall be suitably secured within the lifeboat. The lashing shall be carried out in such a manner as to ensure the security of the equipment and so as not to interfere with the lifting hooks or to prevent ready loading of, or impede ready entry into, the lifeboat.

Regulation 13 – Lifeboat portable radio apparatus

- (a) Ships carrying less than 20 lifeboats shall be provided with an approved portable radiotelegraph apparatus complying with the requirements set out in Regulation 14 of Chapter IV. All this equipment shall be kept together in the chart room or other suitable place ready to be moved to one or other of the lifeboats in the event of an emergency.
- (b) In the case of ships engaged on voyages of such duration that, in the opinion of the Administration, lifeboat portable radio apparatus is unnecessary, the Administration may allow such equipment to be dispensed with.

Regulation 14 – Embarkation into the lifeboats

Suitable arrangements shall be made for embarkation into the lifeboats, which shall include—

- (a) a suitable Ladder at each set of davits, to afford access to the lifeboats when waterborne;
- (b) suitable means for illuminating the launching gear and lifeboats during the process of launching;
- (c) suitable arrangements for warning the passengers and crew that the ship is about to be abandoned; and
- (d) suitable means situated outside the, engine room whereby any discharge of water into the lifeboats can be prevented.

Regulation 15 – Marking of lifeboats and buoyant apparatus

- (a) The dimensions of a lifeboat and the number of persons which it is authorized to carry shall be marked on it in clear permanent characters. The name of the ship to which the lifeboat belongs shall be painted on the bows.
- (b) Buoyant apparatus (and life rafts carried in lieu of buoyant apparatus) shall be marked with the number of persons in the same manner.
- (c) No lifeboat or buoyant apparatus shall be marked for a greater number of persons than that obtained in the manner specified in these Regulations.

Regulation 16 – Specification of a lifebuoy

- (a) A lifebuoy shall satisfy the following requirements:—
 - (i) It shall be of solid cork or any other equivalent material;
 - (ii) It shall be capable of supporting in fresh water for 24 hours at least 32 pounds (or 14.5 kilogrammes) of iron.

Lifebuoys filled with rushes, cork shavings or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartment which require to be inflated, are prohibited.

- (b) Lifebuoys shall be fitted with beackets securely seized. At least one lifebuoy on each side shall be fitted with a life-line of at least 15 pounds (or 27.5 metres) in length. Not less than one-half of the total number of lifebuoys, and in no case less than six shall be provided with efficient self-igniting lights which cannot be extinguished by water, and these shall be kept near the buoys to which they belong, with the necessary means of attachment.
- (c) All lifebuoys shall be so placed as to be readily accessible to the persons on board.

- (d) Lifebuoys shall always be capable of being rapidly cast loose and shall not be permanently secured in any way.

Regulation 17 – Lifejackets

- (a) Ships shall carry for every person on board a lifejacket of a type approved by the Administration, and in addition, unless these lifejackets can be adapted for use by children, a sufficient number of lifejackets suitable for children.
- (b) A lifejacket shall not be approved by an Administration unless it satisfies the following requirements:—
- (i) It shall be constructed with proper workmanship and materials.
 - (ii) It shall be capable of supporting in fresh water for 24 hours 16-5 pounds (or 7.5 kilogrammes) of iron.
 - (iii) It shall be reversible.
 - (iv) It shall be capable of holding up the head of an unconscious person in the water.

Lifejackets, the buoyancy of which depends on air compartments, are prohibited.

- (c) Lifejackets shall be so placed as to be readily accessible and their position shall be plainly indicated.

Regulation 18 – Line-throwing appliances

- (a) Ships shall carry a line-throwing appliance of a type approved by the Administration.
- (b) The appliance shall be capable of carrying a line not less than 250 yards (or 230 metres) with reasonable accuracy, and shall include not less than four projectiles and four lines.

Regulation 19 – Ships' distress signals

Ships shall be provided, to the satisfaction of the Administration, with means of making effective distress signals by day and by night, including parachute signals capable of giving a bright red light at a high altitude.

Regulation 20 – Muster list and emergency procedure

- (a) Special duties to be undertaken in the event of an emergency, shall be allotted to each member of the crew.
- (b) The muster list shall show all these special duties and shall indicate, in particular, the station to which each member must go, and the duties that he has to perform.
- (c) Before the vessel sails, the muster list shall be drawn up. Copies shall be posted in several parts of the ship, and in particular in the crew's quarters.
- (d) The muster list shall assign duties to the different members of the crew in connection with—
- (i) the closing of the watertight doors, valves and closing mechanism of scuppers, ash-shoots, etc.;
 - (ii) the equipping of the lifeboats, including the portable radio apparatus, and buoyant apparatus generally;
 - (iii) the launching of the lifeboats attached to davits;
 - (iv) the general preparation of the other boats, and buoyant apparatus;
 - (v) the muster of the passengers; and

- (vi) the extinction of fire.
- (e) The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers in time of emergency. These duties shall include:—
 - (i) warning the passengers;
 - (ii) seeing that they are dressed and have put on their lifejackets in a proper manner;
 - (iii) assembling the passengers at muster stations;
 - (iv) keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers; and
 - (v) seeing that a supply of blankets is taken to the lifeboats.
- (f) The muster list shall specify definite signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals.

Regulation 21 – Practice musters and drills

- (a)
 - (i) In passenger ships, musters of the crew for boat drill and fire drill shall take place weekly when practicable. In passenger ships in which the voyage exceeds one week, there shall be such a muster before the ship leaves the final port of departure.
 - (ii) In cargo ships, a muster of the crew for boat drill and fire drill shall take place at intervals of not more than one month.
 - (iii) The dates upon which musters are held shall be recorded in such log book as may be prescribed by the Administration; and, if in any week (for passenger ships) or month (for cargo ships) a muster is not held, an entry shall be made stating why a muster was not practicable.
- (b) In passenger ships, except those engaged on short international voyage, a muster of the passengers shall be held within twenty-four hours after leaving port.
- (c) Different groups of lifeboats shall be used in turn at successive boat drills. The drills and inspections shall be so arranged that the crew thoroughly understand and are practised in the duties they have to perform.
- (d) The emergency signal for summoning passengers to muster stations shall be a succession of more than six short blasts followed by one long blast on the whistle or siren. This shall be supplemented on passenger ships, except those engaged in short international voyages, by other electrically operated signals throughout the ship controlled from the bridge. The meaning of all signals affecting passengers, with precise instructions on what they are to do in an emergency, shall be clearly stated in appropriate languages on cards posted in their cabins and in conspicuous places in other passenger quarters.

Part B – Passenger ships only

(Part B applies to passenger ships only.)

Regulation 22 – Lifeboats and buoyant apparatus

- (a) Subject to the provisions of the following paragraphs of this Regulation, there must, in passenger ships, be accommodation in lifeboats for all persons on board, and there must, in addition, be buoyant apparatus for 25 per cent, of the persons on board. No more lifeboats shall be required on any passenger ship than are sufficient to accommodate all persons on board.
- (b) In the case of passenger ships engaged on short international voyages, lifeboats and buoyant apparatus must be provided in accordance with the requirements set out for such ships in Regulations 23 and 24. If

the Administration considers that the carriage of passengers in excess of the lifeboat capacity be provided is necessitated by the volume of traffic, the Administration may permit this if the ship complies with the provisions applicable to this class of ship laid down in Regulation 1(d) of Chapter II.

- (c) An Administration may permit individual ships or classes of ships with short international voyage certificates to proceed on voyages in excess of 600 miles, but not exceeding 1,200 miles, if such ships comply with the provisions of paragraph (b) of this Regulation and if they carry lifeboats which provide for at least 75 per cent, of the persons on board.

Regulation 23 – Number of davits and, capacity of lifeboats and, buoyant apparatus

- (a) (i) A passenger ship shall be provided with sets of davits in accordance with its length as provided in Column A of the Table in Regulation 24 except that a number of sets of davits greater than the number of lifeboats necessary for the accommodation of all the persons on board shall not be required.
- (ii) Each set of davits shall have a lifeboat attached. If these lifeboats do not provide sufficient accommodation for all persons on board, additional sets of davits with lifeboats attached shall be fitted if practicable. If the lifeboats attached to davits do not provide accommodation for all persons on board, additional lifeboats shall be carried under the lifeboats attached to davits be that accommodation for all person is provided.
- (iii) When in the opinion of the Administration it is impracticable or unreasonable to place on a ship the number of sets of davits required by Column A of the Table in Regulation 24, the Administration may authorize, under exceptional conditions, a smaller number of sets of davits as specified in Column B of the Table.
- (b) (i) A passenger ship engaged on a short international voyage shall be provided with sets of davits in accordance with its length as specified in Column A of the Table in Regulation 24. Each set of davits shall have a lifeboat attached to it and these lifeboats shall provide at least the minimum capacity required by Column C of the Table or the capacity required to provide accommodation for all persons on board if less. In the case of ships certified to carry a number of persons in excess of the lifeboat capacity specified in Column C, additional lifeboats under davits or approved buoyant apparatus shall be provided so that the total accommodation afforded by all the lifeboats, together with the buoyant apparatus, shall be sufficient for all on board. In addition there shall be buoyant apparatus for 10 per cent, of all on board.
- (ii) When in the opinion of the Administration it is impracticable or unreasonable to place on a ship engaged on short international voyages the number of sets of davits required by Column A of the Table in Regulation 24, the Administration may authorize, under exceptional conditions, a smaller number of sets of davits, except that this number shall never be less than the minimum number fixed by Column B of the Table, and that the total capacity of the lifeboats on the ship will be at least up to the minimum capacity required by Column C or the capacity required to provide for all persons on board if less.
- (c) Passenger ships shall carry two boats attached to davits—one on each side of the ship—for use in an emergency. These boats shall be of a type approved by the Administration and shall normally be not more than 26 feet (or 8 metres) in length. They may be counted for the purposes of Regulation 22, provided that they comply fully with the requirements of this Chapter for lifeboats. They shall be kept ready for immediate use while the ship is at sea. In ships in which the requirements of Regulation 26(j) are met by means of appliances fitted to the sides of the lifeboats, such appliances shall not be required to be fitted to the two boats provided to meet the requirements of this Regulation.

Regulation 24 – Table relating to davits and lifeboat capacity

The following table fixes according to the length of the ship—

- (A) the minimum number of sets of davits to be provided to each of which must be attached a lifeboat in accordance with Regulation 23 above;
- (B) the smaller number of sets of davits which may be authorised exceptionally under Regulation 23; and
- (C) the minimum lifeboat capacity required for a ship engaged on short international voyages.

Registered Length of Ship					(A) Minimum number of sets of davits	(B) Smaller number of sets of davits authorised exceptionally	(C) Minimum capacity of lifeboats		
Feet		Metres					Cubic Feet	Cubic Metres	
100	and under	120	31	and under	37	2	2	400	11
120		140	37		43	2	2	650	18
140		160	43		49	2	2	900	26
160		175	49		53	3	3	1,150	33
175		190	53		58	3	3	1,350	38
190		205	58		63	4	4	1,650	44
205		220	63		67	4	4	1,750	50
220		230	67		70	5	4	1,850	52
230		245	70		75	5	4	2,150	61
245		255	75		78	6	5	2,400	68
255		270	78		82	6	5	2,700	76
270		285	82		87	7	5	3,000	85
285		300	87		91	7	5	3,300	94

300	315	91	96	8	6	3,600	102
315	330	96	101	8	6	3,900	110
330	350	101	107	9	7	4,300	122
350	370	107	113	9	7	4,750	135
370	390	113	119	10	7	5,150	148
390	410	119	125	10	7	5,650	157
410	435	125	133	12	9	6,050	171
435	460	133	140	12	9	6,650	185
460	490	140	149	14	10	7,150	202
490	520	149	159	14	10	7,800	221
520	550	159	168	16	12	8,400	238
550	580	168	177	16	12		
580	610	177	186	18	13		
610	640	186	195	18	13		
640	670	195	204	20	14		
670	700	204	213	20	14		
700	730	213	223	22	15		
730	760	223	232	22	15		
760	790	232	241	24	17		
790	820	241	250	24	17		
820	855	250	261	26	18		

855		890	261		271	26	18		
890		925	271		282	28	19		
925		960	282		293	28	19		
960		995	293		303	30	20		
995		1,030	303		314	30	20		

Note on (A) and (B)— When the length of the ship exceeds 1,030 feet (or 814 metres) the Administration shall determine the minimum number of sets of davits for that ship.

Note on (C) — When the length of the ship is under 100 feet (or 31 metres) or Over 550 feet (or 168 metres) the cubic capacity of the lifeboats shall be prescribed by the Administration.

Regulation 25 – Radio apparatus and searchlights in motor lifeboat

- (a) Every motor lifeboat of Class A, required to be carried in compliance with paragraphs (a) and (b) of Regulation 8, must be fitted with a radiotelegraph installation complying with the requirements set out in this Regulation and in Regulation 13 of Chapter IV, and also with a searchlight complying with paragraph (f) of this Regulation.
- (b) The radio installation shall be installed in a cabin large enough to accommodate both the equipment and the person using it.
- (c) The arrangements shall be such that the efficient operation of the transmitter and receiver shall not be interfered with by the engine while it is running, whether a battery is on charge or not.
- (d) The radio battery shall not be used to supply power to any engine starting motor or ignited system.
- (e) The motor lifeboat engine shall be fitted with a dynamo for recharging the radio battery, and for other services.
- (f) The searchlight shall include a lamp of at least 80 watts, an efficient reflector and a source of power which will give effective illumination of a light-coloured object having a width of about 60 feet (or 18 metres) at a distance of 200 yards (or 180 metres) for a total period of six hours and shall be capable of working for at least three hours continuously.

Regulation 26 – Stowage and handling of lifeboats

- (a) Lifeboats shall be stowed to the satisfaction of the Administration in such a way that—
 - (i) they can be launched in the shortest possible time;
 - (ii) they will not impede in any way the prompt handling of any of the other lifeboats attached to davits or stowed under lifeboats attached to davits or the buoyant apparatus or the marshalling of the persons on board at the launching stations, or their embarkation; and
 - (iii) even under conditions of list and trim unfavourable from the point of view of the handling of the lifeboats, as large a number of persons as possible can be embarked in them
- (b) Where practicable not more than one lifeboat shall be served by a single set of davits. In ships where this arrangement is impracticable, the lifeboats may, subject to the foregoing provisions, be stowed one above

- the other, or they may, subject to such conditions as the Administration may impose, be fitted one within another, but where lifeboats so fitted require lifting before being launched mechanical power appliances for lifting shall be provided.
- (c) Where a lifeboat is stowed underneath another lifeboat, there shall be provided approved removable supports or other approved appliances so as to secure that the weight of a lifeboat is not unduly supported by the lifeboat underneath it.
 - (d) Lifeboats may only be stowed on more than one deck on condition that proper measures are taken to prevent lifeboats on a lower deck being fouled by those stowed on a deck above.
 - (e) Lifeboats shall not be placed in the bows of the ship. They shall be stowed in such positions as to ensure safe launching.
 - (f) Davits shall be of approved form and shall be suitably placed to the satisfaction of the Administration. They shall be so disposed on one or more decks that the lifeboats placed under them can be safely lowered without interference from the operation of any other davits.
 - (g) In ships over 150 feet (or 46 metres) in length, the davits shall be as follows:—
 - (i) Luffing or gravity type for operating lifeboats weighing not more than 4 tons (or 4,064 kilogrammes) in their turning out condition.
 - (ii) Gravity type for operating lifeboats weighing more than 4 tons (or 4,064 kilogrammes) in their turning out condition.
 - (h) In ships not exceeding 150 feet (or 46 metres) in length, the davits if of radial type shall be fitted with approved means to prevent them from being jerked from their sockets.
 - (i) The davits, falls, blocks and all other gear shall be of such strength that the lifeboats can be safely lowered with the full complement of persons and equipment, with the ship listed at 15 degrees either way.
 - (j) In ships in which the boat deck is more than 15 feet (or 4.6 metres) above the deepest sea-going draught arrangements shall be made to facilitate launching the lifeboats against an adverse list.
 - (k) The lifeboats, except the emergency boats referred to in Regulation 23 shall be served by wire rope falls, together with winches of an approved type, but the Administration may allow manila rope falls with or without winches to be fitted in ships where, having regard, for example, to the height of the boat deck above the lightest sea-going draught, they are satisfied that manila rope falls are adequate.
 - (l) Two lifelines shall be fitted to the davit spans, and the falls and lifelines shall be long enough to reach the water with the ship at its lightest sea-going draught and listed to 15 degrees either way. Lower fall blocks shall be fitted with a suitable ring or long link for attaching to the sling hooks unless an approved type of disengaging gear is fitted.
 - (m) Lifeboats attached to davits shall have the falls ready for service, and arrangements shall be made for speedily, but not necessarily simultaneously, detaching the lifeboats from the falls. The points of attachment of the lifeboats to the falls shall be so situated as to ensure the lifeboats being easily swung clear of the davits.
 - (n) If more than one lifeboat is served by the same set of davits, separate falls shall be provided to serve each lifeboat, unless the falls are of wire rope. The appliances used shall be such as to ensure lowering the lifeboats rapidly and in turn. Where mechanical power appliances are fitted for the recovery of the falls, efficient hand gear shall also be provided.

Regulation 27 – Lighting for decks, lifeboats, etc.

- (a) Provision shall be made for an electric or other system of lighting, sufficient for all requirements of safety, in the different parts of a passenger ship, and particularly upon decks on which the lifeboats are stowed. Provision shall also be made for the illumination of the launching gear, and the lifeboats in process of, and

immediately after, being launched. The self-contained emergency source of electrical power required by Regulation 22 of Chapter II shall be capable of supplying, when necessary, this lighting system.

- (b) The exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp. The power for these emergency lamps shall be so arranged that they will be supplied from the emergency source of power referred to in paragraph (a) of this Regulation in the event of failure of the main generating plant.

Regulation 28 – Manning of lifeboats

- (a) A deck officer or certificated lifeboatman shall be placed in charge of each lifeboat and a second-in-command shall also be nominated. The person in charge shall have a list of the lifeboat's crew, and shall see that the men placed under his orders are acquainted with their several duties.
- (b) A man capable of working the motor shall be assigned to each motor lifeboat.
- (c) A man capable of working the radio and searchlight installations shall be assigned to each lifeboat carrying this equipment in accordance with Regulation 25.

Regulation 29 – Certificated lifeboatmen

- (a) In passenger ships there must be, for every lifeboat carried in order to comply with this Chapter, a number of lifeboatmen at least equal to that specified in the following table:—

Prescribed complement of lifeboat	The minimum number of certificated life-boatmen shall be
Less than 4 persons	2
From 41 to 61 persons	3
From 62 to 85 persons	4
Above 85 persons	5

- (b) The allocation of the certificated lifeboatmen to each lifeboat remains within the discretion of the master.
- (c) By "certificated lifeboatman" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Administration.
- (d) In order to obtain this certificate, the applicant must prove that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboats.

Regulation 30 – Buoyant apparatus and life rafts

- (a) The expression "buoyant apparatus" means flotation equipment (other than lifeboats, lifebuoys and life-jackets) designed to support a specified number of persons who are in the water and of such construction that it retains its shape and properties.

- (b) No type of buoyant apparatus may be approved unless it satisfies the following conditions:—
- (i) It shall be of such size and strength that it can be thrown from the place where it is stowed into the water without being damaged.
 - (ii) It shall not exceed 400 lb, in weight (or 180 kilogrammes) unless suitable means to the satisfaction of the Administration are provided to enable it to be launched without lifting by hand.
 - (iii) It shall be of approved material and construction.
 - (iv) It shall be effective and stable when floating either way up.
 - (v) The air cases or equivalent buoyancy shall be placed as near as possible to the sides of the apparatus, and such buoyancy shall not be dependent upon inflation.
 - (vi) It shall be fitted with a painter and have a line securely bucketed round the outside.
- (c) The number of persons for which buoyant apparatus is certified shall be the number—
- (i) ascertained by dividing the number of pounds of iron which it is capable of supporting in fresh water by 32 (or the number of kilogrammes divided by 14.5), or
 - (ii) equal to the number of feet (equivalent to 30.5 centimetres) in the perimeter
- whichever is the less.
- (d) Life rafts may be carried in lieu of buoyant apparatus, provided that, in addition to complying with the requirements of sub-paragraph (ii), (iii), (iv), (v) and (vi) of paragraph (b) of this Regulation each life raft satisfies the following conditions:—
- (i) It shall be of such strength that it can be launched or thrown from the place where it is stowed into the water without being damaged.
 - (ii) It shall have not less than three cubic feet (or 85 cubic decimetres) of air cases or equivalent buoyancy for each person it is certified to carry.
 - (iii) It shall have a deck area of not less than four square feet (or 3,720 square centimetres) for each person it is certified to carry, and it shall effectively support the occupants out of the water.
 - (iv) It shall be equipped with two paddles.

Regulation 31 – Number of lifebuoys to be provided

The minimum number of lifebuoys with which passenger ships are to be provided is fixed by the following table:

Length of ship		Minimum number of buoys	
In Feet	In Metres		
Under 200	Under 61		8
200 and under 400	61 and under 122		12
400 and under 600	122 and under	183	18

600 and under 800	183 and under	244	24
800 and over	244 and over		30

Part C – Cargo ships only

(Part C applies to cargo ships only.)

