

MERCHANT SHIPPING ORDINANCE, 2021

MERCHANT SHIPPING (SAFETY AND HEALTH) (LOAD LINES) REGULATIONS, 2021

(Sections 55 and 124(o))

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MERCHANT SHIPPING ORDINANCE, 2021

MERCHANT SHIPPING (SAFETY AND HEALTH)(LOAD LINES) REGULATIONS, 2021

In exercise of the powers conferred by sections 55 and 124(o) of the Merchant Shipping Ordinance, 2021, the Governor in Council makes the following Regulations:

PART I PRELIMINARY**Citation**

1. These Regulations may be cited as the Merchant Shipping (Safety and Health) (Load Lines) Regulations, 2021.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires—

“**alteration**”, in relation to a ship, includes deterioration;

“**Annex I**”, “**Annex II**”, and “**Annex III**” mean Annex I, Annex II and Annex III respectively of the Convention;

“**annual survey**” means a survey of a ship required under Article 14(1)(c);

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

“**appropriate marks**” means the appropriate load lines, the deck-line and the load line mark;

“**Article**” means an Article of the Convention;

“**conditions of assignment**” means the conditions relating to construction, arrangement and stability with which a ship must be in compliance in order to be assigned freeboards;

“**Contracting Government**” means the Government of a State which is a party to the Convention or to the Protocol;

“**Convention**” means the International Convention on Load Lines 1966;

“**Convention certificate**” means an International Load Line Certificate or an International Load Line Exemption Certificate;

“**Convention country**” means a country or territory which is either—

- (a) a country the Government of which is party to the Convention or to the Protocol, or
- (b) a territory to which the Convention or the Protocol extends whether or not it is subject to the amendments or reservations to either instrument;

- “**deck-line**” has the meaning given in Regulation 4 of Annex I;
- “**existing ship**” has the meaning given in Article 2(7);
- “**flag State**” in relation to a ship, means the State whose flag the ship is entitled to fly;
- “**freeboard**” has the meaning given by Regulation 3(8) of Annex I;
- “**IMO**” means the International Maritime Organization;
- “**International Load Line Certificate**” means an International Load Line Certificate issued under the Convention;
- “**International Load Line Exemption Certificate**” means an International Load Line Exemption Certificate issued under the Convention;
- “**international voyage**” has the meaning given in Article 2(4);
- “**length**” has the meaning given in Article 2(8);
- “**load line**” means the line marked on a ship indicating the maximum depth to which a ship may be loaded;
- “**load line mark**” has the meaning given in Regulation 5 of Annex I;
- “**Maritime Authority**” means the person appointed in accordance with section 2A of the Ordinance;
- “**MCA**” means the United Kingdom’s Maritime and Coastguard Agency, an executive agency of the United Kingdom’s Secretary of State for Transport;
- “**pleasure vessel**” means;
- (a) any vessel which at the time it is being used is -
 - (i) in the case of a vessel wholly owned by -
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
 - (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club, where, in the case of any vessel referred to in (a) or (b) no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the relative’s spouse or civil partner, and “relative” means brother, sister, ancestor or lineal descendant;
- “**Protocol**” means the means the Protocol of 1988 to the Convention;
- “**renewal survey**” means a survey of a ship required under regulation 14;
- “**Secretary of State**” means the United Kingdom’s Secretary of State for Transport; and
- “**valid**” in the context of an International Load Line Certificate or an International Load Line Exemption Certificate, means in force.

(2) In these Regulations a reference to an Article, an Annex or a Regulation in an Annex is, unless otherwise stated, a reference to an Article, Annex or Regulation in an Annex in or to the Convention.