Regulation 32 – Number and capacity of lifeboats

- (a) Cargo ships, except those employed as whale factory ships, shall carry lifeboats attached to davits on each side of the ship of such aggregate capacity as will accommodate all persons on board.
- (b) Every ship employed as a whale factory ship shall carry lifeboats attached to davits on each side of the ship of such aggregate capacity as will accommodate every member of the crew engaged to work the ship. In addition, every such ship shall carry lifeboats of aggregate capacity sufficient to accommodate the total number of additional persons which the ship carries. Those additional lifeboats shall, where practicable, be attached to davits. If not attached to davits, they shall be stowed under lifeboats attached to davits.
- (c) Every tanker of 3,000 tons gross tonnage and upwards shall carry not less than four lifeboats attached to davits, two of which shall be carried aft and two amidships.

Regulation 33 – Davits and launching arrangements

- (a) In cargo ships lifeboats attached to davits shall be stowed to the satisfaction of the Administration.
- (b) Lifeboats shall not be placed in the bows of the ship. They shall be stowed in such positions as to ensure safe launching.
- (c) Davits shall be of approved form and shall be suitably placed to the satisfaction of the Administration.
- (d) In ships of over 150 feet (or 46 metres) in length the davits shall be as follows:—
 - (i) Luffing or gravity type for operating lifeboats weighing not more than 4 tons (or 4,064 kilogrammes) in their turning out condition;
 - (ii) gravity type for operating lifeboats weighing more than 4 tons (or 4,064 kilogrammes) in their turning out condition.
- (e) In cargo ships not exceeding 150 feet (or 46 metres) in length, the davits if of radial type shall be fitted with approved means to prevent them from being jerked from their sockets.
- (f) The davits, falls, blocks and all other gear shall be of such strength that the lifeboats can be safely lowered with the full complement, of persons and equipment, with the ship listed to 15 degrees either way.
- (g) In cargo ships in which the boat deck is more than 15 feet above the deepest sea-going draught arrangements shall be made to facilitate launching the lifeboats against an adverse list.
- (h) The lifeboats shall be served by wire rope falls together with winches of an approved type, but the Administration may allow manila rope falls with or without winches to be fitted in ships where, having regard, for example, to the height of the boat deck above the lightest sea-going draught, they are satisfied that manila rope falls are adequate.
- (i) Two lifelines shall be fitted to the davit spans and the falls and lifelines shall be long enough to reach the water with the ship at her lightest sea-going draught and listed to 15 degrees either way. Lower fall blocks

shall be fitted with a suitable ring or long link for attaching to the sling hooks unless an approved type of disengaging gear is fitted.

- (j) Lifeboats attached to davits shall have the falls ready for service, and arrangements shall be made for speedily, but not necessarily simultaneously, detaching the lifeboats from the falls. The points of attachment of the lifeboats to the falls shall be so situated as to ensure the lifeboats being easily swung clear of the davits.

Regulation 34 – Number of lifebuoys to be provided

- (a) At least eight approved lifebuoys of a type which satisfies the requirements of Regulation 16 shall be carried. All the lifebuoy shall be fitted with beackets securely seized.
- (b) At least half the lifebuoys shall be provided with approved self-igniting lights which cannot be extinguished by water. Self-igniting lights shall be kept near the lifebuoys to which they belong, with the necessary means of attachment. At least one lifebuoy on each side of the ship shall be fitted with a lifeline at least 15 fathoms (or 27.5 metres) in length.
- (c) In the case of tankers, the self-igniting lights shall be of the electric battery type.

Chapter IV

Radiotelegraphy and radiotelephony

Part A – Application and definitions

Regulation 1 – Application

- (a) Unless expressly provided otherwise, this Chapter applies to all ships to which the present Convention applies.
- (b) No provision in this Chapter shall prevent the use by a ship of survival craft in distress of any means at its disposal to attract attention, make known its position and obtain help.

Regulation 2 – Definitions

For the purpose of this Chapter, unless expressly provided otherwise—

- (a) “**Radio Regulations**” means the General Radio communication Regulations annexed to the International Telecommunication Convention (Madrid, 1932) or any regulations which have been, or which from time to time in the future may be, substituted for such regulations.
- (b) “**Alarm Signal**” means the automatic alarm signal prescribed by the Radio Regulations for radiotelegraphy.
- (c) “**Auto Alarm**” means an automatic alarm receiver which responds to the alarm signal and has been approved.
- (d) “**Distress frequencies**” means the distress frequencies designated for radiotelegraphy and radiotelephony respectively by the Radio Regulations.
- (e) “**Distress Signal**” means a distress signal prescribed by the Radio Regulations.
- (f) “**Qualified Operator**” means a person holding an appropriate certificate complying with the provisions of the Radio Regulations.
 - (a) An existing installation is one already installed on board a ship at the time the present Convention comes into force.

- (b) A new installation is an installation which replaces an existing installation or one installed on a ship after the date on which the present Convention comes into force.

Regulation 3 – Radiotelegraph installation

Passenger ships irrespective of size and cargo ships of 1,600 tons gross tonnage and upwards, unless exempted under Regulation 5, shall be fitted with a radiotelegraph installation complying with the provisions of Regulations 9 and 10.

Regulation 4 – Radiotelephone installation

Cargo ships of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage, unless fitted with a radiotelegraph installation complying with the provisions of Regulations 9 and 10, shall, provided they are not exempted under Regulation 6, be fitted with a radiotelephone installation complying with the provisions of Regulation 15.

[NOTE— The frequencies prescribed at the present time are 500 kc/a (Radiotelegraphy) and, when the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1917) come Into force, 2,182 kc/s (Radio-telephony)]

Regulation 5 – Exemptions from regulation 3

- (a) The Contracting Governments consider it highly desirable not to deviate from the application of Regulation 3, nevertheless each Administration may grant to individual passenger and cargo ships belonging to its country exemptions of a partial and/or conditional nature, or complete exemption from the requirements of Regulation 3.
- (b) The exemptions permitted under paragraph (a) of this Regulation shall be granted only to a ship engaged on a voyage where the maximum distance of the ship from the shore, the length of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of Regulation 3 unreasonable or unnecessary.
- (c) Each Administration shall submit to the Organisation as soon as possible after the first of January in each year a report showing all exemptions granted under sub-paragraphs (a) and (b) of this Regulation during the previous calendar year.

Regulation 6 – Exemptions from regulation 4

Each Administration may, if it considers that the route and conditions of the voyage are such as to render a radiotelephone installation un-reasonable or unnecessary, exempt ships belonging to its country from the requirements of Regulation 4.

Part B – Watches

Regulation 7 – Watches-radiotelegraph

- (a) (i) Each ship which in accordance with Regulation 3 is required to be fitted with a radiotelegraph installation shall, while at sea, carry at least one qualified operator and, if not fitted with an auto alarm, shall, subject to the provisions of paragraph (d) of this Regulation, listen continuously on the radiotelegraph distress frequency in the medium frequency band by means of a qualified operator using some aural method.
- (ii) However, in order to permit the installation of auto alarms developed in accordance with the specification in Regulation 11 in existing passenger ships below 3,000 tons gross tonnage and

existing cargo ships below 5,500 tons gross tonnage, not fitted with an auto alarm, Administrations may on such ships permit the hours of listening to be limited to those shown in paragraphs (b) and (c)(i) of this Regulation for a period not exceeding two years from the date of coming into force of the present Convention.

Passenger ships

- (b) Each passenger ship which in accordance with Regulation 3 is required to be fitted with a radiotelegraph installation, if fitted with an auto alarm shall, subject to the provisions of paragraph (d) of this Regulation, and while at sea, listen on the radiotelegraph distress frequency in the medium frequency band by means of a qualified operator using some aural method, as follows:—
- (i) if carrying or certificated to carry 250 passengers or less, at least 8 hours listening a day in the aggregate;
 - (ii) if carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours listening a day in the aggregate. In this case the ship shall carry at least two qualified operators;
 - (iii) if carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours listening a day in the aggregate.

Cargo ships

- (c) (i) Each cargo ship which in accordance with Regulation 3 is required to be fitted with a radiotelegraph installation, if fitted with an auto alarm shall, subject to the provisions of paragraph (d) of this Regulation and, while at sea, listen on the radiotelegraph distress frequency in the medium frequency band by means of a qualified operator using some aural method as follows:—
- (a) if of 5,500 tons gross tonnage and upwards, for at least 8 hours a day in the aggregate;
 - (b) if of 1,600 tons gross tonnage and upwards but less than 5,500 tons gross tonnage for at least 8 hours a day in the aggregate. Administrations which on account of their special conditions find it impracticable to impose 8 hours listening shall take steps to ensure the maximum hours of listening possible and not less than 2 hours a day in the aggregate.

[NOTE:— In some countries called radio officer]

- (ii) Each cargo ship of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage and fitted with a radiotelegraph installation as a consequence of Regulation 4, shall carry at least one qualified operator and shall, subject to the provisions of paragraph (d) of this Regulation, and while at sea, listen on the radiotelegraph distress frequency in the medium frequency band, by means of a qualified operator using some aural method, during such periods as may be determined by the Administration.
- (d) During the period when a qualified operator is required by this Regulation to listen on the distress frequency the operator may discontinue such listening during the time when he is handling traffic on other frequencies, or performing other essential radio duties, but only if it is impracticable to listen by some aural means such as split headphones or loudspeaker. When this aural listening is impracticable, the auto alarm if fitted shall be in operation. The provisions of this paragraph shall not relieve the ship from compliance with the provisions of the Radio Regulations in regard to the “silence periods”.
- (e) In all ships fitted with an auto alarm this auto alarm shall, while the ship is at sea, be in operation whenever there is no listening being done under paragraph (b), (c) or (d).
- (f) The listening periods provided for by this Regulation, including those which are determined by the Administration, should be maintained preferably during periods prescribed for radiotelegraph service by the Radio Regulations.

Regulation 8 – Watches-radiotelephone

Each ship which is fitted with a radiotelephone installation in accordance with Regulation 4 shall, for safety purposes, carry at least one qualified operator (who may be a member of the crew holding only a certificate for radiotelephony) and shall, while at sea, listen on the radiotelephone distress frequency in the medium frequency band during such periods as may be determined by the Administration.

Part C – Technical requirements

Regulation 9 – Radiotelegraph stations

- (a) The ship's radiotelegraph station shall be so located that no harmful interference from extraneous mechanical or other noise will be caused to the proper reception of radio signals. The station shall be placed as high in the ship as is practicable, so that the greatest possible degree of safety may be secured.
- (b) There shall be provided between the radiotelegraph operating room and the bridge and one other place, if any, from which the ship is navigated, an efficient two-way system for calling and voice communication which shall be independent of the main communication system on the ship.
- (c) A reliable clock, equipped with a dial not less than 5 inches in diameter and provided with a concentric seconds hand, shall be securely mounted in the radiotelegraph operating room in such a position that the entire dial can be easily and accurately observed by the operator from the telegraph operating position and the auto alarm testing position.
- (d) A reliable emergency light shall be provided in the radiotelegraph operating room permanently arranged so as to provide satisfactory illumination of the operating controls of the main and emergency radiotelegraph installations and of the clock required by paragraph (c) of this Regulation.
- (e) If a separate emergency radiotelegraph operating room is provided the requirements of paragraphs (b), (c) and (d) shall apply to it.
- (f) The ship's radiotelegraph station shall be provided with such spare parts, tools and testing equipment as will enable the radiotelegraph installation to be maintained in efficient working condition while at sea.

Regulation 10 – Radiotelegraph installations

- (a) Except as otherwise expressly provided in this Regulation:—
 - (i) The radiotelegraph installation shall comprise a main installation and an emergency (reserve) installation, electrically separate and electrically independent of each other.
 - (ii) A main and an emergency aerial shall be provided and installed, provided that the Administration may exempt any ship from the provision of an emergency aerial if it is satisfied that the fitting of such an aerial is impracticable or unreasonable, but in such case a spare aerial completely assembled for immediate replacement shall be carried. The main aerial shall be suitably protected against breakage caused by whipping of the mast or masts.
 - (iii) The main installation shall include a main transmitter, main receiver, and main source of energy.
 - (iv) The emergency (reserve) installation shall include an emergency transmitter, emergency receiver, and emergency source of energy.
- (b) In the case of existing installations on passenger ships the application of the requirement for a separate emergency transmitter and a separate emergency source of energy may, if the main transmitter and main source of energy comply with all the requirements for the emergency transmitter and emergency source of energy as defined in this Regulation, be delayed for a period not exceeding three years from the coming into force of the present Convention.

- (c) In the case of—
- (i) existing installations on cargo ships, and
 - (ii) new installations on cargo ships of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage, if the main transmitter and main source of energy comply with all the requirements for the emergency transmitter and the emergency source of energy, the latter are not obligatory.
- (d) The main and emergency (reserve) installations shall be capable of being quickly connected with either the main aerial or the emergency aerial if installed.
- (e) All parts of the emergency (reserve) installation shall be placed as high in the ship as is practicable so that the greatest possible degree of safety may be secured.
- (f) The main and emergency (reserve) transmitter shall be capable of transmitting on the radiotelegraph frequency, and of using a class of emission, assigned by the Radio Regulations for the purpose of distress in the medium frequency band, and shall have a depth of modulation of not less than 70 per cent. In addition, the main transmitter shall be capable of transmitting on the frequencies, and of using a class of emission, assigned by the Radio Regulations for the purpose of safety of navigation in the medium frequency band.
- (g) In new installations the main and emergency (reserve) transmitters shall have a note frequency of more than 450 and less than 1,350 cycles per second.
- (h) The main and emergency (reserve) transmitters shall have a minimum normal range as specified below, that is to say, they must be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges. (Clearly perceptible signals will normally be received if the R.M.S. value of the field strength at the receiver is at least 50 microvolts per metre.)

	Minimum normal range in miles	
	Main transmitter	Emergency transmitter
All passenger ships, and cargo ships of 1,600 tons gross tonnage and over	150	100
Cargo ships below 1,600 tons gross tonnage	100	75

- (i)
 - (i) The main and emergency receivers shall be capable of receiving the radiotelegraph frequency, and the classes of emission, assigned by the Radio Regulations for the purpose of distress in the medium frequency band.
 - (ii) In addition, the main receiver shall permit of the reception of such of the frequencies and classes of emission used for the transmission of time signals, meteorological messages and such other communications relating to safety of navigation as may be considered necessary by the Administration.
 - (iii) The auto alarm receiver may be used as the emergency receiver.
- (j) The main receiver shall have sufficient sensitivity to produce signals in headphones or by means of a loudspeaker when the receiver input is as low as 100 microvolts. The emergency receiver shall have the same sensitivity except in cases where an approved auto alarm is used as the emergency receiver.

- (k) There shall be available at all times, while the ship is at sea, a supply of electrical power sufficient for operating the main installation over the normal range required by paragraph (h) of this Regulation as well as for the purpose of charging any batteries forming part of the radiotelegraph installation. The voltage of the supply for the main installation shall be maintained as near the rated voltage as possible, and if practicable within ± 10 per cent.

*In the absence of a direct measurement of the field strength the following data may be used as a guide for approximately determining the normal range:—		
Normal range in miles	Metre-ampdres.^t	Total aerial power (watts)
200	128	200
175	102	125
150	76	71
125	58	41
100	45	25
75	34	14

The values given in the second column of the table correspond to an average value of the ratio effective aerial height / maximum aerial height = 0.47

This ratio varies with local conditions of the aerial and may vary between about 0.3 and 0.7.

^t The values given in the third column of the table correspond to an average value of the ratio radiated aerial power / total aerial power = 0.08

This ratio varies considerably according to the values of effective aerial height and aerial resistance.

- (l) The emergency (reserve) installation shall be provided with a source of energy independent of the propelling power of the ship and of the ship's electricity system. The source of energy shall preferably consist of accumulator batteries and shall under all circumstances be capable of being put into operation rapidly and of operating the emergency (reserve) transmitter and receiver for at least six hours continuously under normal working conditions besides any of the additional loads mentioned below.
- (m) The emergency source of energy may be used only to supply:
- (i) the emergency installation and the automatic alarm signal keying device specified in paragraph (a) of this Regulation;
 - (ii) the emergency light specified in paragraph (d) of Regulation 9;
 - (iii) the auto alarm; and
 - (iv) the direction finder.

t

This figure represents the product of the maximum height of the aerial above the deepest load water line in metres and the aerial current in amperes (R.M.S. value).

- (n) Notwithstanding the provisions of paragraph (m) of this Regulation, in cargo ships, an Administration may authorise the use of the emergency source of energy for a small number of low-power emergency circuits which are wholly confined to the upper part of the ship, such as emergency lighting on the boat deck, on condition that these can be readily disconnected if necessary.
- (o) The emergency source of energy and its switchboard shall be readily accessible to the radio operator and shall wherever possible be placed in close proximity to a radio room.
- (p) While the ship is at sea, accumulator batteries, whether forming part of the main installation or emergency (reserve) installation, shall be brought up to the normal fully-charged condition daily.
- (q) The radiotelegraph installation shall be provided with a device permitting changeover from transmission to reception and *vice versa* without manual switching. The application of this requirement may be delayed for one year after the date of the coming into force of the present Convention.
- (r) All steps shall be taken to eliminate so far as is possible the causes of, and to suppress, radio interference from electrical and other apparatus on board.
- (s) In addition to means for manually transmitting the auto alarm signal, an automatic alarm signal keying device shall be provided, capable of automatically keying the main and the emergency (reserve) installation so as to transmit the alarm signal. If electrically operated, this keying device shall be capable of operation from the emergency power supply. The application of this requirement may be delayed for two years after the date of the coming into force of the present Convention.
- (t) At sea, if not used for communications, the emergency transmitter shall be tested daily using a suitable artificial aerial, and at least once during each voyage using the emergency aerial if installed. The emergency power supply shall also be tested daily.
- (u) Notwithstanding the provisions of Regulation 4, an Administration may, in the case of cargo ships below 1,600 tons gross tonnage, relax the full requirements of Regulation 9 and this Regulation, provided that the standard of the installation shall in no case fall below the equivalent of that prescribed under Regulation 15 for radiotelephone installations so far as applicable.

Regulation 11 – Auto alarm

- (a) Any new type of auto-alarm which is approved after the date of coming into force of the present Convention for use in accordance with the present Regulations shall comply with the following minimum requirements:—
 - (i) In the absence of interference of any kind it must be capable of being operated, without manual adjustment, by any alarm signal transmitted on the radio telegraph distress frequency in the medium frequency band using the classes of emission assigned by the Radio Regulations for the alarm signal, provided that the frequency does not vary more than 8 kc/s from the nominal frequency and the strength of the signal at the receiver input is greater than 100 microvolts and less than 1 volt.
 - (ii) In the absence of interference of any kind it shall be operated by either three or four consecutive dashes when the dashes vary in length from 3.5 to as near 6 seconds as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than 10 milliseconds.
 - (iii) It must not be actuated by atmospheric or by any signal other than the alarm signal, provided that the received signals do not in fact constitute a signal falling within the tolerance limits indicated in (ii).
 - (iv) The selectivity of the auto alarm shall be such as to provide a practically uniform sensitivity within 8 kc/s on each side of the distress frequency and to provide outside this band a sensitivity which decreases as rapidly as possible, in conformity with the best engineering practice.

- (v) If practicable, the auto alarm in the presence of atmospheric or interfering signals shall automatically adjust itself so that within a reasonably short time it approaches the condition in which it can most readily distinguish the alarm signal.
 - (vi) When operated by an alarm signal, or in the event of failure of the apparatus, the auto alarm shall cause a continuous audible warning to be given in the radiotelegraph operating room, in the radio operator's cabin, and on the bridge. If practicable, warning shall also be given in the case of failure of any part of the whole alarm receiving system. Only one switch for stopping the warning shall be provided and shall be situated in the radiotelegraph operating room.
 - (vii) For the purpose of regularly testing the auto alarm, the apparatus shall include a generator pre-tuned to the distress frequency and a keying device by means of which an alarm signal of the minimum strength indicated in (i) is produced.
 - (viii) The auto alarm shall be capable of withstanding vibration, humidity, and changes of temperature, equivalent to severe conditions experienced on board ships at sea, and shall continue to operate under such conditions.
- (b) Before a new type of auto alarm is approved the Administration concerned must be satisfied, by practical tests made under operating conditions equivalent to those obtaining in practice, that the apparatus complies with paragraph (a) of this Regulation.
 - (c) In ships fitted with an auto alarm the radio operator shall test the efficiency of the auto alarm at least once every 24 hours while at sea and report to the master or the officer on watch on the bridge whether or not it is in working order.

Regulation 12 – Direction finders

- (a) The direction-finding apparatus required by Regulation 12 of Chapter V shall be efficient and capable of receiving signals with the minimum of receiver noise and of taking bearings from which the true bearing and direction may be determined.
- (b) It shall be capable of receiving signals on the medium frequencies assigned by the Radio Regulations for the purposes of distress and direction-finding and for maritime radio beacons.
- (c) In the absence of interference the apparatus shall have a sensitivity sufficient to permit of accurate bearings being taken on a signal having a field strength as low as 50 microvolts per metre.
- (d) Efficient communication shall be provided between the direction finding apparatus and the bridge.
- (e) All direction finders shall be calibrated to the satisfaction of the Administration on first, installation and the calibration shall be verified whenever any changes are made in the position of any aerials or of any structures on deck which might affect appreciably the accuracy of the direction finder. The calibration particulars shall be checked at yearly intervals, or as near thereto as possible. A record shall be kept of the calibrations and of any checks made of their accuracy.

Regulation 13 – Radio equipment for fitting in motor lifeboats

- (a) The apparatus required by Regulation 25 of Chapter III shall be capable of transmitting and receiving on the radiotelegraph frequency assigned by the Radio Regulations for the purpose of distress in the medium frequency band. The transmitter shall be capable of using a class of emission assigned by the Radio Regulations for the purpose of distress in the medium frequency band and shall be modulated to a depth of at least 70 per cent. The receiver shall be capable of receiving the classes of emission assigned by the Radio Regulations for the purpose of distress in the medium frequency band. In new installations the apparatus shall also be capable of transmitting on the high frequency and the class of emission prescribed for survival craft by the Radio Regulations. An Administration may delay the application of the requirement for high frequency for a period not exceeding one year from the date of coming into force of the present Convention.

- (b) The apparatus shall be so designed that it can be used in an emergency by an unskilled person. The transmitter shall be fitted with an automatic keying device for the transmission of the alarm signal and the distress signal, as well as a key for manual transmissions. An Administration may delay the application of the requirement for an automatic keying device for a period not exceeding one year from the date of coming into force of the present Convention.
- (c) A fixed-type aerial shall be provided together with means for supporting it at the maximum practicable height. In addition an aerial supported by a kite or balloon shall be provided if practicable.
- (d) On the distress frequency the transmitter shall have a minimum normal range [as defined in paragraph (A) of Regulation 10] of 25 miles using the fixed aerial.
- (e) In new installations the note frequency shall be between 450 and 1,350 cycles per second.
- (f) The radio apparatus shall be operated from an accumulator battery with sufficient capacity to supply the transmitter for four hours continuously under normal working conditions. If the battery is of a type that requires charging, means shall be available for charging the battery from the ship's power supply. In addition there shall be means for charging the battery after the lifeboat has been launched.
- (g) When the power for the radio apparatus and the searchlight are drawn from the same battery, the battery shall have sufficient capacity to provide for the additional load of the searchlight.
- (h) At sea a qualified operator shall at weekly intervals bring the battery up to full charge if the battery is of a type which requires charging, and in any case shall test the transmitter using a suitable artificial aerial.

Regulation 14 – Lifeboat portable radio apparatus

- (a) The apparatus required by Regulation 13 of Chapter III shall be capable of transmitting and receiving on the radiotelegraph frequency assigned by the Radio Regulations for the purpose of distress in the medium frequency band. The transmitter shall be capable of using a class of emission assigned by the Radio Regulations for the purpose of distress in the medium frequency band and shall be modulated to a depth of at least 70 per cent. The receiver shall be capable of receiving the classes of emission assigned by the Radio Regulations for the purpose of distress in the medium frequency band. In new equipment the apparatus shall also be capable of transmitting on the high frequency and the class of emission prescribed for survival craft by the Radio Regulations. An Administration may delay the application of the requirement for high frequency in the case of new equipment for a period not exceeding one year from the date of coming into force of the present Convention.
- (b) The apparatus shall be so designed that it may be used in an emergency by an unskilled person. The transmitter shall be fitted with an automatic keying device for the transmission of the alarm signal and the distress signal, as well as a key for manual transmissions. An Administration may delay the application of the requirement for an automatic keying device in the case of new equipment for a period not exceeding one year from the date of coming into force of the present Convention, and in the case of existing equipment for a period not exceeding three years from the date of coming into force of the present Convention.
- (c) In new equipment, the note frequency shall be between 450 and 1,350 cycles per second.
- (d) The apparatus shall be readily portable, watertight and capable of floating in sea water and also capable of being dropped into the sea without damage.
- (e) The transmitter shall have at least 10 watts input to the anode of the final stage, and shall preferably derive its power from a hand generator. If operated from batteries these shall comply with conditions laid down by the Administration to ensure that the batteries are of a durable type and are of sufficient capacity.
- (f) An aerial shall be included, either self-supporting or capable of being supported by the mast of the lifeboat at the maximum practicable height.
- (g) At sea a qualified operator shall at weekly intervals bring the battery up to full charge if the battery is of a type which requires charging and in any case shall test the transmitter, using a suitable artificial aerial.

- (h) For the purpose of this Regulation, new equipment means equipment supplied to a ship after the present Convention comes into force.

Regulation 15 – Radiotelephone installations

- (a) The ship's radiotelephone station shall be in the upper part of the ship, and, unless situated on the bridge, there shall be efficient communication with the bridge.
- (b) The installation shall be capable of transmitting and receiving radiotelephony on the radiotelephone distress frequency and on at least one other frequency available for maritime radiotelephone stations in the medium frequency band under the Radio Regulations. In normal operation the depth of modulation shall be at least 70 per cent, at peak intensity.
- (c) The transmitter shall have a minimum normal range of 150 miles, i.e., it shall be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range. (Clearly perceptible signals will normally be received if the R.M.S. value of the field strength produced at the receiver by the unmodulated carrier is at least 25 microvolts per metre.)*
- (d) The receiver shall have sufficient sensitivity to receive an incoming signal as low as 50 microvolts by means of a loudspeaker.
- (e) While the ship is at sea, there shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c) of this Regulation. If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six hours continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated.
- (f) While at sea the batteries (if provided) shall be kept charged so as to meet the requirement of paragraph (e) of this Regulation.

Part D – Radio log

Regulation 16 – Radio log

The radio log (diary of the radio service) required by the Radio Regulations shall be kept in the radio operating room during the voyage. It shall be available for inspection by the officers authorised by the Administration to make such inspections. Every radio operator shall enter in the radio log his name, the times at which he goes on and off watch, and all incidents occurring during his watch connected with the radio service which may appear to be of importance to safety of life at sea. In addition to the entries required by the Radio Regulations there shall be entered in the radio log:—

Radiotelegraph log

- (i) details of the maintenance, including a record of the charging, of the batteries in such form as may be prescribed by the Administration;
- (ii) a daily statement that the requirement of paragraph (p) of Regulation 10 has been fulfilled;
- (iii) details of tests of the emergency transmitter and emergency power supply made under paragraph (t) of Regulation 10;
- (iv) in ships fitted with an auto alarm details of tests are under paragraph (c) of Regulation 11;

* In the absence of field strength measurements it may be assumed that this range will be obtained by a power in the aerial of 15 watts (unmodulated carrier) with an aerial efficiency of 27 per cent.

- (v) details of the maintenance, including a record of the charging, of the batteries (if applicable), and tests of the transmitters fitted in motor lifeboats, under paragraph (h) of Regulation 13;
- (vi) details of the maintenance, including a record of the charging, of the batteries (if applicable), and tests of lifeboat portable transmitters under paragraph (g) of Regulation 14;

Radiotelephone log

- (vii) in ships fitted with a radiotelephone installation details of the maintenance, including a record of the charging, of the batteries (if provided), under paragraph (f) of Regulation 15;
- (viii) details of the maintenance, including a record of the charging, of the batteries (if applicable), and tests of lifeboat portable transmitters under paragraph (p) of Regulation 14.

Chapter V Safety or navigation

Regulation 1 – Application

Notwithstanding the provisions of Regulation 3 of Chapter I, this Chapter, unless otherwise expressly provided in this Chapter, refers to all ships on all voyages, except ships of war.

Regulation 2 – Danger aleesagee

- (a) The master of every ship which meets with dangerous ice, a dangerous derelict, or any other direct danger to navigation, or a tropical storm, is bound to communicate the information by all the means at his disposal to ships in the vicinity, and also to the competent authorities at the first point on the coast with which he can communicate. The form in which the information is sent is not obligatory. It may be transmitted either in plain language (preferably English) or by means of the International Code of Signals (Radio Section). It should be broadcast to all ships in the vicinity and sent to the first point on the coast to which communication can be made, with a request that it be transmitted to the appropriate authorities.
- (b) Each Administration will take all steps which it thinks necessary to ensure that when intelligence of any of the dangers specified in paragraph (a) is received, it will be promptly brought to the knowledge of those concerned and communicated to other Administrations interested.
- (c) The transmission of messages respecting the dangers specified is free of cost to the ships concerned.
- (d) All messages issued under this Regulation shall be preceded by the Safety Signal, using the procedure as prescribed by the Radio Regulations.

Regulation 3 – Information required in danger messages

The following information is desired in danger messages, the time in all cases being Greenwich Mean Time:—

- (a) Ice, Derelicts and other Direct Dangers to Navigation.
 - (i) The kind of ice, derelict or danger observed;
 - (ii) the position of the ice, derelict or danger when last observed;
 - (iii) the time and date when the observation was made.

- (b) Tropical Storms—(Hurricanes in the West Indies, Typhoons in the China Sea, Cyclones in Indian waters, and Storms of a similar nature in other regions).
- (i) A statement that a tropical storm has been encountered. This obligation should be interpreted in a broad spirit, and information transmitted whenever the master has good reason to believe that a tropical storm exists in his neighbourhood.
 - (ii) Meteorological Information. Each shipmaster should add to his warning message as much of the following meteorological information as he finds practicable:—
 - the Greenwich Mean Time, date and position of the ship when the observations were taken;
 - barometric pressure (stating millibars, inches, or millimetres, and whether corrected or uncorrected);
 - barometric tendency (the change in barometric pressure during the past three hours);
 - true wind direction;
 - wind force (Beaufort scale);
 - state of the sea (smooth, moderate, rough, high);
 - swell (slight, moderate, heavy) and the true direction from which it comes. Period or length of swell (short, average, long) would also be of value;
 - true course and speed of ship.
- (c) Subsequent Observations. When a master has reported a tropical or other dangerous storm, it is desirable, but not obligatory, that other observations be made and transmitted hourly, if practicable, but in any case at intervals of not more than three hours, so long as the ship remains under the influence of the storm.

Examples.

Ice.

TTT Ice.—Large berg sighted in 4605 N., 4410 W. at 0800 GMT. May 15.

Derelicts.

TTT Derelict.—Observed derelict almost submerged in 4006 N., 1243 W., at 1630 GMT. April 21.

Danger to Navigation.

TTT Navigation.—Alpha lightship not on station. 1800 GMT. January 3.

Tropical Storm.

TTT Storm.—0030 GMT. August IS. 2204 N., 11354 E. Barometer corrected 994 millibars, tendency down 6 millibars. Wind NW., force 9, heavy squalls. Heavy easterly swell. Course 067, 5 knots.

TTT Storm.—Appearances indicate approach of hurricane. 1300 GMT. September 14. 2200 N., 7236 W. Barometer corrected 29'64 inches, tendency down -015 inches. Wind NE., force 8, frequent rain squalls. Course 035, 9 knots.

TTT Storm.—Conditions indicate intense cyclone has formed. 0200 GMT. May 4. 1620 N., 9203 E. Barometer uncorrected 753 millimetres, tendency down 5 millimeters. Wind S. by W., force 5. Course 300, 8 knots.

TTT Storm.—Typhoon to southeast, 0300 GMT. June 12. 1812 N., 12605 E. Barometer falling rapidly. Wind increasing from N.

Regulation 4 – Meteorological services

- (a) The Contracting Governments undertake to encourage the collection of meteorological data by ships at sea and to arrange for their examination, dissemination and exchange in the manner most suitable for the purpose of aiding navigation. Administrations shall encourage the use of instruments of a high degree of accuracy, and shall facilitate the checking of such instruments upon request.
- (b) In particular, the Contracting Governments undertake to cooperate in carrying out, as far as practicable, the following meteorological arrangements:—
- (i) To warn ships of gale, storms and tropical storms, both by the issue of radio messages and by the display of appropriate signals at coastal points.
 - (ii) To issue daily, by radio, weather bulletins suitable for shipping, containing data of existing weather and ice conditions, forecasts, and when practicable, sufficient additional information to enable simple weather charts to be prepared at sea.
 - (iii) To prepare and issue such publications as may be necessary for the efficient conduct of meteorological work at sea.
 - (iv) To arrange for selected ship B to be equipped with tested instruments (such as a barometer, a barograph, a psychrometer, and suitable apparatus for measuring sea temperature) for use in this service, and to take meteorological observations at standard synoptic hours (at least four times daily, whenever circumstances permit) and to encourage other ships to take observations in a modified form, particularly when in areas where shipping is sparse; these slops to transmit their observations by radio for the benefit of the various official meteorological services, repeating the information for the benefit of ships in the vicinity. When in the vicinity of a tropical storm, or of a suspected tropical storm, ships should be encouraged to take and transmit their observations at more frequent intervals whenever practicable, bearing in mind navigational preoccupations of ships' officers during storm conditions.
 - (v) To arrange for the reception and transmission by coast radio stations of weather messages from and to ships. Ships which are unable to communicate direct with shore shall be encouraged to relay their weather messages through ocean weather ships or through other ships which are in contact with shore.
 - (vi) To encourage all masters to inform ships in the vicinity and also shore stations whenever they experience a wind speed of 50 knots or more (force 10 on the Beaufort scale).
 - (vii) To endeavour to obtain a uniform procedure in regard to the international meteorological services already specified, and, as far as is practicable, to conform to the recommendations made by the International Meteorological Organisation, to which the Contracting Governments may refer for study and advice any meteorological question which may arise in carrying out the present Convention.
- (c) The information provided for in this Regulation shall be furnished in form for transmission and transmitted in the order of priority prescribed by the Radio Regulations, and during transmission "to all stations" of meteorological information, forecasts and warnings, all ship stations must conform to the provisions of the Radio Regulations.
- (c) Forecasts, warnings, synoptic and other meteorological reports intended for ships shall be issued and disseminated by the national service in the best position to serve various zones and areas, in accordance with mutual arrangements made by the Contracting Governments concerned.

Regulation 5 – Ice patrol service

- (a) The Contracting Governments undertake to continue an ice patrol and a service for study and observation of ice conditions in the North Atlantic. During the whole of the ice season the south-eastern, southern and

south-western-limits of the region of icebergs in the vicinity of the Grand Banks of Newfoundland shall be guarded for the purpose of informing passing ships of the extent of this dangerous region; for the study of ice conditions in general; and for the purpose of affording assistance to ships and crews requiring aid within its limits of operation of the patrol ships. During the rest of the year the study and observation of ice conditions shall be maintained as advisable.

- (b) Ships and aircraft used for the ice patrol service and the study and observation of ice conditions may be assigned other duties by the managing Government, provided that such other duties do not interfere with their primary purpose or increase the cost of this service.

Regulation 6 – Ice patrol

Management and cost

- (a) The Government of the United States of America agrees to continue the management of the ice patrol service and the study and observation of ice conditions, including the dissemination of information received therefrom. The Contracting Governments specially interested in these services undertake to contribute to the expense of maintaining and operating these services; each contribution to be based, as far as practicable, upon the total gross tonnage of the vessels of each contributing Government passing through the regions of icebergs guarded by the Ice Patrol. The Maritime Safety Committee is invited to undertake studies of these tonnages for the purpose of advising the contributing Governments. The Contracting Governments specially interested undertake to contribute to the expense of maintaining and operating these services in the proportions of their respective contributions as agreed to under the terms of the International Convention for the Safety of Life at Sea, 1929, until such contributions are modified as provided for in this Regulation.
- (b) Each of the contributing Governments has the right to alter or discontinue its contribution, and other Contracting Governments may undertake to contribute to the expense. The contributing Government which avails itself of this right will continue responsible for its current contribution up to the 1st September following the date of giving notice of intention to alter or discontinue its contribution. To take advantage of the said right it must give notice to the managing Government at least six months before the said 1st September.
- (c) If, at any time, the United States Government should desire to discontinue these services, or if one of the contributing Governments should express a wish to relinquish responsibility for its pecuniary contribution, or to have its contribution altered, or another Contracting Government should desire to undertake to contribute to the expense, the contributing Governments shall settle the question in accordance with their mutual interests.
- (d) The contributing Governments shall have the right by common consent to make from time to time such alterations in the provisions of this Regulation and of Regulation 5 as appear desirable.
- (e) Where this Regulation provides that a measure may be taken after agreement among the contributing Governments, proposals made by any Contracting Government for effecting such a measure shall be communicated to the managing Government which shall approach the other contributing Governments with a view to ascertaining whether they accept such proposals, and the results of the enquiries thus made shall be sent to the other contributing Governments and the Contracting Government making the proposals. Particular, the scale of contributions to the cost of the services to be made by the Contracting Governments specially interested shall be reviewed by those Governments in consultation at intervals not exceeding three years. The managing Government shall initiate the action necessary to this end.

Regulation 7 – Speed near ice

When ice is reported on or near his course the master of every ship at night is bound to proceed at a moderate speed or to alter his course so as to go well clear of the danger zone.

Regulation 8 – North Atlantic routes

- (a) The practice of following recognised routes across the North Atlantic in both directions has contributed to safety of life at sea and should be recommended to all ships.
- (b) The selection of the routes and the initiation of action with regard to thorn is left to the responsibility of the shipping companies concerned.

The Contracting Governments will assist the companies, when requested to do so, by placing at their disposal any information bearing on the routes which may be in the possession of the Governments.

- (c) The Contracting Governments undertake to impose on the companies the obligation to give public notice of the regular routes which they propose their ships should follow, and of any changes made in these routes; they will also use their influence to induce the owners of all ships crossing the Atlantic to follow, so far as circumstances will permit, the recognised routes, and to induce the owners of all ships crossing the Atlantic bound to or from ports of the United States or Canada via the vicinity of the Grand Banks of Newfoundland to avoid, as far as practicable, the fishing banks of Newfoundland north of latitude 43° N. during the fishing season, and to pass outside regions known or believed to be endangered by ice.
- (d) The Government managing the ice patrol service is requested to report to the Administration concerned any ship which is observed not to be on any regular, recognised or advertised route, or which crosses the abovementioned fishing banks during the fishing season, or which, when proceeding to or from parts of the United States or Canada, passes through regions known or believed to be endangered by ice.

Regulation 9 – Misuse of distress signals

The use of an international distress signal, except for the purpose of indicating that a ship or aircraft is in distress, and the use of any signal which may be confused with an international distress signal, are prohibited on every ship or aircraft.

Regulation 10 – Distress messages-procedure

- (a) The master of a ship at sea, on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress, is bound to proceed with all speed to the assistance of the persons in distress informing them if possible that he is doing so. If he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to proceed to their assistance, he must enter in the logbook the reason for failing to proceed to the assistance of the persons in distress.
- (b) The master of a ship in distress, after consultation, so far as may be possible, with the masters of the ships which answer his call for assistance, has the right to requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of persons in distress.
- (c) The master of a ship shall be released from the obligation imposed by paragraph (a) of this Regulation when he learns that one or more ships other than his own have been requisitioned and are complying with the requisition.
- (d) The master of a ship shall be released from the obligation imposed by paragraph (a) of this Regulation, and, if his ship has been requisitioned, from the obligation imposed by paragraph (b) of this Regulation, if he is informed by the persons in distress or by the master of another ship which has reached such persons that assistance is no longer necessary.
- (e) The provisions of this Regulation do not prejudice the International Convention for the unification of certain rules with regard to Assistance and Salvage at Sea, signed at Brussels on the 23rd September, 1910, particularly the obligation to render assistance imposed by Article 11 of that Convention.

Regulation 11 – Signaling lamps

All ships of over 150 tons gross tonnage, when engaged on international voyages, shall have on board an efficient daylight signaling lamp.

Regulation 12 – Direction-finding apparatus

- (a) All ships of 1,600 tons gross tonnage and upwards, when engaged on international voyages, shall be fitted with direction-finding apparatus complying with the provisions of Regulation 12 of Chapter IV, but the provision of such apparatus on ships between 1,600 and 5,000 tons gross tonnage may be deferred for a period of 2 years from the date on which the present Convention comes into force if in the opinion of the Administration this is necessary.
- (b) An Administration may, in areas where it considers it unreasonable or unnecessary for such apparatus to be carried, exempt any ships under 5,000 tons gross tonnage from this requirement, due regard being had to the fact that direction-finding apparatus is of value both as a navigational instrument and as an aid to locating ships, aircraft or survival craft.

Regulation 13 – Manning

The Contracting Governments undertake, each for its national ships, to maintain, or, if it is necessary, to adopt, measures for the purpose of ensuring that, from the point of view of safety of life at sea, all ships shall be sufficiently and efficiently manned.

Regulation 14 – Aids to navigation

The Contracting Governments undertake to arrange for the establishment and maintenance of such aids to navigation, including radio beacons and electronic aids as, in their opinion, the volume of traffic justifies and the degree of risk requires, and to arrange for information relating to these aids to be made available to all concerned.

Regulation 15 – Search and rescue

- (a) Each Contracting Government undertakes to ensure that any necessary arrangements are made for coast watching and for the rescue of persons in distress at sea round its coasts. These arrangements should include the establishment, operation and maintenance of such maritime safety facilities as are deemed practicable and necessary having regard to the density of the seagoing traffic and the navigational dangers and should, so far as possible, afford adequate means of locating and rescuing such persons.
- (b) Each Contracting Government undertakes to make available information concerning its existing rescue facilities and the plans for changes therein, if any.