Application

- 3. (1)** The provisions as contained in the Convention, as modified by the Protocol, apply for purposes of and in accordance with these Regulations to—
- (a) a St Helena ship engaged on an international voyage; and
 - (b) a foreign ship or a ship that is not a St Helena ship while the ship is within the waters of St Helena and engaged on an international voyage.
- (2)** These Regulations do not apply to—
- (a) a ship of war;
 - (b) a new ship of less than 24 metres in length;
 - (c) an existing ship of less than 150 gross tons;
 - (d) a pleasure vessel;
 - (e) a fishing vessel;
 - (f) a ship solely navigating—
 - (i) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees W;
 - (ii) the Caspian Sea; or
 - (iii) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay; or
 - (g) a foreign ship or a ship that is not a St Helena ship—
 - (i) which was not subject to the provisions of the Convention at the time of the ship's departure on any voyage; and
 - (ii) whose presence within St Helena's waters is solely on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.
- (3)** In this regulation “**fishing vessel**” has the meaning provided in Article 2(5).

Electronic communication

- 4. (1)** A requirement in these Regulations that a notice must be in writing or that a certificate must be issued is satisfied where the text contained in the notice or certificate is—
- (a) transmitted by electronic means;
 - (b) received in legible form; and
 - (c) capable of being used for subsequent reference.

(2) A certificate issued in accordance with sub-regulation (1) must also be in compliance with the requirements for electronic certificates established by the IMO.

Maritime Authority

5. (1) In performing the functions conferred on it by these Regulations, the Maritime Authority must act in accordance with the relevant provisions of the RO Code..

(2) In this regulation “**RO Code**” means the Code for Recognised Organisations as adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC. 237(65) on 17th May, 2013.

Exemptions

6. (1) Subject to sub-regulation (2) the Maritime Authority may exempt from the application of these Regulations—

- (a) a ship engaged on an international voyage between neighbouring ports if the ship remains on the voyage and the Maritime Authority and the government of the States in which the ports are situated are satisfied that the sheltered nature or conditions of the voyage between the ports make it unreasonable or impracticable to apply the provisions of these Regulations;
- (b) a ship which embodies features of a novel kind if research into the development of the features and the incorporation of the features in a ship engaged on an international voyage may be seriously impeded if the ship is required to be in compliance with all the requirements of these Regulations; and
- (c) any ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) An exemption under sub-regulation (1) may be granted subject to the safety requirements as the Maritime Authority considers fit to ensure the overall safety of a ship.

(3) Where an exemption under sub-regulation (1) is granted subject to a safety requirement, the exemption ceases to have effect if a ship to which the exemption is granted is not in compliance with the safety requirement.

(4) The particulars of any exemption granted pursuant to sub-regulation (1) together with the reasons for the grant of the exemption must be forwarded by the Maritime Authority to the MCA for forward transmission to the IMO.

Equivalentents

7. (1) The Maritime Authority may authorise any fitting, material, appliance or apparatus to be fitted in a ship, or allow other provisions to be made in a ship, if satisfied by trial or otherwise that the fitting, material, appliance, apparatus or provision is at least as effective as that required by the Convention requirements and an authorisation of the Maritime Authority pursuant to this sub-regulation must, before the authorisation is granted, be approved by the Council Committee charged with responsibility for maritime matters.

(2) The particulars of any approval granted pursuant to sub-regulation (1) together with a report on any trials made must be forwarded by the Maritime Authority to the MCA for forward transmission to the IMO.

Assignment of freeboards

8. (1) Freeboards must be assigned to a ship by the Maritime Authority in accordance with the requirements of these Regulations and the Convention.

(2) Further to sub-regulation (1) the Maritime Authority must—

- (a) determine the particulars of the freeboards to be assigned to a ship;
- (b) determine which of the load lines described in Annex I to the Convention are to be marked on the sides of the ship in accordance with the requirements of the Annex;
- (c) determine the position where the appropriate marks are to be marked in accordance with paragraph (b); and

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

(3) The Maritime Authority may assign a freeboard greater than the minimum freeboard prescribed by Chapter III of Annex 1 to the Convention.

General compliance

9. (1) Subject to sub-regulation (2) and (3), the requirements of Annex I to the Convention must be satisfied in respect of a ship.

(2) If a reduction in freeboard is required by an existing ship, all of the requirements under these Regulations applicable to new ships must be satisfied in respect of the existing ship.

(3) The requirements in Annex I to the Convention which are applicable to a new ship engaged on international voyages as the requirements applied immediately before 1st January 2005 must be satisfied in respect of a new ship constructed on or after 21st July 1968 and before 1st January 2005.