Regulation 16 – Life-saving signals

The following signals shall be used by life-saving stations when communicating with ships in distress and by ships in distress when communicating with life-saving stations:—

- (a) Replies from shore station to distress signals made by a ship:—

Signal	Signification
By day—White smoke signal. By night—White star rocket.	“You are seen—assistance will be given as soon as possible.”

(b) Landing signals for the guidance of small boats bringing away the crew of a wrecked ship:—

Signal	Signification
By day—Vertical motion of a white flag or the arms. By night—Vertical motion of a white light or flare. A range (indication of direction) may be given by placing a steady white light or flare lower and in line with the observer.	“This is the best place to land.”
By day—Horizontal motion of a white flag or arms extended horizontally. By night—Horizontal motion of a white light or flare.	“Landing here highly dangerous.”
By day—Horizontal motion of a white flag, followed by the placing of the white flag in the ground and the carrying of another white flag in the direction to be indicated. By night—Horizontal motion of a white light or flare, followed by the placing of the white light or flare on the ground and the carrying of another white light or flare in the direction to be indicated.	“Landing here highly dangerous. A more favourable location to land is in the direction indicated.”

(c) Signals to be employed in connection with the use of shore life-saving apparatus:—

Signal	Signification
	In general—“Affirmative.” Specifically: -
By day—Vertical motion of a white flag or the arms.	“Rocket line is held.”

Signal	Signification
By night—Vertical motion of a white light or flare.	“Tail block is made fast.” “Hawser is made fast.” “Man is in the breeches buoy.”
	“Haul away.”
By day—Horizontal motion of a white flag or arms extended horizontally. By night,—Horizontal motion of white light or flare.	In general—“Negative.” Specifically:- “Slack away.” “Avast hauling.”

Regulation 17 – Pilot ladders

All ships engaged on voyages in which pilots are likely to be embarked should comply with the following requirements respecting pilot ladders:—

- (a) The ladder should be kept in good order and used as far as possible only for embarking and disembarking pilots and other officials while a ship is arriving at or leaving a port.
- (b) The ladder should be of adequate length and strength.
- (c) The treads should be of adequate width.
- (d) Two man-ropes, properly secured, should, where circumstances so require, be used in conjunction with the ladders.
- (e) Arrangements should be such that the pilot can safely pass from the head of the ladder to the ship's deck.
- (f) Spreaders at suitable intervals should be provided, if necessary, to prevent the ladder twisting.
- (g) At night, a light shining overside should be available and used.

Chapter VI Carriage of grain and dangerous goods

Regulation 1 – Application

Unless expressly provided otherwise, this Chapter applies to ships to which the present Regulations apply.

Regulation 2 – Carriage of grain

- (a) The term “grain” includes wheat, maize (corn), oats, rye, barley, rice, pulses and seeds.
- (b) Where grain is loaded in a ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting.

- (c) Any compartment which is entirely filled with loose grain in bulk shall be—
- (i) fed by properly constructed feeders which shall contain not less than 2 per cent, nor more than 8 per cent, of the capacity of the compartment served, and
 - (ii) divided by a longitudinal bulkhead or shifting boards, which shall be properly secured and fitted grain tight with proper fillers (fillings) between the beams. In holds such shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 feet, whichever is the greater. In 'tween deck compartments they shall extend from deck to deck. In all cases they shall extend to the top of the feeders of the hold or compartment in which they are situated.
- (d) In any compartment which is partially filled with loose grain in bulk, the grain shall be levelled and topped off with bagged grain or other suitable cargo extending to a height of not less than 4 feet above the top of the loose grain in bulk and supported on suitable platforms laid over the whole surface of the loose grain in bulk. In addition, the compartment shall be divided by a longitudinal bulkhead or shifting boards in line with the keel which shall extend from the bottom of the hold or deck as the case may be to a height sufficient to prevent the shifting of the loose grain in bulk. The fitting of a longitudinal bulkhead or shifting boards shall not be required if the grain in bulk does not exceed one-third the capacity of the compartment or, in the case of a compartment divided by a shaft tunnel, one-half the capacity of that compartment.
- (e) Loose grain in bulk other than oats, light barley, and cotton seed shall not be carried in the 'tween decks of a two-deck ship, or in the uppermost 'tween decks of ships having more than two decks, except in properly constructed feeders as necessary for feeding the lower compartments. Loose grain in bulk may be carried in positions not otherwise permitted under this Regulation provided that:—
- (i) it is carried in one or more bins, which shall be properly constructed and provided with feeders in accordance with the provisions of paragraph (c)(i);
 - (ii) the hold or compartment below the bin or bins is properly battened down, clear of the feeder to such hold or compartment;
 - (iii) the quantity of grain so carried does not exceed the capacity fixed by the Administration.
- (f) Each Administration may, if it considers that the sheltered nature and conditions of the voyage are such as to render the application of any of the requirements of paragraphs (c) and (d) of this Regulation unreasonable or unnecessary, exempt from those particular requirements individual ships or classes of ships.

Regulation 3 – Carriage of dangerous goods

- (a) The term “dangerous goods” includes:—
- (i) explosives;
 - (ii) compressed, liquefied and dissolved gases;
 - (iii) corrosives;
 - (iv) poisons;
 - (v) substances giving off inflammable vapors;
 - (vi) substances which become dangerous by interaction with water or air;
 - (vii) strong oxidising agents;
 - (viii) substances which are liable to spontaneous combustion;
 - (ix) any other substance which experience has shown, or may show, to be of such a dangerous character that the provisions of this Regulation should apply to it.

- (b) The carriage of dangerous goods is prohibited except in accordance with the provisions of this Regulation.
- (c) Explosives other than the following may not be carried on passenger ships:—
 - (i) safety cartridges and safety fuses;
 - (ii) small quantities of explosives not exceeding 20 lbs. in the aggregate;
 - (iii) explosives up to a total of 10 cwt. in approved packages on the deck of a passenger ship on a short voyage.
- (d) Notwithstanding the provisions of paragraph (c), explosives may be carried on passenger ships on which there are special approved safety measures.
- (e) On ships carrying inflammable liquids adequate precautions shall be taken against fire or explosion.
- (f) Substances which are liable to spontaneous combustion (including fodder and other vegetable products especially if damp) shall not be carried unless adequate precautions have been taken to prevent outbreak of fire.
- (g) Dangerous goods tendered to a ship for transportation shall be accompanied by a written statement by the shipper correctly describing the shipment according to the classification used in paragraph (a) of this Regulation.
- (h) Except for parcels of mixed chemicals in limited quantities, shipments of dangerous goods shall be marked with a distinctive label or stencil which shall indicate their dangerous character. Each package of the shipment shall be so marked except in the case of a large shipment which can be stowed and identified as a unit.
- (i) Each ship carrying dangerous goods shall carry a special list sorting forth, in accordance with paragraph (a) of this Regulation, the dangerous goods on board.
- (j) Each Contracting Government shall issue, or cause to be issued, detailed rules to supplement the provisions of this Regulation. Such detailed rules shall provide for the packing and stowage of dangerous goods when carried with other commodities, and for the stowage of various categories of dangerous goods.
- (k) The provisions of this Regulation do not apply to ship's stores and equipment

Appendix

Form of safety certificate for passenger ships

[Editorial note: The forms have not been reproduced.]

Third Schedule

International regulations for preventing collisions at sea, 1948

Part A – Preliminary and definitions

1.

- (a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

- (b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.
- (c) In the following Rules, except where the context otherwise requires:—
- (i) the word “vessel” includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;
 - (ii) the word “seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;
 - (iii) the term “power-driven vessel” means any vessel propelled by machinery;
 - (iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;
 - (v) a vessel or seaplane on the water is “under way” when she is not at anchor, or made fast to the shore, or aground;
 - (vi) the term “height above the hull” means height above the uppermost continuous deck;
 - (vii) the length and breadth of a vessel shall be deemed to be the length and breadth appearing in her certificate of registry;
 - (viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;
 - (ix) the word “visible”, when applied to lights, means visible on a dark night with a clear atmosphere;
 - (x) the term “short blast” means a blast of about one second’s duration;
 - (xi) the term “prolonged blast” means a blast of from four to six seconds’ duration;
 - (xii) the word “whistle” means whistle or siren;
 - (xiii) the word “tons” means gross tons.

Part B – Lights and shapes

2.

- (a) A power-driven vessel when under way shall carry:—
- (i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass (225 degrees), so fixed as to show the light 10 points (112½ degrees) on each side of the vessel, that is, from right ahead to 2 points (22½ degrees) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.
 - (ii) Either forward of or abaft the white light mentioned in sub-section (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length, and vessels engaged in towing, shall not be required to carry this second white light but may do so.
 - (iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the lower light shall be

forward of the upper one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

- (iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass ($112\frac{1}{2}$ degrees), so fixed as to show the light from right, ahead to 2 points ($22\frac{1}{2}$ degrees) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
- (v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass ($112\frac{1}{2}$ degrees), so fixed as to show the light from right ahead to 2 points ($22\frac{1}{2}$ degrees) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.
- (vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.
- (vii) A seaplane under way on the water shall carry:—
 - (i) In the forepart amidships where it can best be seen a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.
 - (ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to allow the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
 - (iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

3.

- (a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow, measuring from the stem of the towing vessel to the stern of the last vessel or seaplane towed, exceeds 600 feet. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light mentioned in Rule 2(a)(i), except the additional light, which shall be carried at a height of not less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.
- (b) The towing vessel shall also show either the stern light specified in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermost for the tow to steer by, but such light shall not be visible forward of the beam. The carriage of the white light specified in Rule 2(a)(ii) is optional.
- (c) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2(b)(i), (ii) and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light mentioned in Rule 2(b)(i), and in a vertical line at least 6 feet above or below such light.

4.

- (a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights required by Rule 2(a)(i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.
- (b) A seaplane on the water which is not under command may carry, where they can best be seen, two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.
- (c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when from the nature of her work she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights specified in Rule 2(a)(i) and (ii), three lights in a vertical line one over the other not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.
- (d) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall not carry the coloured sidelights, but when making way they shall carry them.
- (e) The lights and shapes required to be shown by this Rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.
- (f) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

5.

- (a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed by Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights specified therein, which they shall never carry. They shall also carry stem lights as specified in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stem light, a small white light as specified in Rule 3(b).
- (b) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights described in Rule 2(a)(iv) and (v) and shall be screened as provided in Rule 2(a)(vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

6.

- (a) In small vessels, when it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 2 points (22½ degrees) abaft the beam on their respective sides.

- (b) To make the use of these portable lights more certain and easy, the interns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

7.

Power-driven vessels of less than 40 tons, vessels under oars or sails of less than 20 tons, and rowing boats, when under way shall not be required to carry the lights mentioned in Rule 2, but if they do not carry them they shall be provided with the following lights:—

- (a) Power-driven vessels of less than 40 tons, except as provided in section (6), shall carry:—
 - (i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Rule 2(a)(i) and of such a character as to be visible at a distance of at least 3 miles.
 - (ii) Green land rod sidelights constructed and fixed as prescribed in Rule 2(a)(iv) and (v), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points (22½ degrees) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.
- (b) Small power-driven boats, such as are carried by seagoing vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the sidelights or the combined lantern mentioned in sub-section (a)(ii).
- (c) Vessels of less than 20 tons, under oars or sails, except as provided in section (d), shall, if they do not carry the sidelights, carry where it can best be seen a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.
- (d) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern showing a white light, which shall be exhibited in sufficient time to prevent collision.
- (e) The vessels and boats referred to in this Rule shall not be required to carry lights or shapes prescribed in Rules 4(a) and 11(e).

8.

- (a)
 - (i) Sailing pilot-vessels, when engaged on their station on pilotage duty and not at anchor, shall not show the lights prescribed for other vessels, but shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 10 minutes.
 - (ii) On the near approach of or to other vessels they shall have their sidelights lighted ready for use and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.
 - (iii) A sailing pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead and may, instead of the sidelights above-mentioned, have at hand ready for use a lantern with a green glass on the one side, and a red glass on the other to be used as prescribed above.
- (b) A power-driven pilot-vessel when engaged on her station on pilotage duty and not at anchor shall, in addition to the lights and flares required for sailing pilot-vessels, carry at a distance of

8 feet below her white masthead light a red light visible all round the horizon at a distance of at least 3 miles, and also the sidelights required to be carried by vessels when under way. A bright intermittent all round white light may be used in place of a flare.

- (c) All pilot-vessels, when engaged on their stations on pilotage duty and at anchor, shall carry the lights and show the flares prescribed in sections (a) and (b), except that the sidelights shall not be shown. They shall also carry the anchor light or lights prescribed in Rule 11.
- (d) All pilot-vessels, whether at anchor or not at anchor, shall, when not engaged on their stations on pilotage duty, carry the same lights as other vessels of their class and tonnage.

9.

- (a) Fishing vessels when not fishing shall show the lights or shapes prescribed for similar vessels of their tonnage. When fishing they shall show only the lights or shapes prescribed by this Rule, which lights or shapes, except as otherwise provided, shall be visible at a distance of at least 2 miles.
- (b) Vessels fishing with trolling (towing) lines, shall show only the lights prescribed for a power-driven or sailing vessel under way as may be appropriate.
- (c) Vessels fishing with nets or lines, except trolling (towing) lines, extending from the vessel not more than 500 feet horizontally into the seaway shall show, where it can best be seen, one all round white light and in addition, on approaching or being approached by another vessel, shall show a second white light at least 6 feet below the first light and at a horizontal distance of at least 10 feet away from it (6 feet in small open boats) in the direction in which the outlying gear is attached. By day such vessels shall indicate their occupation by displaying a basket, where it can best be seen; and if they have their gear out while at anchor, they shall, on the approach of other vessels, show the same signal in the direction from the anchor ball towards the net or gear.
- (d) Vessels fishing with nets or lines, except trolling (towing) lines, extending from the vessel more than 500 feet horizontally into the seaway shall show, where they can best be seen, three white lights at least 3 feet apart in a vertical triangle visible all round the horizon. When making way through the water, such vessels shall show the proper coloured sidelights but when not making way they shall not show them. By day they shall show a basket in the forepart of the vessel as near the stem as possible not less than 10 feet above the rail; and in addition, where it can best be seen, one black conical shape, apex upwards. If they have their gear out while at anchor they shall, on the approach of other vessels, show the basket in the direction from the anchor ball towards the net or gear.
- (e) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus along or near the bottom of the sea, and not at anchor:—
 - (i) If power-driven vessels, shall carry in the same position as the white light mentioned in Rule 2(a)(i) a tri-coloured lantern, so constructed and fixed as to show a white light from right ahead to 2 points ($22\frac{1}{2}$ degrees) on each bow, and a green light and a red light over an arc of the horizon from 2 points ($22\frac{1}{2}$ degrees) on each bow to 2 points ($22\frac{1}{2}$ degrees) abaft the beam on the starboard and port sides, respectively; and not less than 6 nor more than 12 feet below the tri-coloured lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all round the horizon. They shall also show the stem light specified in Rule 10(a).
 - (ii) If sailing vessels, shall carry a white light in a lantern so constructed as to show a clear, uniform and unbroken light all round the horizon, and shall also, on the approach of or to other vessels show, where it can best be seen, a white flare-up light in sufficient time to prevent collision.
 - (iii) By day, each of the foregoing vessels shall show, where it can best be seen, a basket.
- (f) In addition to the lights which they are by this Rule required to show vessels fishing may, if necessary in order to attract attention of approaching vessels, show a flare-up light. They may also use working lights.

- (g) Every vessel fishing, when at anchor, shall show the lights or shape specified in Rule 11(a), (b) or (c); and shall, on the approach of another vessel or vessels, show an additional white light at least 6 feet below the forward anchor light and at a horizontal distance of at least 1 feet away from it in the direction of the outlying gear.
- (h) If a vessel when fishing becomes fast by her gear to a rock or other obstruction she shall in daytime haul down the basket required by section (c), (d) or (e) and show the signal specified in Rule 11(c). By night she shall show the light or lights specified in Rule 11(a) or (b). In fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, whether by day or by night, she shall sound the signal prescribed by Rule 15(c)(v), which signal shall also be used, on the near approach of another vessel, in good visibility.

[NOTE.—For fog signals for fishing vessels, see Rule 15(e)(ix).]

10.

- (a) A vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass (135 degrees), so fixed as to show the light 6 points (67½ degrees) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles. Such light shall be carried as nearly as practicable on the same level as the sidelights.

[NOTE.—For vessels engaged in towing or being towed, see Rules 3(b) and 5.]

- (b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.
- (c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

11.

- (a) A vessel under 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least 2 miles.
- (b) A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forepart of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stem of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible all-round the horizon at a distance of at least 3 miles.
- (c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.
- (d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or slips prescribed in Rule 1(c) in addition to those prescribed in the appropriate preceding sections of this Rule.
- (e) A vessel aground shall carry by night the light or lights prescribed in sections (a) or (b) and the two red lights prescribed in Rule (a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.
- (f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

- (g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 foot in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.
- (h) A seaplane aground shall carry an anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two rod lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon.

12.

Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under these Rules.

13.

- (a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and, signal lights for ships of war, for vessels sailing under convoy, or for seaplanes on the water; or with the exhibition of recognition signals adopted by shipowners, which have been authorised by their respective Governments and duly registered and published.
- (b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

14.

A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point upwards, not less than 2 feet in diameter at its base.

15.

- (a) A power-driven vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 20 tons or upwards shall be provided with a similar fog-horn and bell.
- (b) All signals prescribed by this Rule for vessels under way shall be given:—
 - (i) by power-driven vessels on the whistle;
 - (ii) by sailing vessels on the fog-horn;
 - (iii) by vessels towed on the whistle or fog-horn.
- (c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:—
 - (i) A power-driven vessel making way through the water, shall sound at intervals of not more than 2 minutes a prolonged blast;

- (ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.
- (iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the afterpart of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.
- (v) A vessel when towing, a vessel engaged in laying of or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to maneuver as required by these Rules shall, instead of the signals prescribed in sub-sections (i), (ii) and (iii) sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.
- (vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if maimed, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.
- (vii) A vessel aground shall give the signal prescribed in sub-section (iv) and shall, in addition, give three separate and distinct strokes on the bell immediately before and after each such signal.
- (viii) A vessel of less than 20 tons, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals, but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.
- (ix) A vessel when fishing, if of 20 tons or upwards, shall at intervals of not more than 1 minute, sound a blast, such blast to be followed by ringing the bell; or she may sound, in lieu of these signals, a blast consisting of a series of several alternate notes of higher and lower pitch.

16. Speed to be moderate in fog, etc.

- (a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.
- (b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

Part C – Steering and sharing rules

Preliminary

- 1 In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

- 2 Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.
- 3 Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

17.

When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows:—

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

18.

- (a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.
- (b) For the purpose of this Rule and Rules 19 to 29 inclusive, except Rule 20(b), a seaplane on the water shall be deemed to be a vessel, and the expression “power-driven vessel” shall be construed accordingly.

19.

When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

20.

- (a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.
- (b) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

21.

Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

22.

Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

23.

Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

24.

- (a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel,
- (b) Every vessel coming up with another vessel from any direction more than 2 points (22 degrees) abaft her beam, i.e. in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.
- (c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

25.

- (a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.
- (b) Whenever a power-driven vessel is nearing a bend in a channel where a power-driven vessel approaching from the other direction cannot be seen, such vessel, when she shall have arrived within one-half mile of the bend, shall give a signal by one prolonged blast of her whistle, which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

26.

All vessels not engaged in fishing shall, when under way, keep out of the way of any vessels fishing with nets or lines or trawls. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

27.

In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

Part D – Miscellaneous

28.

- (a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorised or required by these Rules, shall indicate that course by the following signals on her whistle, namely:—
- One short blast to mean “I am altering my course to starboard.” Two short blasts to mean “I am altering my course to port.” Three short blasts to mean “My engines are going astern.”
- (b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may, indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.
- (c) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.

29.

Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

30. Reservation of rules for harbours and inland navigation

Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

31. Distress signals

When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:—

- (a) A gun or other explosive signal fired at intervals of about a minute.
- (b) A continuous sounding with any fog-signal apparatus.
- (c) Rockets or shells, throwing red stars fired one at a time at short intervals.
- (d) A signal made by radiotelegraphy or by any other signaling method consisting of the group in the Morse Code.
- (e) A signal sent by radiotelephony consisting of the spoken word “Mayday”.
- (f) The International Code Signal of distress indicated by N.C.
- (g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.
- (h) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

- (i) A rocket parachute flare showing a red light.

The use of any of the above signals, except for the purpose of indicating that a vessel or a seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

[NOTE.—A radio signal has been provided for use by vessels in distress for the purpose of actuating the auto-alarms of other vessels and thus securing attention to distress calls or messages. The signal consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between two consecutive dashes 1 second.]

32.

All orders to helmsmen shall be given in the following sense: right rudder of starboard to mean “put the vessel’s rudder to starboard”; left rudder or port to mean “put the vessel’s rudder to port”.