Repairs, alterations and modifications

10. Article 10 applies to a ship which undergoes repairs, alterations, modifications and any related outfitting.

Zones and areas

11. The requirements in the zones and areas described in Annex II of the Convention which are applicable to a ship must be satisfied in respect of the ship.

Submersion

12. The requirements of paragraph (1) of Article 12 must be satisfied in respect of a ship.

Force majeure

13. Regarding the application of these Regulations, any deviation or delay caused by any ship owing to stress of weather or any other cause of force majeure must be given due regard by the Maritime Authority.

Initial, renewal and annual surveys

14. (1) The surveys specified in Article 14 must be performed in respect of a St Helena ship.

(2) For the purpose of paragraph (1)(b) of Article 14 (intervals for renewal surveys), a renewal survey must be undertaken in respect of a St Helena ship at intervals not exceeding five years.

(3) Upon the satisfactory annual survey of a St Helena ship, in accordance with Article 14(2), the Convention certificate must be endorsed by Maritime Authority.

Issue of Convention certificate

15. Upon the satisfactory completion of an initial or renewal survey of a St Helena ship and upon payment of any fee due to be paid in respect of same, a Convention certificate in respect of the St Helena ship must be issued by the Maritime Authority.

Issue or endorsement of International Load Line Certificate by another Government and on behalf of other Contracting Government

16. (1) The Maritime Authority may, in respect of a ship, make a request to a Contracting Government that—

- (a) a St Helena ship be surveyed; and
- (b) an International Load Line Certificate in accordance with the requirements of the Convention in respect of the St Helena ship, if the Contracting Government is satisfied that the St Helena ship complies with the applicable Convention requirements, be issued, the issue be authorised, or be endorsed by the Contracting Government.

(2) Where an International Load Line Certificate is issued pursuant to sub-regulation (1), the Maritime Authority is to be considered as the Assigning Authority for the purposes of the Convention in respect of the issued International Load Line Certificate.

(3) If requested to by a Contracting Government, the Maritime Authority—

- (a) may cause a survey to be carried out in respect of a ship; and
- (b) subject to the payment of any fee due to be paid in respect of the ship and if satisfied that the ship complies with the applicable Convention requirements must issue or endorse an International Load Line Certificate in respect of the ship for which the request is made.

(4) An International Load Line Certificate issued pursuant to sub-regulation (3) must contain a statement that the International Load Line Certificate is issued at the request of the Contracting Government making the request and that the International Load Line Certificate has the same effect as a certificate issued by the Contracting Government making the request.

(5) As soon as is practicable, a copy of the following, issued by the Maritime Authority pursuant to a request made by a Contracting Government in accordance with sub-regulation (3) must be forwarded by the Maritime Authority to the Contracting Government—

- (a) the International Load Line Certificate;
- (b) the survey report used for calculating the freeboard; and
- (c) a copy of the calculations used in respect of the freeboard.

(6) An International Load Line Certificate must not be issued by the Maritime Authority in respect of a ship which—

- (a) is registered in a country the government of which is not a Contracting Government;
or
- (b) is not registered in a country whose government is not a Contracting Government but is entitled to fly the flag of the country.

Form of Convention certificate

17. A Convention certificate must be in the form prescribed by Annex III of the Convention.

Duration and validity of an International Load Line Certificate

18. (1) Subject to paragraph (2) of Article 19, the duration of the validity of an International Load Line Certificate is for the period as the Maritime Authority specifies in the certificate, not exceeding a period of five years, beginning with the date of completion of the initial or renewal survey.

(2) An International Load Line Certificate issued in respect of a St Helena ship ceases to be valid where—

- (a)* the circumstances listed in paragraph (9) of Article 19 exist in respect of a St Helena ship; or
- (b)* the ship for which the International Load Line Certificate is issued ceases to be a St Helena ship.

Extension of periods of validity of an International Load Line Certificate

19. (1) Where a request is made to the Maritime Authority in writing, the Maritime Authority may extend the period of validity of an International Load Line Certificate beyond the expiry date of the International Load Line Certificate in the circumstances set out in, and in accordance with, paragraphs (3) to (6) of Article 19.

(2) If an extension is granted pursuant to sub-regulation (1), the International Load Line Certificate in respect of which the extension relates must be endorsed with the extension by the Maritime Authority.

Duration and validity of an International Load Line Exemption Certificate

20. (1) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 6(1)(a) or 6(1)(b) applies, is valid for the period as specified in the certificate, not exceeding five years beginning with the date of completion of the initial survey or most recent renewal survey, whichever is applicable.

(2) The duration of the validity of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 6(1)(c) applies, is limited to the single voyage for which International Load Line Exemption Certificate is issued.

(3) Paragraphs (2) and (9) of Article 19 apply in relation to an International Load Line Exemption Certificate as the paragraphs apply in relation to an International Load Line Certificate.

Maintenance of conditions after survey

21. The owner and master must ensure that after completion of a survey required under these Regulations, no material alteration is made to the ship, the structure of the ship, the ship's equipment, arrangements, material, or scantlings for which the survey was completed without the approval of the Maritime Authority which issued the Convention certificate.

Procedure to be adopted when a ship is deficient

22. (1) The Maritime Authority may consider the condition of a St Helena ship to determine whether the St Helena ship meets the following specifications—

(a) that the condition of the St Helena ship or the equipment of the St Helena ship substantially corresponds with—

(i) the requirements applicable to the St Helena ship under Annex I to the Convention; or

(ii) a Convention Certificate issued in respect of the St Helena ship; or

(b) that the St Helena ship is fit to proceed to sea without presenting an unreasonable threat of harm to human life or the marine environment.

(2) If the Maritime Authority determines that a St Helena does not meet the specifications detailed in sub-regulation (1) the Maritime Authority—

(a) must give notice in writing to the owner or master of the St Helena ship stipulating the corrective action which in the opinion of the Maritime Authority is required to be taken in respect of the St Helena ship; and

(b) may suspend the validity of a Convention certificate issued in respect of the St Helena ship until the corrective action stipulated in accordance with paragraph (a) is taken.

(3) If the Maritime Authority suspends the validity of a Certificate under sub-regulation (2)(b) notice of the suspension, in writing must, immediately upon the suspension of the Certificate, be given by the Maritime Authority—

(a) to the owner of the St Helena ship; and

(b) where the ship is in a port outside St Helena, to the appropriate maritime authority of the State in which the port is situated.

(4) The owner of a St Helena ship, upon receipt of notice issued pursuant to sub-regulation (3), must notify the master of the St Helena ship to which the suspension pertains, of the suspension.

Cancellation of International Load Line Certificates

23. (1) The Maritime Authority may cancel an International Load Line Certificate issued in respect of a St Helena ship where the Maritime Authority is satisfied that—

(a) the information upon which the issue of the International Load Line Certificate is based is false or erroneous;

(b) the information upon which the assignment of freeboards to the St Helena ship is based is incorrect in a material particular; or

(c) the St Helena ship ceases to be in compliance with the conditions of assignment relating to the St Helena ship.

(2) Subject to sub-regulation (3) an International Load Line Certificate must not be cancelled unless—

(a) the owner of the St Helena ship to which the International Load Line Certificate pertains, in writing specifying the basis upon which the cancellation is proposed, is notified by the Maritime Authority of the proposed cancellation; and

(b) the owner of the St Helena ship to which paragraph (a) applies is given a reasonable opportunity to make representations to the Maritime Authority regarding the

notification to the owner of the St Helena ship under paragraph (a) and the Maritime Authority had considered the representations.

(3) The Maritime Authority is not required to comply with sub-regulation (3)(b) if in the discretion of the Maritime Authority, the Maritime Authority is satisfied that urgent safety considerations require immediate cancellation of the International Load Line Certificate.

Surrender of Convention certificates

24. The Maritime Authority may direct any Convention certificate issued under these Regulations which has expired, ceased to be valid, or been cancelled, to be surrendered to the Maritime Authority.

Acceptance of Convention certificates

25. A valid Convention certificate must be accepted by the Maritime Authority if the Convention certificate is issued—

- (a) by a Contracting Government in respect of a foreign ship; or
- (b) in respect of a St Helena ship by another Contracting Government under regulation 16.