Fourth Schedule

International Convention respecting load lines, 1930

Chapter I Preliminary

Article 1 – General obligation of Convention

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

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

Article 2 – Scope of Convention

1. This Convention applies to all ships engaged on international voyages, which belong to countries the Governments of which are Contracting Governments, or to territories to which this Convention is applied under Article 21, except—
 - (a) ships of war; ships solely engaged in fishing; pleasure yachts and ships not carrying cargo or passengers;
 - (b) ships of less than 150 tons gross.
2. Ships when engaged on international voyages between the near neighboring ports of two or more countries may be exempted by the Administration to which such ships belong from the provisions of this Convention, so long as they shall remain in such trades, if the Governments of the countries in which such ports are situated shall be satisfied that the sheltered nature and conditions of such voyages between such ports make it unreasonable or impracticable to apply the provisions of this Convention to ships engaged in such trades.
3. All agreements and arrangements relating to load line or matters appertaining thereto at present in force between Contracting Governments shall continue to have full and complete effect during the terms thereof as regards—
 - (a) ships to which this Convention does not apply;
 - (b) ships to which this Convention applies in respect of matters for which it has not expressly provided.

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

Subject to any such agreement or arrangement—

- (a) All ships to which this Convention does not apply; and
- (b) All matters which are not expressly provided for in this Convention;

shall remain subject to the legislation of each Contracting Government to the same extent as if this Convention had not been made.

Article 3 – Definitions

In this Convention, unless expressly provided otherwise—

- (a) a ship is regarded as belonging to a country if it is registered by the Government of that country;
- (b) the expression “ Administration ” means the Government of the country to which the ship belongs;
- (c) an “ international voyage ” is a voyage from a country to which this Convention applies to a port outside such country, or conversely, and for this purpose, every colony, overseas territory, protectorate or territory under suzerainty or mandate is regarded as a separate country;
- (d) the expression “ Rules ” means the rules contained in Annexes I, II and III
- (e) a “ new ship ” is a ship, the keel of which is laid on or after the 1st July, 1932, all other ships being regarded as existing ships;
- (f) the expression “ steamer ” includes any vessel propelled by machinery.

Article 4 – Cases of “Force Majeure”

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

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

Chapter II Load line survey and marking

Article 5 – General provisions

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

A a new ship

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

B an existing ship,

- (a) as been surveyed and marked (whether before or after this Convention comes into force) in accordance with the conditions prescribed either in paragraph A of this Article or in one of the sets of Rules for the Assignment of Load Line particularized in Annex IV; and

- (b) complies with the provisions of Part II of Annex I in principle and also in detail, so far as is reasonable and practicable, having regard to the efficiency of (i) the protection of openings; (ii) guard rails; (iii) freeing ports; and (iv) means of access to crew's quarters provided by the existing arrangements, fittings and appliances on the ship.

Article 6 – Provisions for steamers carrying timber deck cargoes

1. A steamer which has been surveyed and marked under Article 5 shall be entitled to be surveyed and marked with a timber load line under Part V of Annex I, if, being—
 - A a new ship, it complies with the conditions and provisions prescribed in Part V of Annex I;
 - B an existing ship, it complies with the conditions and provisions of Part V of Annex I other than Rule LXXX and also in principle, so far as is reasonable and practicable, with the conditions and provisions prescribed by Rule LXXX, provided that in assigning a timber load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable, having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rule LXXX.
2. A steamer when using the timber load line shall comply with Rules LXXXIV, LXXXV, LXXXVI, LXXXVIII and LXXXIX.

Article 7 – Provisions for tankers

A steamer which has been surveyed under Article 5 shall be entitled to be surveyed and marked as a tanker under Part VI of Annex I if, being—

- A a new ship, it complies with the conditions and provisions prescribed in Part VI of Annex I;
- B an existing ship, it complies with the conditions and provisions in Rules XCIII, XCVI, XCVII, XCVIII and XCIX, and also in principle so far as is reasonable and practicable with Rules XCIV, XCV and C, provided that in assigning a tanker load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rules XCIV, XCV and C.

Article 8 – Provisions for ships of special types

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

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

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

Article 9 – Survey

The survey and marking of ships for the purpose of this Convention shall be carried out by officers of the country to which the ships belong, provided that the Government of each country may entrust the survey

and marking of its ships either to surveyors nominated for this purpose, or to organizations recognized by it. In every case the Government concerned fully guarantees the completeness and efficiency of the survey and marking.

Article 10 – Zones and seasonal areas

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

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

Chapter III Certificates

Article 11 – Issue of certificates

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

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

Article 12 – Issue of certificates by another Government

The Government of a country to which this Convention applies may, at the request of the Government of any other country to which this Convention applies, cause any ship which belongs to the last-mentioned country, or (in the case of an unregistered ship) which is to be registered by the Government of that country, to be surveyed and marked, and, if satisfied that the requirements of this Convention are complied with, issue an International Load Line Certificate to such ships, under its own responsibility. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country to which the ship belongs, or of the Government by whom the ship is to be registered, as the case may be, and it shall have the same force and receive the same recognition as a certificate issued under Article 11 of this Convention.

Article 13 – Form of certificate

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

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

Article 14 – Duration of certificates

1. An International Load Line Certificate shall, unless it is renewed in accordance with the provisions of paragraph 2 of this Article, expire at the end of such period as may be specified therein by the Administration which issues it: but the period so specified shall not exceed five years from the date of issue.
2. An International Load line Certificate may be renewed from time to time by the Administration which issued it for such period (not exceeding five years on any occasion) as the Administration thinks fit, after a Survey not less effective than the survey required by this Convention before the issue of the certificate, and any such renewal shall be endorsed on the certificate.

3. An Administration shall cancel any International Load Line Certificate issued to a ship belonging to its country:
 - A. If material alterations have taken place in the hull and super structures of the ship which affect the calculations of freeboard.
 - B. If the fittings and appliances for the (i) protection of openings; (ii) guard rails; (iii) freeing ports; and (iv) means of access to crew's quarters are not maintained in as effective a condition as they were in when the certificate was issued.
 - C. If the ship is not inspected periodically at such times and under such conditions as the Administration may think necessary for the purpose of securing that the hull and superstructures referred to in Condition A are not altered and that the fittings and appliances referred to in Condition B are maintained as therein provided throughout the duration of the certificate.

Article 15 – Acceptance of certificates

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

Article 16 – Control

1. A ship to which this Convention applies, when in a port of a country to which it does not belong, is in any case subject to control with respect to load line as follows: An officer duly authorized by the Government of that country may take such steps as may be necessary for the purpose of seeing that there is on board a valid International Load Line Certificate. If there is such a certificate on board the ship, such control shall be limited to the purpose of securing—
 - (a) that the ship is not loaded beyond the limits allowed by the certificate
 - (b) that the position of the load line on the ship corresponds with the certificate; and
 - (c) that the ship has not been so materially altered in respect to the matters dealt with in conditions A and B (set out in paragraph 3 of Article 14) that the ship is manifestly unfit to proceed to sea without danger to human life.
2. Only officers possessing the necessary technical qualifications shall be authorized to exercise control as aforesaid, and if such control is exercised under (c) above, it shall only be exercised in so far as may be necessary to secure that the ship shall be made fit to proceed to sea without danger to human life.
3. If control under this Article appears likely to result in legal proceedings being taken against the ship, or in the ship being detained, the consul of the country to which the ship belongs shall be informed as soon as possible of the circumstances of the case.

Article 17 – Privileges

The privileges of this Convention may not be claimed in favour of any ship unless it holds a valid International Load Line Certificate.

Chapter IV General provisions

Article 18 – Equivalents

Where in this Convention it is provided that a particular fitting, or appliance, or type thereof, shall be fitted or carried in a ship, or that any particular arrangement shall be adopted, any Administration may accept in substitution therefor any other fitting, or appliance, or type thereof, or any other arrangement, provided that such Administration shall have been satisfied that the fitting, or appliance, or type thereof, or the arrangement substituted is in the circumstances at least as effective as that specified in this Convention.

Any Administration which so accepts a new fitting, or appliance, or type thereof, or new arrangement shall communicate the fact to the other Administrations, and, upon request the particulars thereof.

Article 19 – Laws, regulations, reports

The Contracting Governments undertake to communicate to each other—

- (1) the text of laws, decrees, regulations and decisions of general application which shall have been promulgated on the various matters within the scope of this Convention;
- (2) all available official reports or official summaries of reports in so far as they show the results of the provisions of this Convention, provided always that such reports or summaries are not of a confidential nature.

The Government of the United Kingdom of Great Britain and Northern Ireland is invited to serve as an intermediary for collecting all this information and for bringing it to the knowledge of the other Contracting Governments.

Article 20 – Future conferences

1. Modifications of this Convention which may be deemed useful or necessary improvements may at any time be proposed by any Contracting Government to the Government of the United Kingdom of Great Britain and Northern Ireland, and such proposals shall be communicated by the latter to all the other Contracting Governments, and if any such modifications are accepted by all the Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective) this Convention shall be modified accordingly.
2. Conferences for the purpose of revising this Convention shall be held at such times and places as may be agreed upon by the Contracting Governments.

A Conference for this purpose shall be convoked by the Government of the United Kingdom of Great Britain and Northern Ireland whenever, after this Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.

Chapter V Final provisions

Article 21 – Application to colonies

1. A Contracting Government may, at the time of signature, ratification, accession or thereafter, by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that this Convention shall apply to all or any of its Colonies, overseas territories,

protectorates or territories under suzerainty or mandate, and this Convention shall apply to all the territories named in such notification, two months after the date of the receipt thereof, but failing such notification, this Convention will not apply to any such territories.

2. A Contracting Government may at any time by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland express its desire that this Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates or territories under suzerainty or mandate to which this Convention shall have, under the provisions of the preceding paragraph, been applicable for a period of not less than five years, and in such case the Convention shall cease to apply twelve months after the date of the receipt of such notification by the Government of the United Kingdom of Great Britain and Northern Ireland to all territories mentioned therein.
3. The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all the other Contracting Governments of the application of this Convention to any colony, overseas territory, protectorate or territory under suzerainty or mandate under the provisions of paragraph 1 of this Article, and of the cessation of any such application under the provisions of paragraph 2, stating in each case the date from which this Convention has become or will cease to be applicable.

Article 22 – Authentic texts-ratification

This Convention, of which both the English and French texts shall be authentic, shall be ratified.

The instruments of ratification shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other signatory or acceding Governments of all ratifications deposited and the date of their deposit.

Article 23 – Accession

A Government (other than the Government of a territory to which Article 21 applies) on behalf of which this Convention has not been signed, shall be allowed to accede thereto at any time after the Convention has come into force. Accessions shall be effected by means of notifications in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect three months after their receipt.

The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all signatory and acceding Governments of all accessions received and of the date of their receipt.

Article 24 – Date of coming into force

This Convention shall come into force on the 1st July, 1932, as between the Governments which have deposited their ratifications by that date, and provided that at least five ratifications have been deposited with the Government of the United Kingdom of Great Britain and Northern Ireland. Should five ratifications not have been deposited by that date, this Convention shall come into force three months after the date on which the fifth ratification is deposited. Ratifications deposited after the date on which this Convention has come into force shall take effect three months after the date of their deposit.

Article 25 – Denunciation

This Convention may be denounced on behalf of any Contracting Government at any time after the expiration of five years from the date on which the Convention comes into force in so far as that Government is concerned. Denunciation shall be effected by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other contracting Governments of all denunciations received and of the date of their receipt.

A denunciation shall take effect twelve months after the date on which notification thereof is received by the Government of the United Kingdom of Great Britain and Northern Ireland.

In faith whereof, the Plenipotentiaries have signed hereafter.

Done an London this fifth day of July, 1930, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

Final Protocol

At the moment of signing the International Load Line Convention concluded this day, the under-mentioned Plenipotentiaries have agreed on the following:—

- I. Ships engaged solely on voyages on the Great Lakes of North America and ships engaged in other inland waters are to be regarded as outside the scope of the Convention.
- II. This Convention is not applied to the existing ships of the United States of America and of France of the lumber schooner type propelled by power, with or without sails, or by sails alone.
- III. The Government of the United Kingdom of Great Britain and Northern Ireland shall convoke a conference of the Contracting Governments of the countries to which tankers belong, upon request of the United States of America, at any time within the five-year period mentioned in Article 20, for the purpose of discussing matters relating to tanker freeboard.

The Contracting Governments will not raise any objection to the provisions contained in this Convention in regard to tanker load line being altered as may be determined at such Conference, provided that the conclusions then reached are communicated forthwith to the Governments signatory to the present Convention and that no objection is received by the Government of the United Kingdom of Great Britain and Northern Ireland within six months of the dispatch of such communication.

In witness whereof the Plenipotentiaries have drawn up this Final Protocol which shall have the same force and the same validity as if the provisions thereof had been inserted in the text of the Convention to which it belongs.

Done at London this fifth day of July, 1930, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

Annex I

Rules for determining maximum load lines of merchant ships

Part I – General

The rules necessarily assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability for the ship.

I Definitions

Steamer The term “steamer” includes all ships having sufficient means for mechanical propulsion, except — where provided with sufficient sail area for navigation under sails alone.

A ship fitted with mechanical means of propulsion and with sail area insufficient for navigation under sails alone may be assigned a load line under Part III of these Rules.

A lighter, barge or other Ship without independent means of propulsion, when towed, is to be assigned a load line under Part III of these Rules.

Sailing Ship The term “sailing ship” includes all ships provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion.

—

Flush Deck Ship
—

Superstructure A superstructure is a decked structure on the freeboard deck extending from side to side of the ship.
— A raised quarter deck is considered a superstructure.

Freeboard The freeboard assigned is the distance measured vertically downwards at the side of the ship
— amidships from the upper edge of the deck line to the upper edge of the load line mark.

Freeboard Deck The freeboard deck is the deck from which the freeboard is measured, and is the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with Rules VIII to XVI. It is the upper deck in flush deck ships and ships with detached superstructures.
—

In ships having discontinuous freeboard decks within superstructures which are not intact, or which are not fitted with Class I closing appliances, the lowest line of the deck below the superstructure deck is taken as the freeboard deck.

Amidships amidships is the middle of the length of the summer load water-line as defined in Rule XXXII.
—

II Deck line

The deck line is a horizontal line twelve inches in length and one inch in breadth. It is to be marked amidships on each side of the ship, and its upper edge is to pass through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell. (See figure 1). Where the deck is partly sheathed amidships, the upper edge of the deck line is to pass through the point where the continuation outwards of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

III Load line disc

The load line disc is twelve inches in diameter and is intersected by a horizontal line eighteen inches in length and one inch in breadth, the upper edge of which passes through the centre of the disc. The disc is to be marked amidships below the deck line.

IV Lines to be used in connection with the disc

The lines which indicate the maximum load line in different circumstances and in different seasons (see Annex II) are to be horizontal lines, nine inches in length and one inch in breadth, which extend from, and are at right angles to, a vertical line marked twenty-one inches forward of the centre of the disc. (See figure 1).

The following are the lines to be used:—

Summer Load Line
—

Winter load line
—

- Winter North Atlantic load line — The Winter North Atlantic load line is indicated by the upper edge of a line marked WNA.
- Tropical Load Line — The Tropical load line is indicated by the upper edge of a line marked T.
- Fresh Water Load Lines — The Fresh Water load line in Summer is indicated by the upper edge of a line marked F. The difference between the Fresh Water load line in summer and the Summer load line is the allowance to be made for loading in Fresh Water at the other load lines. The Tropical Fresh Water load line is indicated by the upper edge of a line marked T.F.*

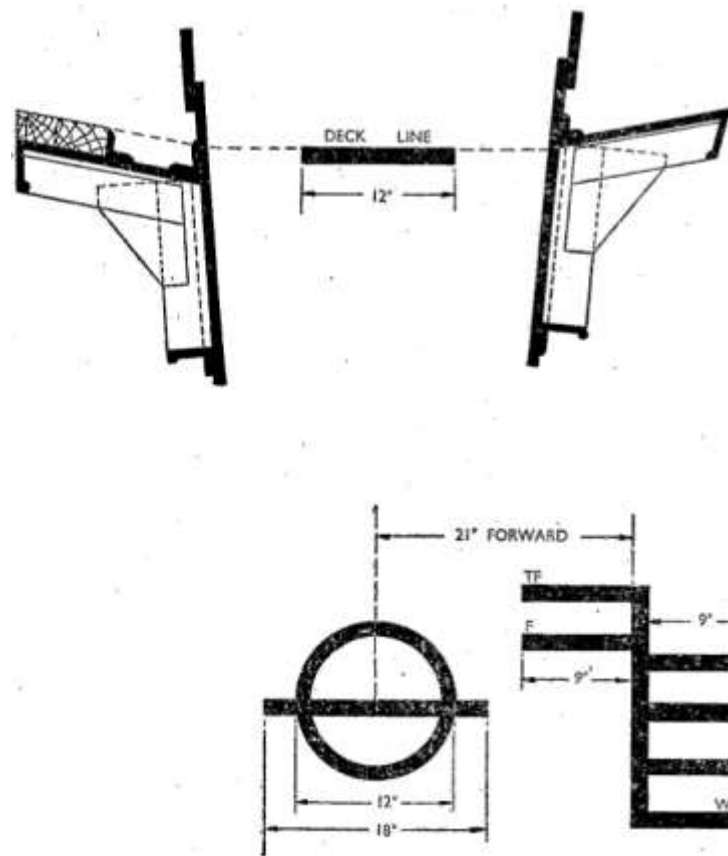


FIGURE 1.

V Mark of assigning authority

The authority by whom the load lines are assigned may be indicated by letters measuring about 4½ inches by 3 inches marked alongside the disc and above the centre line.

* Where seagoing steamers navigate a river or Inland water, deeper loading is permitted corresponding to the weight of fuel etc., required for consumption between the point of departure and the open sea.

VI Details of marking

The disc, lines and letters are to be painted in white or yellow on a dark ground or in black on a light ground. They are also to be carefully cut in or centre-punched on the sides of iron and steel ships, and on wood ships they are to be cut into the planking for at least one-eighth of an inch. The marks are to be plainly visible, and, if necessary, special arrangements are to be made for this purpose.

VII Verification of marks

The International Load Line Certificate is not to be delivered to the ship until a surveyor of the Assigning Authority (acting under the provision of Article 9 of this Convention) has certified that the marks are correctly and permanently indicated on the ship's sides.

Part II – Conditions of assignment of load lines

The assignment of load lines is conditional upon the ship being structurally efficient and upon the provision of effective protection to ship and crew.

Rules VIII to XXXI apply to ships to which minimum freeboards are assigned. In ships to which greater freeboards than the minimum are assigned, the protection is to be relatively as effective.

Openings in freeboard and superstructure decks

VIII Cargo and other hatchways not protected by superstructures

The construction and fitting of cargo and other hatchways in exposed positions on freeboard and superstructure decks are to be at least equivalent to the standards laid down in Rules IX to XVI.

IX Hatchway coamings

The height, of hatchway coamings on freeboard decks is to be at least 24 inches above the deck. The height of coamings on superstructure decks is to be at least 24 inches above the deck if situated within a quarter of the ship's length from the stem, and at least 18 inches if situated elsewhere.

Coamings are to be of steel, are to be substantially constructed and where required to be 24 inches high, are to be fitted with an efficient horizontal stiffener placed not lower than 10 inches below the upper edge, and fitted with efficient brackets or stays from the stiffener to the deck, at intervals of not more than 10 feet. Where end Coamings are protected, these requirements may be modified.

X Hatchway covers

Covers to exposed hatchways are to be efficient, and where they are made of wood, the finished thickness is to be at least 24 inches in association with a span of not more than 5 feet. The width of each bearing surface for these hatchway covers is to be at least 2 1/2 inches.

XI Hatchway beams and fore-and-afters

Where wood hatchway covers are fitted the hatchway beams and fore-and-afters are to be of the scantlings and spacing given in Table 1 where coamings 24 inches high are required, and as given in Table 2 where

coamings 18 inches high are required. Angle bar mountings on the upper edge are to extend continuously for the full length of each beam. Wood fore-and-afters are to be steel shod at all bearing surfaces.

Table 1 (Coamings 24 inches in height.)