Authorisation of removal etc., of appropriate marks

26. Where appropriate marks are made on a ship the owner and master must ensure —

- (a) that the marks remain on the ship; and
- (b) that the marks are not concealed, removed, altered, defaced, or obliterated except pursuant to the authority of the Maritime Authority.

Record of conditions of assignment

27. (1) A record containing the conditions of assignment required by the Maritime Authority must be provided to the ship by the Maritime Authority and be—

- (a) retained on board the ship at all times; and
- (b) available, on request, for inspection by an authorised person.

(2) A ship is not in compliance with the conditions of assignment for the purpose of these Regulations if the record under sub-regulation (1) is not on board and available for inspection.

Prohibition on proceeding to sea

28. (1) Subject to sub-regulation (2), a ship must not be permitted by the owner or master of the ship to proceed, or attempt to proceed, to sea unless—

- (a) the ship has been surveyed in accordance with regulation 14;
- (b) the ship is marked with the appropriate marks where required;
- (c) the ship has a valid Convention certificate;
- (d) the ship complies with the conditions of assignment applicable to the ship; and
- (e) the information required under Regulation 10 of Annex I to the Convention is provided by the owner of the ship to the master.

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(2) Sub-regulation (1) does not apply to a foreign ship in respect of which a valid Convention certificate is produced.

Control of a foreign ship holding a valid Convention certificate

29. (1) A foreign ship with a valid Convention certificate is subject to the control of officers authorised by the Maritime Authority when the ship is in a St Helena port.

(2) In respect of a ship purporting to have a valid Convention certificate when the ship is in a St Helena Port an officer under sub-regulation (1) may, exercise control that is reasonable and practicable for the purpose of verifying whether there is on board the ship a valid Convention certificate relating to the ship.

(3) Where there is a valid International Load Line Convention certificate on board a ship the control of an officer under sub-regulation (1) is limited to that necessary for the purpose of determining that any conditions stipulated in the International Load Line Convention certificate are complied with and that—

- (a) the ship is not loaded beyond the limits allowed by the International Load Line Convention certificate;
- (b) the position of the load line of the ship corresponds with the International Load Line Convention certificate; and
- (c) none of the matters set out in Article 19(9)(a), (b) and (d) apply to the ship so as to cause the ship to be manifestly unfit to proceed to sea without danger to human life.

(4) Control exercised by an officer authorised under sub-regulation (1) making a determination pursuant to sub-regulation 3(c) must only be exercised so far as necessary to ensure that a ship does not proceed to sea until the ship can proceed to sea without danger to the passengers or crew of the ship.

(5) If control exercised under this regulation gives rise to intervention of any kind, the Maritime Authority must immediately inform the ship's flag administration or diplomatic representative of the ship's flag State in writing of the intervention and of all the circumstances in which the intervention was considered necessary.

Powers of officers exercising control

30. For the purpose of regulation 29 an officer has the powers detailed in section 102 and 103 of the Merchant Shipping Ordinance, 2021.

Detention

31. (1) A ship which, in contravention of regulation 29, proceeds or attempts to proceed to sea without being surveyed and marked may be detained until the ship has been surveyed and marked.

(2) A ship which is not in compliance with the conditions of assignment applicable to the ship and does not retain on board the record issued by the Maritime Authority detailing the conditions of assignment, may be detained until the ship complies.

(3) A ship which is loaded so as to submerge the load line may be detained until the ship is no longer loaded so that the load line is submerged.

Arbitration

32. (1) If an applicant is dissatisfied for any reason with—

- (a) the outcome of a survey carried out in respect of a St Helena ship under these Regulations; or
- (b) a detention notice issued under regulation 31,

that person may serve a written notice on the Maritime Authority within 21 days of receiving the outcome of the survey or the detention notice, requesting that the matter be referred to an arbitrator for arbitration.

(2) An arbitrator referred to in sub-regulation (1) shall be appointed by agreement between the parties.