*Hatchway beams and fore-and-afters for ships 200 feet or more in length.**

Hatchway beams

Breadth of Hatchway	Mounting	Beams with Fore-and-Afters			Beams without Fore-and-Afters	
		Spacing Centre to Centre			Spacing Centre to Centre	
		6' 0	8' 0"	10' 0"	4' 0"	5' 0"
	Ins. Ins. Ins.	Ins. Ins.	Ins. Ins.	Ins. Ins.	Ins. Ins.	Ins. Ins.
10' 0"	3 x 3 x-40A	11 x-30P	12 x-32P	14 x-34P	9 x-46P	10 x-50P
12' 0"	3 x 3 x-60A	12x-32P	14 x-34P	17 x-36P	11 x-50P	12 x-50P
14' 0"	3 x 3 x-42A	14 x-34P	17 x-36P	20 x-38P	12 x-50P	12 x-32P
16' 0"	3½ x 3 x-42A	16 x-36P	19 x-38P	22 x-38P	12 x-32P	14 x-34P
18' 0"	4 x 3 x-44A	18 x-36P	21 x-40P	25 x-40P	14 x-34P	16 x-36P
20' 0"	4 x 3 x-44A	20 x-38P	24 x-42P	28 x-42P	15 x-34P	18 x-36P
22' 0"	4½ x 3 x-42A	22 x-38P	26 x-42P	30 x-44P	16 x-36P	19 x-36P
24' 0"	5 x 3½ x-42A	23 x-40P	28 x-42P	32 x-44P	17 x-36P	20 x-38P

*

In ships not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 per cent of the depths given above the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 50 per cent of the depths given above the thickness of plates, bulb angles and bulb plate should correspond to the thickness tabulated for the reduced depths with a minimum thickness of .30 Inch the depths and breadths of wood fore-and-afters may be 50 per cent of those given in the tables for side fore-and-afters, but the centre fore-and-afters must be not less than 60 inches wide. In ships between 100 feet and 200 feet. In length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

26' 0"	5½ x 3½ x-42A	24 x-40P	29 x-42P	34 x-46P	18 x-36P	21 x-38P
28' 0"	6x 3½ x-42A	25 x-40P	31 x-44P	36 x-48P	19 x-38P	22 x-38P
30' 0"	6x 3½ x-42A	26 x-42P	32 x-44P	38 x-48P	20 x-38P	23 x-40P

Fore-and-afters

Length of Fore- and- Afters	Mounting	Bulb Plate Centre Fore- and-Afters			Bulb Angle, Side Fore-and-Afters		
		Spacing Centre to Centre			Spacing Centre to Centre		
		3' 0"	4' 0"	5' 0"	3' 0"	4' 0"	5' 0"
	ins. ins. ins.	ins. ins.	ins. ins.	ins. ins.	ins. ins. ins.	ins. ins. ins.	ins. ins. ins.
6' 0"	2½ x 2½ x ·36	6 x ·36	6½ x ·38	7 x ·38	6 x 3 x ·36	6½ x 3½ x ·38	7 x 3½ x ·38
8' 0"	2½ x 2½ x ·38	7 x ·42	8 x ·44	9 x-44	7 x 3½ x ·42	8 x 3 x ·44	9 x 3 ½ x ·44
10' 0"	2½ x 2½ x ·40	7 x ·44	8 x ·45	9 x ·50	8 x 3½ x ·50	9½ x 3½ x ·50	11 x 3 ½ x ·50

	Wood Centre Force and Afters						Wood Side Force-and-Afters					
	Spacing Centre to Centre						Spacing Centre to Centre					
	3' 0"		4' 0"		5' 0"		3' 0"		4' 0"		5' 0"	
	D	B	D	B	D	B	D	B	D	B	D	B
	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.
6' 0"	5½	7	6	7	6½	7	5½	5½	6	6	6½	6
8' 0"	6½	7	7½	7	8	7	6½	6½	7½	7	8	7
10' 0"	8	7	8½	8	9	9	8	8	8½	8	9	9

A == Plain angle BP == Bulb Plate P == Plate D == Depth B == Breadth

Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the under side of the hatch covers to the lower edge. Sizes for intermediate and spacing are obtained by interpolation. Where places are specified, two angles, of the sizes given for mountings, is to be fitted at the upper part of the section. Where the specified flangee of an angle are of two different discussions, the larger flange is to be horizontal.

Table 2 (Coamings 18 inches in height.)*Hatchway beams and fore-and-afters for ships 200 feet or more in length*.**Hatchway beams*

Breadth of Hatchway	Mounting	Beams with Fore-and-Afters			Beams without Fore-and-Afters	
		Spacing Centre to Centre			Spacing Centre to Centre	
		6' 0	8' 0"	10' 0"	4' 0"	5' 0"
	Ins. Ins. Ins.	Ins. Ins.	Ins. Ins.	Ins. Ins.	Ins. Ins.	Ins. Ins.
10' 0"	3 x 3 x-40A	9½ x-46BP	10½ x-50BP	11½ x-52BP	8 x-40BP	9 x-44BP
12' 0"	3 x 3 x-40A	11x-50BP	11 x-30P	13 x-34P	9 x-44BP	10 x-50BP
14' 0"	3 x 3 x-42A	11 x-30P	13 x-32P	15 x-34P	10 x-50BP	11½ x-50P
16' 0"	3½ x 3 x-42A	12 x-32P	15 x-34P	17 x-36P	11 x-30P	11 x-30P
18' 0"	4 x 3 x-44A	14 x-34P	17 x-36P	19 x-38P	11 x-30P	12 x-32P
20' 0"	4 x 3 x-44A	16 x-36P	19 x-38P	21 x-38P	12 x-32P	13 x-34P
22' 0"	4½ x 3 x-46A	17 x-36P	20 x-38P	23 x-40P	12½ x-32P	14 x-34P
24' 0"	5 x 3½ x-42A	18 x-36P	21 x-38P	25 x-40P	13 x-34P	14½ x-34P
26' 0"	5½ x 3½ x-46A	19 x-38P	22 x-38P	26 x-42P	13½ x-34P	15 x-34P

*

In ships not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 per cent of the depths given above; the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 80 per cent of the depths given above; the thickness of plates, bulb angles and bulb plates should correspond to the thickness tabulated for the reduced depths with a minimum thickness of 30 inch; the depths and breadths of wood fore-and-afters may be 80 per cent of those given in the tables for side fore-and-afters, but the centre fore-and-afters must be not less than 61 inches wide. In ships between 100 feet and 200 feet in length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

28' 0"	6x 3½ x-50A	20 x-38P	23 x-40P	27 x-42P	14 x-34P	16 x-36P
30' 0"	6x 3½ x-52A	21 x-38P	24 x-40P	28 x-42P	15 x-34P	17 x-36P

Fore-and-afters

Length of Fore-and-Afters	Mounting.			Bulb Plate Centre Fore-and-Afters			Bulb Angle, Side Fore-and-Afters								
				Spacing Centre to Centre			Spacing Centre to Centre								
				3' 0"	4' 0"	5' 0"	3' 0"		4' 0"		5' 0"				
	ins. ins. ins.			ins. ins.	ins. ins.	ins. ins.	ins. ins. ins.		ins. ins. ins.		ins. ins. ins.				
6' 0"	2½ x 2½ x ·36			5 x ·34	5½ x ·34	6 x ·36	5 x 3 x ·34		5 ½ x 3 x ·34		6 x 3 x ·36				
8' 0"	2½ x 2½ x ·38			6 x ·38	7 x ·40	7½ x ·42	6 x 3 x ·38		7 x 3 x ·40		7 ½ x 3 ½ x ·42				
10' 0"	2½ x 2½ x ·40			7 x ·44	8 x ·45	9 x ·50	7 x 3 x ·44		8 x 3 ½ x ·46		9 x 3 ½ x ·50				
	Wood Centre Force and Afters.						Wood Centre Force and Afters.								
	Spacing Centre to Centre						Spacing Centre to Centre								
	3' 0"			4' 0"			5' 0"			3' 0"		4' 0"		5' 0"	
	D	B	D	B	D	B	D	B	D	B	D	B			
	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.			
6' 0"	5	7	5½	7	6	7	5	5	5½	5	6	5			

8' 0"	6	7	6½	7	7	7	6	5	6½	6	7	6
10' 0"	7	7	7½	7	8	7	5	6	7½	7	8	7

Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the underside of the hatch covers to the lower edge. Sizes for intermediate lengths and spacing are obtained by interpolation. Where plates are specified, two angles, of the size given for mountings, are to be fitted at the upper at the lower part of the beam. Where bulb plates are specified, two angles, of the size given for mountings, are to be fitted at the upper part of the beam or fore-and-after. Where bulb angles are specified, one angle of the size given for mountings, is to be fitted at the upper part of the section. Where the specified flanges of an angle are of different dimensions, the larger flange is to be horizontal.

XII Carriers or sockets

Carriers or sockets for hatchway beams and fore-and-afters are to be of steel at least ½ inch thick, and are to have a width of bearing surface of at least 3 inches

XIII Cleats

Strong cleats at least 2½ inches wide are to be fitted at intervals of not more than 2 feet from centre to center the end cleats are to be placed not more than 6 inches from each corner of the hatchway.

XIV Battens and wedges

Battens and wedges are to be efficient and in good condition.

XV Tarpaulins

At least two tarpaulins in good condition, thoroughly waterproofed and of ample strength, are to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and of the standard weight and quality laid down by each Administration.

XVI Security of hatchway covers

At all hatchways in exposed positions on freeboard and superstructure decks ring bolts or other fittings for lashings are to be provided.

Where the breadth of the hatchway exceeds 60 per cent, of the breadth of the deck in way of the hatchway, and the coamings are required to be 24 inches high, fittings for special lashings are to be provided for securing the hatchway covers after the tarpaulins are battened down.

XVII Cargo and other hatchways in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1

The construction and fitting of such hatchways are to be at least equivalent to the standards laid down in Rule XVIII.

XVIII Hatchway coamings and closing arrangements

Cargo, coaling and other hatchway in the freeboard deck within superstructures which are fitted with Class 2 closing appliances are to have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways whose coamings are 18 inches high.

Where the closing appliances are less efficient than Class 2, the hatchways are to have coamings at least 18 inches in height, and are to have fittings and lashing arrangements as effective as those required for exposed cargo hatchways.

XIX Machinery space openings in exposed positions a freeboard and raised quarter decks

Such openings are to be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength is to be specially considered. Doors in such casings are to be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides. The sills of openings are to be at least 24 inches above the freeboard deck and at least 18 inches above the raised quarter deck.

Fiddle, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddle openings are to have strong steel covers permanently attached in their proper positions.

XX Machinery space openings in exposed positions on superstructure decks other than raised quarter decks

Such openings are to be properly framed and efficiently enclosed by strong steel casings. Doors in such cases are to be strongly constructed, permanently attached, and capable of being closed and secured from both sides. The sills of the openings are to be at least 15 inches above superstructure decks

Fiddle, funnel and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddle openings are to have strong steel covers permanently attached in their proper positions.

XXI Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than Class 1

Such openings are to be properly framed and efficiently enclosed by steel casings. Doors in such casings are to be strongly constructed, permanently attached, and capable of being securely closed. The sills of the openings are to be at least 9 inches above the deck where the superstructures are closed by Class 2 closing appliances, and at least 15 inches above the deck where the closing appliances are less efficient than Class 2.

XXII Flush bunker scuttles

Flush bunker scuttles may be fitted in superstructure decks, and where so fitted are to be of iron or steel, of substantial construction, with screw or bayonet joints. Where a scuttle is not secured by hinges, a permanent chain attachment is to be provided. The position of flush bunker scuttles in small ships in special trades is to be dealt with by each Assigning Authority.

XXIII Companionways

Companion ways in exposed positions on freeboard decks and on decks of enclosed superstructures are to be of substantial construction. The sills of the doorways are to be of the heights specified for hatchway coamings. (See Rules IX and XVIII.) The doors are to be strongly constructed and capable of being closed and secured from both sides. Where the companionway is situated within a quarter of the ship's length from the stem, it is to be of steel and riveted to the deck plating.

XXIV Ventilators in exposed positions on freeboard and superstructure decks

Such ventilators to spaces below freeboard decks or decks of superstructures which are intact or fitted with Class 1 closing appliances are to have coamings of steel, substantially constructed, and efficiently connected to the deck by rivets spaced four diameters apart centre to centre, or by equally effective means. The deck plating at the base of the coaming is to be efficiently stiffened between the deck beams. The ventilator openings are to be provided with efficient closing arrangements.

Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the ship's length from the stem, and the closing arrangements are of a temporary character, the coamings are to be at least 36 inches in height; in other exposed positions on the superstructure deck they are to be at least 30 inches in height. Where the coamings of any ventilator exceed 36 inches in height, it is to be specially supported and secured.

XXV Air pipes

Where the air pipes to ballast and other tanks extend above freeboard or superstructure decks, the exposed parts of the pipes are to be of substantial construction; the height from the deck to the opening is to be at least 36 inches in wells on freeboard decks, 30 inches on raised quarter-decks, and 18 inches on other superstructure decks. Satisfactory means are to be provided for closing the openings of the air pipes.

Openings in the sides of ships**XXVI Gangway, cargo and coaling ports, etc.**

Openings in the sides of ships below the freeboard deck are to be fitted with watertight doors or covers which, with their securing appliances, are to be of sufficient strength.

XXVII Scuppers and sanitary discharge pipes

Discharges led through the ship's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic non-return valve with a positive means of closing it from a position above the freeboard deck, or two automatic non-return valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive action valve is to be readily accessible and is to be provided with means for showing whether the valve is open or closed. Cast iron is not to be accepted for such valves where attached to the sides of the ship.

Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the Assigning Authority as to discharges from spaces within enclosed superstructures.

Where scuppers are fitted in superstructures not fitted with Class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

XXVIII Side scuttles

Side scuttles to spaces below the freeboard deck or to spaces below the superstructure deck of superstructures closed by Class 1 or Class 2 closing appliances are to be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight.

Where, however, such spaces in superstructures are appropriated to passengers other than steerage passengers or to crew, the side scuttles may have portable deadlights stowed adjacent to the side scuttles, provided they are readily accessible at all times on service.

The side scuttles and deadlights are to be of substantial and approved construction.

XXIX Guard rails

Efficient guard rails or bulwarks are to be fitted on all exposed portions of freeboard and superstructure decks.

XXX Freeing ports

Where bulwarks on the weather portions of freeboard or superstructure decks form “wells” ample provision is to be made for rapidly freeing the decks of water and for draining them. The minimum freeing port area on each side of the ship for each well on the free board deck and on the raised quarter-deck is to be that given by the following scale; the minimum area for each well on any other superstructure deck is to be one-half the area given by the scale. Where the length of the well exceeds 7L, the scale may be modified.

Scale of freeing port area

Length of Bulwarks in “Well” in Feet	Freeing Port Area on each side in Square Feet
15	8-0
20	8-5
25	9-0
30	9-5
35	10-0
40	10-5
45	11-0
50	11-5
55	12-0
60	12-5
65	130
Above 65	1 square foot for each additional 5 feet length of bulwark.

The lower edges’ of the freeing ports are to be as near the deck as practicable and preferably not higher than the upper edge of the gunwale bar. Two-thirds of the freeing port area required is to be provided

in the midship half of the well. In ships with less than the standard sheer the freeing port area is to be suitably increased.

All such openings in the bulwarks are to be protected by rails or bars spaced about 9 inches apart. If shutters are fitted to freeing ports, ample clearance is to be provided to prevent jamming. Hinges are to have brass pins.

XXXI Protection of crew

Gangways, lifelines or other satisfactory means are to be provided for the protection of the crew in getting to and from their quarters. The strength of house B for the accommodation of crew on flush deck steamers is to be equivalent to that required for superstructure bulkheads.

Part III – Load line for steamers

XXXII Length (L.)

The length used with the Rules and Freeboard Table is the length in feet on the summer load water-line from the foreside of the stem to the after side of the rudder post. Where there is no rudder post, the length is measured from the foreside of the stem to the axis of the rudder stock. For ships with cruiser stems, the length is to be taken as 96 per cent, of the total length on the designed summer load water-line or as the length from the foreside of the stem to the axis of the rudder stock if that be the greater.

XXXIII Breadth (B)

The breadth is the maximum breadth in feet amidships to the moulded line of the frame in iron or steel ships, and to the outside of the planking in wood or composite ships.

XXXIV Moulded depth

The moulded depth is the vertical distance in feet, measured amidships, from the top of the keel to the top of the freeboard deck beam at side. In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

XXXV Depth for Freeboard (D)

The depth used with the Freeboard Table is the moulded depth plus the thickness of stringer plate, or plus

$$\frac{T(L-S)}{L}$$

if that be greater, where—

T is the mean thickness of the exposed deck clear of deck openings, and S is the total length of superstructures as defined in Rule XL.

Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam and area of topside section equal to that in the actual midship section. Where there is a step or break in the topsides (e.g., as in the Turret Deck ship) 70 per cent, of the area above the step or break is included in the area used to determine the equivalent section.

In a ship without an enclosed superstructure covering at least 6 L amidships, without a complete trunk or without a combination of intact partial superstructures and trunk extending all fore and aft, where D is less than L/10, the depth used with the Table is not to be taken as less than L/10.

XXXVI Coefficient of fineness (o)

The coefficient of fineness used with the Freeboard Table is given by—

$$c = \frac{35 \Delta}{L.B.d_1}$$

where Δ is the ship’s moulded displacement in tons (excluding bossing) at a mean moulded draught d1 which is 85 per cent, of the moulded depth.

The coefficient c is not to be taken as less than .68.

XXXVII Strength

The Assigning Authority is to be satisfied with the structural strength of ships to which freeboards are assigned. Ships which comply with the highest standard of the rules of a Classification Society recognized by the Administration, shall be regarded as having sufficient strength for the minimum freeboards allowed under the Rules.

Ships which do not comply with the highest standard of the rules of a Classification Society recognized by the Administration, shall be assigned such increased freeboards as shall be determined by the Assigning Authority, and for guidance the following strength moduli are formulated:—

- Material — The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open hearth process (acid or basic), and having a tensile strength of 26 to 32 tons per square inch, and an elongation of at least 16 per cent, on a length of 8 inches.
- Strength Deck — The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.
- Depth to Strength Deck (Ds) — The depth to strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.
- Draught (d) — The draught is the vertical distance in feet amidships from the top of the keel to the centre of the disc.
- Longitudinal modulus — The longitudinal modulus I/y is the moment of inertia I of the midship section about the neutral axis divided by the distance y measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes. Areas are measured in square inches and distances in feet.

Below the strength deck, all continuous longitudinal members other than such parts of under deck girders as are required entirely for supporting purposes, are included. Above the strength deck, the gunwale angle bar and the extension of the sheer strake are the only members included.

The required longitudinal modulus for effective material is expressed by f.d.B., where f is the factor obtained from the following table:—

L.	f.	L.	f.
100	1-80	360	9-40

L.	f.	L.	f.
120	2-00	380	10-30
140	2-35	400	11-20
160	2-70	420	12-15
180	3-15	440	13-10
200	3-60	460	14-15
220	4-20	480	15-15
240	4-80	500	16-25
260	5-45	520	17-35
280	6-20	540	18-45
300	6-95	560	19-60
320	7-70	580	20-80
340	8-55	600	22-00

For intermediate lengths, the value of f is determined by interpolation. This formula applies where L does not exceed 600 feet; B is between L/10 + 5 and L/10 + 20, both inclusive, and is between 10 and 13.5 both inclusive.

Frame — For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

Frame Modulus — The modulus of the midship frame below the lowest tier of beams is the moment of inertia I of the frame section about the neutral axis divided by the distance y measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

The required frame modulus is expressed by $\frac{s(d-t)(f_1 + f_2)}{1,000}$ where—

s is the frame spacing in inches.

t is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (see figure 2); where there is no double

bottom, t is measured to a point midway between the top of the floor at centre and the top of the floor at side.

f_1 is a coefficient depending on H , which, in ships fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket. (See figure 2.) Where there is no double bottom, H is measured to a point midway between the top of the floor at centre and the top of the floor at side. Where the frame obtains additional strength from the form of the ship, due allowance is made in the value of f_1

f_2 is a coefficient depending on K , which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet 6 inches above the freeboard deck at side, or, if there is superstructure, to a point 12 feet 6 inches above the freeboard deck at side. (See figure 2.) The values of f_1 , and f_2 are obtained from the following tables:—

H in feet	0	7	9	11	13	15	17	19	21	23	25
f_2	9	11	12.5	15	19	24	29.5	36	43	51	59

K in feet	0	5	10	15	20	25	30	35	40
-----------	---	---	----	----	----	----	----	----	----

f_3	0	0.5	1.0	2.0	3.0	4.5	6.5	9.0	12.0
-------	---	-----	-----	-----	-----	-----	-----	-----	------

Intermediate values are obtained by interpolation.

This formula applies where D is between 15 feet and 60 feet, both inclusive, B is between $L/10 + 5$ and $L/10 + 20$, both inclusive, L/Ds is between 10 and 13.5, both inclusive; and the horizontal distance from the outside of the frame to the centre of the first row of pillars does not exceed 20 feet.

In single deck ships of ordinary form where H does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor f_1 , where

$$f_1 = 50 + 05(H - 8).$$

Where the horizontal distance from the outside of the frame to the centre of the first row of pillars exceeds 20 feet, the Assigning Authority s to be satisfied that sufficient additional strength is provided.

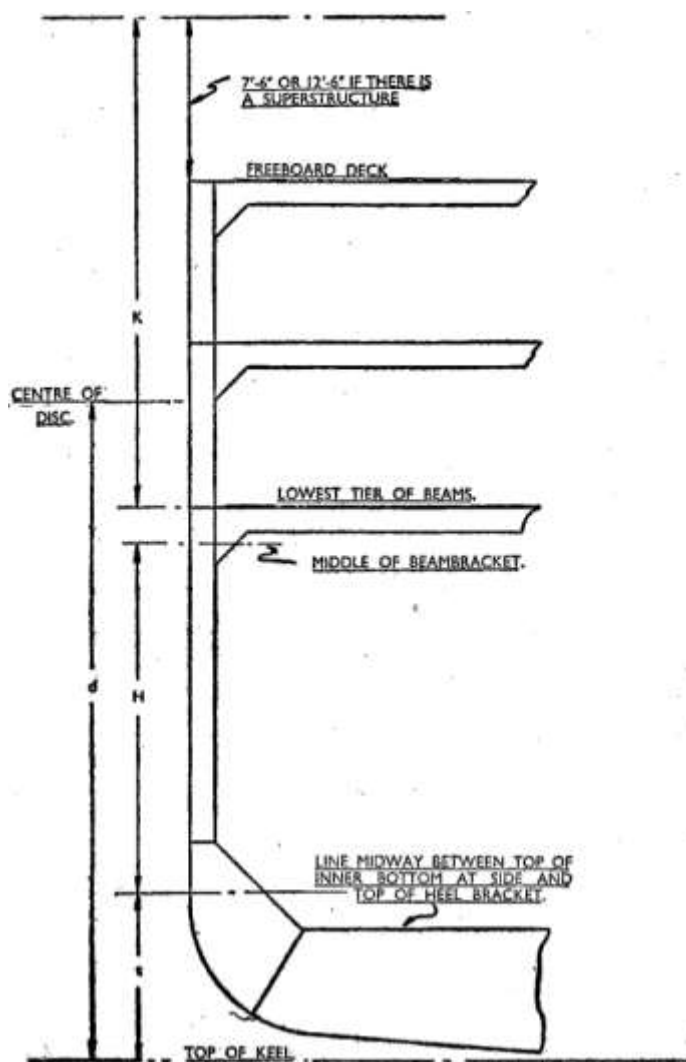


FIGURE 2.

Superstructures

XXXVIII Height of superstructure

The height of a superstructure is the least vertical height measured from the top of the superstructure deck to the top of the freeboard deck beams minus the difference between D and the moulded depth. (See Rules XXXIV and XXXV.)

XXXIX Standard height of superstructure

The standard height of a raised quarter deck is 3 feet for ships up to and including 100 feet in length, 4 feet for ships 250 feet in length and 6 feet for ships 400 feet in length and above. The standard height of any other superstructure is 6 feet for ships up to and including 250 feet in length and 7 feet 6 inches for ships 400 feet in length and above. The standard height at intermediate lengths is obtained by interpolation.

XL Length of superstructure (S)

The length of a superstructure is the mean covered length of the parts of the superstructure which extend to the sides of the ship and lie within lines drawn perpendicular to the extremities of the summer load water-line, as defined in Rule XXXII.

XLI Enclosed superstructure

A detached superstructure is regarded as enclosed only where—

- (a) the enclosing bulkheads are of efficient construction (see Rule XLII);
- (b) the access openings in these bulkheads are fitted with Class I or Class 2 closing appliances (see Rules XLIII and XLIV);
- (c) all other openings in sides or ends of the superstructure are fitted with efficient weathertight means of closing; and
- (d) Independent means of access to crew, machinery, hunker and other working spaces within bridges and poops are at all times available when the bulkhead openings are closed.

XLII Superstructure bulkheads

Bulkheads at exposed ends of poops, bridges and forecastles are deemed to be of efficient construction where the Assigning Authority is satisfied that, in the circumstances, they are equivalent to the following standard for ships with minimum freeboards under which standard the stiffeners and plating are of the scantlings given in Table 3, the stiffeners are spaced 30 inches apart, the stiffeners on poop and bridge

front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

Table 3 – Exposed Bulkheads of superstructures of standard height

Bridge Front Bulkheads Unprotected Bulkheads of Poops 4 L or more in Length		Bulkheads of Poops Partially Protected or less in Length than 4 L		After Bulkheads of Bridges and Forecaastles	
Length of Ship	Bulb Angle Stiffeners	Length of Ship	Plain Angle Stiffeners	Length of Ship	Plain Angle Stiffeners
Feet	Inches	Feet	Inches	Feet	Inches
Under 160	5½ x 3 x 30	Under 150	3 x 2½ x 30	Under 150	2½ x 2½ x 26
160	6 x 3 x 32	150	3½ x 2½ x 32	150	3 x 2½ x 28
200	6½ x 3 x 34	200	4 x 3 x 34	250	3½ x 3 x 30
240	7 x 3 x 36	250	4½ x 3 x 36	350	4 x 3 x 32
280	7½ x 3 x 38	300	5 x 3 x 38		
320	8 x 3 x 40	350	5½ x 3 x 42		
360	8½ x 3 x 42	400	6 x 3 x 44		
400	9 x 3 x 44	450	6½ x 3½ x 46		
440	9½ x 3½ x 46	500	7 x 3½ x 48		
480	10 x 3½ x 48	550	7 x 3½ x 50		
520	10½ x 3½ x 50				
560	11 x 3½ x 52				

Bridge Front Bulkheads Unprotected Bulkheads of Poops 4 L or more in Length		Bulkheads of Poops Partially Protected or less in Length than 4 L		After Bulkheads of Bridges and Forecaastles	
Length of Ship	Bulkhead Plating	Length of Ship	Bulkhead Plating	Length of Ship	Bulkhead Plating
Feet	Inches	Feet	Inches	Feet	Inches
200 and under	3	160 and under	24	160 and under	20
380 and above.	44	400 and above	38	400 and above	30

For ships intermediate in length the thicknesses of bulkhead plating are obtained by interpolation.

Appliances for closing access openings in bulkheads at ends of detached superstructures

XLIII Class 1 closing appliances

These appliances are of iron and steel, are in all cases permanently and strongly attached to the bulkhead, are framed, stiffened and fitted so that the whole structure is of equivalent strength to the unpaired bulkhead, and are watertight when closed. The means for securing these appliances are permanently attached to the bulkhead or to the appliances, and the latter are so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above. The sills of the access openings are at least 15 inches above the deck.

XLIV Class 2 closing appliances

These appliances are (a) strongly framed hard wood hinged doors, which are not more than 30 inches wide nor less than 2 inches thick; or (b) shifting boards fitted for the full height of the opening in channels riveted to the bulkhead, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width, or (c) portable plates of equal efficiency.

XLV Temporary appliances for closing openings in superstructure decks

Temporary closing appliances for middle line openings in the deck of an enclosed superstructure consist of—

- (a) a steel coaming not less than 9 inches in height efficiently riveted to the deck;
- (b) hatchway covers as required by Rule X, secured by hemp lashings; and
- (c) hatchway supports as required by Rules XI and XII, and Table 1 or 2.

Effective length of detached superstructures

XLVI General

Where exposed bulkheads at the ends of poops, bridges, and forecastles are not of efficient construction (see Rule XLII) they are considered as non-existent.

Where in the side-plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening is regarded as having no effective length.

Where the height of a superstructure is less than the standard, its length is reduced in the ratio of the actual to the standard height. Where the height exceeds the standard, no increase is made in the length of the superstructure.

XLVII Poop

Where there is an efficient bulkhead and the access openings are fitted with Class 1 closing appliances, the length to the bulkhead is effective. Where the access openings in an efficient bulkhead are fitted with Class 2 closing appliances and the length to the bulkhead is 5 L or less, 100 per cent, of that length is effective where the length is 7L or more, 90 per cent, of that length is effective; where the length is between 5 L and 7 L, an intermediate percentage of that length is effective; where an allowance is given for an efficient adjacent trunk (see Rule LI) 90 per cent, of the length to the bulkhead is to be taken as effective, 50 per cent, of the length of an open poop or of an open extension beyond an efficient bulkhead is effective.

XLVIII Raised quarter deck

Where there is an efficient intact bulkhead, the length to the bulkhead is effective. Where the bulkhead is not intact, the superstructure is considered as a poop of less than standard height.

XLIX Bridge

Where there is an efficient bulkhead at each end, and the access openings in the bulkheads are fitted with Class I closing appliances, the length between the bulkheads is effective.

Where the access openings in the forward bulkhead are fitted with Class 1 closing appliances and the access openings in the after bulkhead with Class 2 closing appliances, the length between the bulkheads is effective; where an allowance is given for an efficient trunk, adjacent to the after bulkhead (see Rule LI), 90 per cent, of the length is effective. Where the access openings in both bulkheads are fitted with Class 2 closing appliances, 90 per cent, of the length between the bulkheads is effective. Where the access openings in the forward bulkhead are fitted with Class 1 or Class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 per cent, of the length between the bulkheads is effective. Where the access openings in both bulkheads have no closing appliances, 50 per cent, of the length is effective, 75 per cent, of the length of an open extension beyond the after bulkhead, and 50 per cent, of that beyond the forward bulkhead, are effective.

L Forecastle

Where there is an efficient bulkhead and the access openings are fitted with Class 1 or Class 2 closing appliances, the length to the bulkhead is effective. Where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 per cent, of the length of the forecastle forward of 1 L from the forward perpendicular is effective; where the sheer forward is half the standard sheer or less, 50 per cent, of that length is effective; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length is effective, 50 per cent, of the length of an open extension beyond the bulkhead or beyond 1L from the forward perpendicular is effective.

LI Trunk

A trunk or similar structure which does not extend to the sides of the ship is regarded as efficient provided that—

- (a) the trunk is at least as strong as a superstructure;
- (b) the hatchways are in the trunk deck, and comply with the requirements of Rules VIII to XVI, and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness;
- (c) a permanent working platform fore and aft fitted with guard rails is provided by the trunk deck, or by detached trunks connected to other superstructures by efficient permanent gangways;
- (d) ventilators are protected by the trunk, by watertight covers or by equivalent means;
- (e) open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length;
- (f) the machinery casings are protected by the trunk, by a superstructure of standard height, or by a deck house of the same height and of equivalent strength.

Where access openings in poop and bridge bulkheads are fitted with Class 1 closing appliances, 100 per cent, of the length of an efficient trunk reduced in the ratio of its mean breadth to B is added to the effective length of the superstructures. Where the access openings in these bulkheads are not fitted with Class 1 closing appliances 90 per cent, is added.

The standard height of a trunk is the standard height of a bridge.

Where the height of the trunk is less than the standard height of a bridge, the addition is reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less than the standard height of coamings (see Rule IX), a reduction from the actual height of trunk is to be made which corresponds to the difference between the actual and the standard height of coamings.

Effective length of enclosed superstructures with middle line openings

LII Enclosed superstructure with middle line openings in the deck not provided with permanent means of closing

Where there is an enclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing (see Rules VIII to XVI), the effective length of the superstructure is determined as follows:—

- (1) Where efficient temporary closing appliances are not provided for the middle line deck openings (see Rule XLV), or the breadth of opening is 80 per cent, or more of the breadth B of the superstructure deck at the middle of the opening, the ship is considered as having an open well in way of each opening, and freeing ports are to be provided in way of this well. The effective length of superstructure between openings is governed By Rules XLVII, XLIX and L.
- (2) Where efficient temporary closing appliances are provided for middle line deck openings and the breadth of opening is less than $\frac{1}{8} B$, the effective length is governed by Rules XLVII, XLIX and L, except that where access openings in 'tween deck bulkheads are closed by Class 2 closing appliances, they are regarded as being closed by Class I closing appliances in determining the effective length. The total effective length is obtained by adding to the length determined by (1) the difference between this length and the length of the ship modified in the ratio of—

$$\frac{B_1 - b}{B_1} \text{ where } b = \text{breadth of deck opening;}$$

where $\frac{B_1 - b}{B_1}$ is greater than .5 it is taken as .5.

Deductions for superstructures

LIII Deductions for superstructures

Where the effective length of superstructures is 1.0 L, the deduction from the freeboard is 14 inches at 80 feet length of ship, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1.0 L the deduction is a percentage obtained from the following Table:—

Type of superstructures	Total Effective Length of Superstructure (E)											Line
	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L	
	%	%	%	%	%	%	%	%	%	%	%	
All types with forecastle and without detached bridge	0	5	10	15	23.5	32	46	63	75.3	87.7	100	A
All types with forecastle and detached bridge*	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100	B

Where the effective length of a detached bridge is less than .2L the percentages are obtained by interpolation between B and A.

Where no forecastle is fitted the above percentages are reduced by 5.

Percentages for intermediate lengths of superstructures are obtained by interpolation.

Sheer

LIV General

The sheer is measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

In ships designed to trim by the stern in service, the sheer may be measured in relation to the load line, provided an additional mark is placed at 25L forward of amidships, to indicate the assigned load line. This mark is to be similar to the load line disc amidships.

In flush deck ships and in ships with detached superstructures the sheer is measured at the freeboard deck.

In ships with topsides of unusual form in which there is a step or break in the topsides, the sheer is considered in relation to the equivalent depth amidships. (See Rule XXXV.)

In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer is measured at the superstructure deck; where the height exceeds the standard the sheer may be considered in relation to the standard height.

Where a superstructure is intact or access openings in its enclosing bulkheads are fitted with Class 1 closing appliances, and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck is not taken into account.

LV Standard sheer profile

The ordinates (in inches) of the standard sheer profile are given in the following table, where L is the number of feet in the length of the ship:—

Station	Ordinate	Factor
A.P.	$1L + 10$	1
1/6 L from A.P.	$0.445L + 4.45$	4
1/3 L from A.P.	$0.11L + 1.1$	2
Amidships	0	3
1/6 L from F.P.	$0.22L + 2.2$	2
1/3 L from F.P.	$0.89L + 8.9$	3
F.P.	$2L + 20$	1

A.P. — after end of Summer load water-line. F.P. = Fore end of Summer load water-line.

LVI Measurement of variations from standard sheer profile

Where the sheer profile differs from the standard, the seven ordinates of each profile are multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products, divided by eighteen, measures the deficiency or excess of sheer. Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit is allowed for the part in excess and the deficiency only is measured.

Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 per cent, of the standard, credit is allowed for the part in excess; where the after part is less than 50 per cent, of the standard no credit is given for the excess sheer forward. Where the after sheer is between 50 per cent, and 75 per cent, of the standard, intermediate allowances may be granted for excess sheer forward.

LVII Correction for variations from standard sheer profile

The correction for sheer is the deficiency or excess of sheer. (See Rule LVI), multiplied by $.75 - 8/2L$, where S is the total length of superstructure, as defined in Rule XL.

LVIII Addition for deficiency in sheer

Where the sheer is less than the standard, the correction for deficiency in sheer (see Rule LVII) is added to the freeboard.

LIX Deduction for excess sheer

In flush deck ships and in ships where an enclosed superstructure covers 1 L before and 1 L abaft amidships, the correction for excess of sheer (see Rule LVII) is deducted from the freeboard; in ships with detached superstructures where no unclosed superstructure covers amidships, no deduction is made from the freeboard; where an enclosed superstructure covers less than 1 L before and 1 L abaft amidships, the deduction is obtained by interpolation. The maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the ship.

Round of beam**LX Standard round of beam**

The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the ship.

LXI Round of beam correction

Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard is decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by enclosed superstructures. Twice the standard round of beam is the maximum for which allowance is given.

Minimum freeboards**LXII Summer freeboard**

The minimum freeboard in Summer is the freeboard derived from the Freeboard Table after corrections for departures from the standards and after deduction for superstructures.

The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

LXIII Tropical freeboard

The minimum freeboard in the Tropical Zone is the freeboard obtained by a deduction from the Summer freeboard of $\frac{1}{4}$ inch per foot of Summer draught measured from the top of the keel to the centre of the disc.

The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

LXIV Winter freeboard

The minimum freeboard in Winter is the freeboard obtained by an addition to the Summer freeboard of 1 inch per foot of Summer draught, measured from the top of the keel to the centre of the disc.

LXV Winter North Atlantic freeboard

The minimum freeboard for ships not exceeding 330 feet in length on voyages across the North Atlantic, North of latitude 36° N., during the winter months, is the Winter freeboard plus 2 inches; for ships over 330 feet in length it is the Winter freeboard.

LXVI Fresh water freeboard

The minimum freeboard in fresh water of unit density is the freeboard obtained by deducting from the

minimum freeboard in salt water $\frac{\Delta}{40T}$ inches, where

Δ = displacement in salt water in tons at the summer load waterline, and

T = tons per inch immersion in salt water at the summer load water-line.

Where the displacement at the summer load water-line cannot be certified, the deduction is to be $\frac{1}{2}$ inch per foot of Summer draught measured from the top of the keel to the centre of the disc.

LXVII Freeboard table for steamers

Basic Minimum Summer freeboards for Steamers which Comply with the Standards Laid Down in the Rules.

L	Freeboard	L	Freeboard	L	Freeboard	L	Freeboard
(Feet)	(Inches)	(Feet)	(Inches)	(Feet)	(Inches)	(Feet)	(Inches)
80	8-0	250	32-3	420	77-8	590	127-0
90	9-0	260	34-4	430	80-9	600	129-5
100	10-0	270	36-5	440	84-0	610	132-0
110	11-0	280	38-7	450	87-1	620	134-4
120	1.2-0	290	41-0	460	90-2	630	136-8

Part IV – Load lines for sailing ships

LXVIII Lines to be used in connection with the disc

Winter and Tropical load lines are not marked on sailing ships. The maximum load line to which sailing ships may be laden in salt water in Winter and in the Tropical Zone is the centre of the disc. (See Figure 3.)

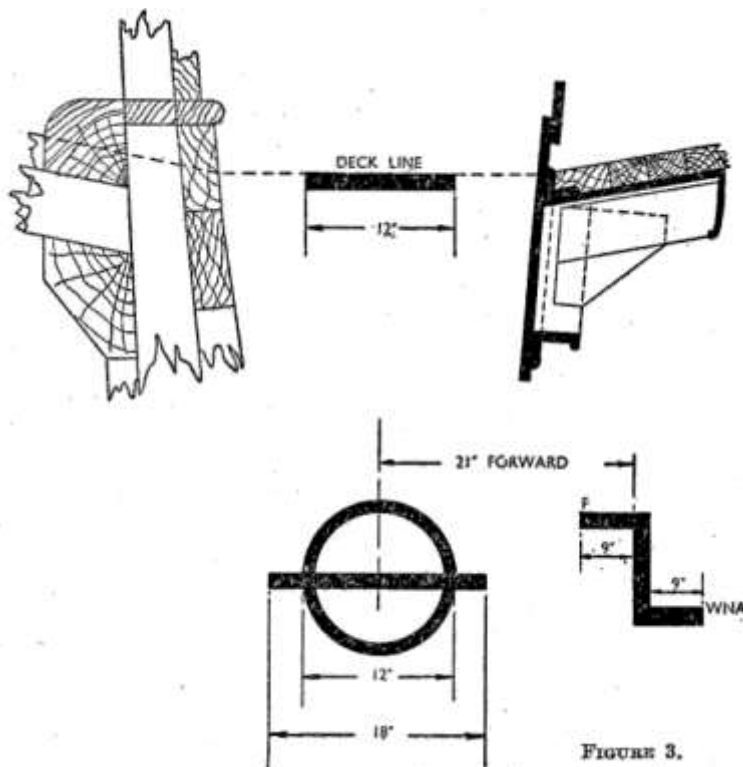


FIGURE 3.

LXIX Conditions of assignment of load line

The conditions of assignment are those contained in Part II of these Rules.

LXX Computation of freeboard

Freeboards are computed from the Freeboard Table for Sailing Ships in the same manner as the freeboards for steamers are computed from the Freeboard Table for Steamers, except as follows:—

LXXI Depth for freeboard (D)

In sailing ships having a greater rate of rise of floor than $1\frac{1}{2}$ inches per foot, the vertical distance from the top of keel (Rule XXXIV), is reduced by half the difference between the total rise of floor at the half breadth of the ship and the total rise at $1\frac{1}{2}$ inches per foot. Two-and-a-half inches per foot of half-breadth is the maximum rate of rise for which a deduction is made.

Where the form at the lower part of the midship section is of a hollow character, or thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

The depth used with the Freeboard Table is to be taken as not less than $L/12$.

LXXII Coefficient of fineness (c)

Tire coefficient used with the Freeboard Table is to be taken as not less than 62 and not greater than 72.

LXXIII Superstructures in wood ships

In wood ships the construction and closing arrangements of superstructures for which deductions are made from the freeboard are to be to the satisfaction of the Assigning Authority.

LXXIV Deductions for superstructures

Where the effective length of superstructures is 1.0 L, the deduction from the freeboard is 3 inches at 80 feet length of ship, and 28 inches at 330 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1.0 L, the deduction is a percentage obtained from the following table:—

Total effective length of superstructures (E)												
Type of superstructures	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L	Line
All types without bridges	%	%	%	%	%	%	%	%	%	%	%	
	0	7	13	17	23.5	30	47 1/2	70	80	90	100	A
All types with bridge*	0	7	14.7	22	32	42	56	70	80	90	100	B

LXXV Minimum freeboards

No addition to the freeboard is required for Winter freeboard, nor is a deduction permitted for Tropical freeboard.

An increase in freeboard of 3 inches is made for voyages across the North Atlantic North of latitude 36° N. during the winter months.

In computing the fresh water freeboard for a wood ship, the draught is measured from the lower edge of the rabbet of keel to the centre of the disc.

*

Where the effective length of bridge is less than .2 L, the percentages are obtained by interpolation between lines B and A.

Percentages for intermediate lengths of superstructures are obtained by interpolation.

LXXVI Freeboard table for sailing ships

Minimum Summer, Winter and Tropical Freeboards for Iron and Steel Flush Deck Sailing Ships, which comply with the Standards laid down in the Rules.