(3) In default of agreement between the parties, the arbitrator is such person as may be appointed by the Governor following a request by—

- (a) a party, after giving written notice to the other party, or
- (b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is—

- (a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency which is equivalent to such a certificate;
- (b) a naval architect;
- (c) a qualified person,
- (d) a person with experience of shipping matters; or
- (e) a Member of the Chartered Institute of Arbitrators.

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 101(2) of the Merchant Shipping Ordinance, 2021 (Powers of inspectors in relation to premises and ships).

(6) In the case of a dispute in relation to a survey, the arbitrator may—

- (a) make any decision or reach any opinion that the surveyor had the power to make or reach; and
- (b) issue or cancel any certificate that could have been issued or cancelled, under these Regulations.

(7) In the case of a dispute in relation to a detention notice the arbitrator shall—

- (a) have regard in coming to a decision to any other matters not specified in the detention notice which appear to be relevant to whether or not the ship was in breach of a requirement of these regulations; and
- (b) include in the decision a finding whether there was or was not a valid basis for the detention of the ship.

(8) The rules for arbitration set out in MCA Merchant Shipping Notice M1613 apply unless alternative arrangements are agreed between the applicant and the Governor before the commencement of arbitration proceedings.

(9) In this regulation—

“**applicant**” means –

(a) a person who makes an application for a survey required by these regulations; or

(b) an owner or master of a ship in respect of which a detention notice is issued under regulation 31;

“**the parties**” means the applicant and the Maritime Authority or another person responsible for the survey or the issue of the detention notice, and “party” is to be construed accordingly; and

“**qualified person**” legal practitioner with rights of audience in the St Helena Supreme Court with no less than seven years’ post-qualification experience.

Compensation for unjustified detention

33. (1) If on a reference to an arbitrator under regulation 32 relating to a detention notice, the arbitrator decides that the owner has proved—

(a) that the matter complained of did not constitute a valid basis for the detaining officer’s opinion; and

(b) that there were no reasonable grounds for the issue of the detention notice, the arbitrator shall award the owner such compensation in respect of any loss suffered in consequence of the detention of the ship as the arbitrator thinks fit.

(2) Any compensation awarded under this regulation is payable by the Maritime Authority and is enforceable as a debt.

Offences

34. (1) A contravention of regulation 9, 11, 14, 21, 28 or 29 is considered to be a contravention by the owner and the master and an owner or a master who contravenes regulation 9, 11, 14, 21, 28 or 29 commits an offence.

Penalty: On summary conviction a fine of £10,000 and on indictment a fine of £25,000.

(2) A contravention of regulation 12 is considered to be a contravention by the owner and the master and an owner or a master who contravenes regulation 12 commits an offence.

Penalty: On summary conviction a fine of £10,000 and to the additional fine in the amount calculated in accordance with sub-regulation (3) as the court thinks fit, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention and on indictment a fine of £25,000.

(3) An additional fine imposed under sub-regulation (2) is £2,000 for each complete centimetre by which the appropriate load line on each side of the ship is submerged.

(4) In proceedings for an offence under sub-regulation (2) it is a defence for the person charged to prove the contravention was due solely to deviation or delay and that the deviation or delay was 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.

(5) A contravention of regulation 26 is considered to be a contravention by the owner and the master and an owner or a master who contravenes regulation 26 commits an offence.

Penalty: On summary conviction a fine of £10,000.

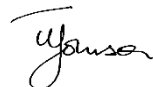
(6) In proceedings for an offence under sub-regulation (5) it is a defence for the person charged to show that the person had reasonable excuse for the contravention.

(7) A person commits an offence if the person—

- (a) intentionally alters a certificate issued in accordance with these Regulations;
- (b) falsely makes a certificate and passes the certificate off as issued pursuant to these Regulations;
- (c) knowingly or recklessly furnishes false information in connection with a survey required by these Regulations;
- (d) with intent to deceive, uses, lends, or allows to be used by another, a certificate issued in accordance with these Regulations; or
- (e) fail to surrender as directed a certificate required to be surrendered under regulation 24.

Penalty: On summary conviction a fine of £10,000 and on indictment a fine of £25,000 or imprisonment for 6 months, or both.

Made by the Governor in Council this 11th day of October 2021.



Connie Johnson
Clerk of Councils

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the fitting and maintenance of load lines.