L	Freeboard	L	Freeboard	L	Freeboard	L	Freeboard
(Feet)	(Inches)	(Feet)	(Inches)	(Feet)	(Inches)	(Feet)	(Inches)
80	9.2	140	21.3	200	35.4	270	53.5
90	11.0	150	23.5	210	37.9	280	56.3
100	12.9	160	25.8	220	40.4	290	59.1
110	14.9	170	28.2	230	42.9	300	61.9
120	17.0	180	30.6	240	45.5	310	64.7
130	19.1	100	33.0	250	48.1	320	67.6
				260	50.8	330	70.5

- (i) The freeboards at intermediate lengths are obtained by interpolation.
- (ii) Where c exceeds 62, the freeboard is multiplied by the factor

$$\frac{c + .62}{1.24}$$

- (iii) Where D exceeds $\frac{14}{12}$ the freeboard is increased by

$$\left(D - \frac{L}{12}\right) \times \left(1 + \frac{L}{250}\right) \text{ inches.}$$

- (iv) Where the actual depth to the surface of the freeboard deck amidships is greater or less than D, the difference between the depths (in inches) is added to or deducted from the freeboard.

LXXVII Freeboard, for wood sailing ships

The freeboard for a wood sailing ship is the final freeboard the ship would obtain if she were of iron and steel, with the addition of such penalties as the Assigning Authority may determine, having regard to the classification, construction, age and condition of the ship.

Wood ships of primitive build such as dhows, junks, prahus, etc., are to be dealt with by the Administration so far as is reasonable and practicable under the Rules for Sailing Ships.

Part V – Load links for steamers carrying timber deck cargoes

Definitions

Timber Deck Cargo—The term “timber deck cargo” means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck. The term does not include wood pulp or similar cargo.

Timber Load Line—A timber load line is a special load line to be used only when the ship is carrying a timber deck cargo in compliance with the following conditions and regulations:—

LXXVIII Marks on the ship's sides

Timber Load Lines — The lines which indicate the maximum timber load lines in different circumstances and at different seasons are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from, and are at right angles to, a vertical line marked 21 inches abaft the centre of the disc. (See Figure 4.) They are to be marked and verified similarly to the ordinary load lines. (See Rules V to VII.)

The Summer Timber Load Line is indicated by the upper edge of a line marked LS.

The Winter Timber Load Line is indicated by the upper edge of a line marked LW.

The Winter North Atlantic Timber Load Line is indicated by the upper edge of a line marked LWNA.

The Tropical Timber Load Line is indicated by the upper edge of a line marked LT.

The Fresh Water Timber Load Line in summer is indicated by the upper edge of a line marked LF. The difference between the Fresh Water Timber load line in summer and the Summer Timber load line is the allowance to be made for loading in fresh water at the other Timber load lines. The fresh water timber load line in the Tropical Zone is indicated by the upper edge of a line marked LTF.*

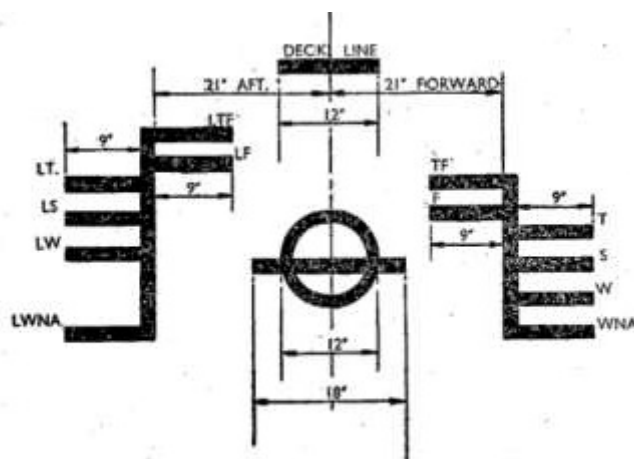


FIGURE 4.

Supplementary conditions of assignment and regulations for deeper loading

LXXIX Construction of ship

The structure of the ship is to be of sufficient strength for the deeper draught allowed and for the weight of the deck cargo.

Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

LXXX Superstructures

The ship is to have a forecastle of at least standard height and at least 7 per cent, of the length of the ship, and, in addition, a poop, or a raised quarter deck with a strong steel hood or deck house fitted aft.

LXXXI Machinery casings

Machinery casings on the freeboard deck are to be protected by a superstructure of at least standard height, unless the machinery casings are of sufficient strength and height to permit of the carriage of timber alongside.

LXXXII Double bottom tanks

Double bottom tanks where fitted within the midship half length of the ship are to have adequate longitudinal subdivision.

LXXXIII Bulwarks

The ship must be fitted either with permanent bulwarks at least 3 feet 3 inches high, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck in the way of the beams and provided with necessary freeing ports, or with efficient rails of the same height as the above and of specially strong construction.

LXXXIV Deck openings covered by timber deck cargo

Openings to spaces below the freeboard deck are to be securely closed and battened down. All fittings, such as hatchway beams, fore-and-afters, and covers, are to be in place. Where hold ventilation is needed, the ventilators are to be efficiently protected.

LXXXV Stowage

The wells on the freeboard deck are to be filled with timber stowed as solidly as possible, to at least the standard height of a bridge.

On a ship within a seasonal winter zone in winter, the height of the deck cargo above the freeboard deck is not to exceed one-third of the extreme breadth of the ship.

All timber deck cargo is to be compactly stowed, lashed and secured. It must not interfere in any way with the navigation mid necessary work of the ship, or with the provision of a safe margin of stability at all stages of the voyage, regard being given to additions of weight, such as those due to absorption of water and to losses of weight such as those due to consumption of fuel and stores.

LXXXVI Protection of crew, access to machinery space, etc.

Safe and satisfactory access to the quarters of the crew, to the machinery space and to all other parts used in the necessary work of the ship, is to be available at all times. Deck cargo in way of openings which give access to such parts is to be so stowed that the openings can be properly closed and secured against the admission of water.

Efficient protection for the crew in the form of guard rails or life-lines, spaced not more than 12 inches apart vertically, is to be provided on each side of the deck cargo to a height of at least 4 feet above the cargo. The cargo is to be made sufficiently level for gangway purposes.

LXXXVII Steering arrangements

Steering arrangements are to be effectively protected from damage by cargo, and, as far as practicable, are to be accessible. Efficient provision is to be made for steering in the event of a breakdown in the main steering arrangements.

LXXXVIII Uprights

Uprights when required by the nature of the timber are to be of adequate strength and may be of wood or metal; the spacing is to be suitable for the length and character of timber carried, but is not to exceed 10 feet. Strong angles or metal sockets efficiently secured to the stringer plate or equally efficient means are to be provided for securing the uprights.

LXXXIX Lashings

Timber deck cargo is to be efficiently secured throughout its length by independent overall lashings spaced not more than 10 feet apart.

Eye plates for these lashings are to be riveted to the sheer strake at intervals of not more than 10 feet, the distance from an end bulkhead of a superstructure to the first eye plate being not more than 6 feet 6 inches. Additional eye plates may be fitted on the stringer plate.

Overall lashings are to be in good condition and are to be not less than $\frac{1}{2}$ inch close link chain or flexible wire rope of equivalent strength, fitted with slip hooks and stretching screws, which are to be accessible at all times. Wire rope lashings are to have a short length of long link chain to permit the length of lashings to be regulated.

When timber is in lengths less than 12 feet, the spacing of the lashings is to be reduced to suit the length of timber or other suitable provision made.

When the spacing of the lashings is 5 feet or less, the line of the lashing may be reduced, but not less than $\frac{1}{2}$ inch chain or equivalent wire rope is to be used.

All fittings required for securing the lashings are to be of strength corresponding to the strength of the lashings.

On superstructure decks, uprights, where fitted, are to be about 10 feet apart and are to be secured by athwartship lashings of ample strength.

XC Plans

Plans showing the fittings and arrangements for stowing and securing timber deck cargoes in compliance with the foregoing conditions and regulations are to be submitted to the Assigning Authority.

Freeboard**XCI Computation of freeboard**

Where the Assigning Authority is satisfied that the ship is suitable and that the conditions and arrangements are at least equal to the foregoing requirements for the carriage of timber deck cargo, the Summer freeboards computed in accordance with the Rules and Tables in Part III may be modified to give special timber freeboards, by substituting the following percentages for those in Rule LIII:—

Total effective length of superstructures											
Type of superstructures	0	.1L	.2L	.3L	.4L	.5L	.6L	.7L	.8L	.9L	1.0L
All types	%	%	%	%	%	%	%	%	%	%	%
	20	30.75	41.5	52.25	63	69.25	75.5	81.5	87.5	93.75	100

The Winter Timber freeboard is to be obtained by adding to the Summer Timber freeboard one-third of an inch per foot of the moulded Summer Timber draught.

The Winter North Atlantic Timber freeboards are the Winter North Atlantic freeboards prescribed in Rule LXXV.

The Tropical Timber freeboard is to be obtained by deducting from the Summer Timber freeboard one-quarter of an inch per foot of the moulded Summer Timber draught.

Part VI – Load lines for tankers

Definition

Tanker.— The term "tanker" includes all steamers specially constructed for the carriage of liquid cargoes in bulk.

XCII Marks on the ship's sides

The marks on the ship's sides are to be as provided in the figure in Rule IV.

Supplementary conditions of assignment for deeper loading

XCIII Construction of ship

The structure of the ship is to be of sufficient strength for the increased draught corresponding to the freeboard assigned.

XCIV Forecastle

The ship is to have a forecastle of which the length is not less than 7 percent of the length of the ship and the height is not less than the standard height.

XCV Machinery casings

The openings in machinery casings on the freeboard deck are to be fitted with steel doors. The casings are to be protected by an enclosed poop or bridge of at least standard height, or by a deck house of equal height and of equivalent strength. The bulkheads at the ends of these structures are to be of the scantlings required for bridge front bulkheads. All entrances to the structures from the freeboard deck are to be fitted with effective closing appliances and the sills are to be at least 18 inches above the deck. Exposed machinery casings on the superstructure deck are to be of substantial construction, and all openings in them are to be fitted with steel closing appliances permanently attached to the casings and capable of

being closed and secured from both sides; the sills of such openings are to be at least 15 inches above the deck. Fiddley openings are to be as high above the superstructure deck as is reasonable and practicable and are to have strong steel covers permanently attached in their proper positions.

XCVI Gangway

An efficiently constructed permanent gangway of sufficient strength for its exposed position is to be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge, and when crew are berthed forward, from the bridge to the forecabin, or other equivalent means of access may be provided to carry out the purpose of the gangway, such as passages below deck.

XCVII Protection of crew, access to machinery space, etc.

Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space and all other parts used in the necessary work of the ship, is to be available at all times. This rule does not apply to pump rooms entered from the freeboard deck, when fitted with Class I closing appliances.

XCVIII Hatchways

All hatchways on the freeboard deck and on the deck of expansion trunks are to be closed watertight by efficient steel covers.

XCIX Ventilators

Ventilators to spaces below the freeboard deck are to be of ample strength or are to be protected by superstructures or equally efficient means.

C Freeing arrangements

Ships with bulwarks are to have open rails fitted for at least half the length of the exposed portion of the weather deck or other effective freeing arrangements. The upper edge of the sheer-strake is to be kept as low as practicable, and preferably not higher than the upper edge of the gunwale bar.

Where superstructures are connected by trunks, open rails are to be fitted for the whole length of the weather portions of the freeboard deck.

CI Plans

Plans showing proposed fittings and arrangements are to be submitted to the Assigning Authority for approval.

Freeboards

CII Computation of freeboard

When the Assigning Authority is satisfied that the foregoing requirements are fulfilled, the summer freeboard may be computed from the Table for Tankers; all corrections except those for flush -deck steamers, detached superstructures, excess sheer, and winter voyages across the North Atlantic are to be made in accordance with Part III of the Rules.

CIII Deduction for setached superstructures

When the total effective length of superstructure is less than 1.0 L, the deduction is a percentage of that for a superstructure of length 1.0 L, and is obtained from the following table:—

Total effective length of superstructures											
Type of superstructures	0	-1L	-2L	-3L	-4L	-5L	-6L	-7L	-8L	-9L	1-0L
All types	%	%	%	%	%	%	%	%	%	%	%
	0	7	14	21	31	41	52	63	75.3	87.7	100

CIV Deduction for excess sheer

Where the sheer is greater than the standard, the correction for excess sheer (see Rule LVII of Part III, Load Lines for Steamers) is deducted from the freeboard for all tankers. Rule LIX of Part III does not apply except that the maximum deduction for excess sheer is 11 inches at 100 feet and increases at the rate of 11 inches for each additional 100 feet in the length of the ship.

CV Winter North Atlantic freeboard

The minimum freeboard for voyages across the North Atlantic, north of latitude 36° N., during the winter months, is the Winter Freeboard plus an addition at a rate of 1 inch per 100 feet in length.

CVI Freeboard table for tankers

L in feet	Freeboard in inches	L in feet	Freeboard in inches
190	21-5	400	62-5
200	23-1	410	64-9
210	24-7	420	67-4
220	26-3	430	69-9
230	28-0	440	72-6
240	29-7	450	75-1
250	31-5	460	77-7
260	33-3	470	80-2

L in feet	Freeboard in inches	L in feet	Freeboard in inches
270	35-2	480	82-7
280	37-1	490	85-1
290	39-1	500	87-5
300	41-1	510	89-8
310	43-1	520	92-1
320	45-1	530	94-3
330	47-1	540	96-5
340	49-2	550	98-6
350	51-3	560	100-7
360	53-5	570	102-7
370	55-7	580	104-6
380	57-9	590	106-5
390	60-2	600	108-4

Ships above 600 feet are to be dealt with by the Administration.

Annex II

Boundaries of the zones and seasonal areas

Zones

The southern boundary of the Northern "Winter Seasonal" zone is a line drawn from the east coast of North America along the parallel of lat. 36° N. to Tarifa in Spain; from the east coast of Korea along the parallel of lat. 35° N to the west coast of Honshiu, Japan; from the east coast of Honshiu along the parallel of lat. 35° N. to long. 150° W., and thence along a rhumb line to the west coast of Vancouver Island at lat. 50° N., Pusan (Korea) and Yokohama to be considered as being on the boundary line of the northern ' Winter Seasonal ' zone and the " Summer " zone.

The northern boundary of the " Tropical " zone is a line drawn from the east coast of South America at lat. 10° N along the parallel of lat. 10° N. to long. 20° W., thence north to lat. 20° N. and thence along the parallel of lat. 20°

N to the west coast of Africa; a line from the east coast of Africa along the parallel of lat. 8° N. to the west coast of the Malay Peninsula, following thence the coast of Malay and Siam to the east coast of Cochin China at lat. 10° N., thence along the parallel of lat. 10° N. to long. 145° E., thence north to lat. 13° N. and thence along the parallel of lat 13° N. to the west coast of Central America, Saigon to be considered as being on the boundary line of the “Tropical” zone and the “Seasonal Tropical” area (4).

The southern boundary of the “Tropical” zone is a line drawn from the east coast of South America along the Tropic of Capricorn to the west coast of Africa; from the east coast of Africa along the parallel of lat. 20° S. to the west coast of Madagascar, thence along the west and north coast of Madagascar to long. 50° E., thence north to lat. 10° S., thence along the parallel of lat. 10° S. to long. 110° E., thence along a rhumb line to Port Darwin, Australia, thence eastwards along the coast of Australia and Wessel Island to Cape Wessel, thence along the parallel of lat. 11° S. to the west side of Cape York, from the east side of Cape York at lat. 11° S. along the parallel of lat. 11° S. to long. 150° W., thence along a rhumb line to the point lat. 26° S. long. 75° W., and thence along a rhumb line to the west coast of South America at lat. 30° S., Coquimbo, Rio de Janeiro and Port Darwin to be considered as being on the boundary line of the “Tropical” and “Summer” zones.

The following regions are to be included in the “Tropical” zone:—

- (1) The Suez Canal, the Red Sea and the Gulf of Aden, from Port Said to the meridian of 45° E., Aden and Berbers to be considered as being on the boundary line of the “Tropical” zone and the “Seasonal Tropical” area 2 (b).
- (2) The Persian Gulf to the meridian of 59° E.

The northern boundary of the southern “Winter Seasonal” zone is a line drawn from the east coast of South America along the parallel of lat. 40° S. to long. 56° W., thence along a rhumb line to the point lat. 34° S., long. 50° W., thence along the parallel of lat. 34° S. to the west coast of South Africa; from the east coast of South Africa at lat. 30° S. along a rhumb line to the west coast of Australia at lat. 35° S., thence along the south coast of Australia to Cape Arid, thence along a rhumb line to Cape Grim, Tasmania, thence along the north coast of Tasmania to Eddystone Point, thence along a rhumb line to the west coast of South Island, New Zealand, at long. 170° E., thence along the west, south and east coasts of South Island to Cape Saunders, thence along a rhumb line to the point lat. 33° S. long. 170° W., and thence along the parallel of lat. 33° S. to the west coast of South America, Valparaiso, Cape Town and Durban to be considered as being on the boundary line of the southern “Seasonal Winter” and “summer” zones.

Summer Zones

The remaining areas constitute the “summer” zones.

Seasonal Areas

The following areas are Seasonal Tropical Areas:—

(1) **In the North Atlantic Ocean**

An area bounded on the north by a line from Cape Catoche in Yucatan to Cape San Antonio in Cuba, by the South Cuban Coast to lat. 20° N. and by the parallel of lat. 20° N. to the point lat. 20° N. long. 20° W.; on the west by the coast of Central America; on the south by the north coast of South America and by parallel of lat. 10° N., and on the east by the meridian of 20° W.

Tropical: 1st November to 15th July. Summer: 16th July to 31st October.

(2) **Arabian Sea**

(a) North of lat. 24° N.

Karachi is to be considered as being on the boundary line of this area and the seasonal Tropical area (b) below.

Tropical: 1st August to 20th May.

Summer: 21st May to 31st July.

(b) South of lat. 24° N.

Tropical: 1st December to 20th May, and 16th September to 15th October.

Summer: 21st May to 15th September and 16th October to 30th November.

(3) **Bay of Bengal**

Tropical: 16th December to 15th April.

Summer: 16th April to 15th December.

(4) **In the China Sea**

An area bounded on the west and north by the coast of Indo-China and China to Hong Kong, on the east by a rhumb line to the port of Sual (Luzon Island), and by the west coast of the Islands of Luzon, Samar and Leyte to the parallel of 10° N., and on the south by the parallel of lat. 10° N.

Hong Kong and Sual to be considered as being on the boundary of the "Seasonal Tropical" and "Summer" zones.

Tropical: 21st January to 30th April.

Summer: 1st May to 20th January.

(5) **In the North Pacific Ocean**

(a) An area bounded on the north by the parallel of lat. 25° N., on the west by the meridian of 160° E., on the south by the parallel of lat. 13° N., and in the east by the meridian of 130° W.

Tropical: 1st April to 31st October.

Summer: 1st November to 31st March.

(b) An area bounded on the north and east by the coast of California, Mexico and Central America, on the west by the meridian of 120° W. and by a rhumb line from the point lat. 30° N. long. 120° W., to the point lat. 13° N., long. 105° W., and on the south by the parallel of lat. 13° N.

Tropical: 1st March to 30th June and 1st to 30th November.

Summer: 1st July to 31st October and 1st December to 28th/ 29th February.

(6) **In the South Pacific Ocean**

(a) An area bounded on the north by the parallel of lat. 11° S., on the west by the east coast of Australia, on the south by the parallel of lat. 20° S., and on the east by the meridian of 175° E., together with the Gulf of Carpentaria south of lat. 11° S.

Tropical: 1st April to 30th November.

Summer: 1st December to 31st March.

(b) An area bounded on the west by the meridian of 150° W. on the south by the parallel of lat. 20° S., and on the north and east by the rhumb line forming the southern boundary of the "Tropical" zone.

Tropical: from 1st March to 30th November.

Summer: from 1st December to 28th/29th February.

The following are "Seasonal Winter" areas—

Northern "Seasonal Winter" Zone (between North America and Europe).

(a) In the area within and to the northwards of the following line:—

A line drawn south from the coast of Greenland at long. 50° W. to lat. 45° N., thence along the parallel of lat. 45° N. to the meridian of 15° W., thence north to lat. 60° N., thence along

the parallel of lat. 60° N. to the west coast of Norway, Bergen to be considered as being on the boundary line of this area and area (b) below.

Winter from 16th October to 15th April.

Summer from 16th April to 15th October.

- (b) An area outside area (a) above and north of the parallel of lat. 36° N.

Winter from 1st November to 31st March.

Summer from 1st April to 31st October.

Baltic (bounded by the parallel of latitude of the Skaw).

Winter from 1st November to 31st March.

Summer from 1st April to 31st October.

Mediterranean and Black Sea.

Winter from 16th December to 15th March.

Summer from 16th March to 15th December.

Northern "Seasonal Winter" Zone (between Asia and North America, except Sea of Japan, South of 50° N.).

Winter from 16th October to 15th April.

Summer from 16th April to 15th October.

Sea of Japan between the parallels of lat. 35° N. and 50° N.

Winter from 1st December to 28th/29th February.

Summer from 1st March to 30th November.

Southern "Seasonal Winter" Zone.

Winter from 16th April to 15th October.

Summer from 16th October to 15th April.

Annex III

International Load Line Certificate

[Editorial note: The forms have not been reproduced]

Annex IV

Titles of Load Line Laws and Rules regarded as Equivalent to the British Board of Trade Rules, 1906